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THE
S T A T U T E S
OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
25 & 26 VICTORIA, 1862.

WITH TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION,
AND A COPIOUS INDEX.

By **GEORGE KETTLBY RICKARDS, Esq.,**
OF THE INNER TEMPLE,
COUNSEL TO THE SPEAKER OF THE HOUSE OF COMMONS.



1862

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1862.

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A
T A B L E
 Containing the TITLES of all
THE STATUTES

Passed in the FOURTH Session of the EIGHTEENTH
 Parliament

OF

The United Kingdom of GREAT BRITAIN and IRELAND;
 25° & 26° VICTORIÆ.

PUBLIC GENERAL ACTS.

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2. An Act to apply the Sum of Eighteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two. *Ibid.*
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- xvii. An Act for rendering valid certain Letters Patent granted to *Thomas Webb*, of *Tutbury* in the County of *Derby*, Cotton Spinner, and *James Craig*, of the same Place, Manager. *Ibid.*
- xviii. An Act for the better supplying of the Borough of *Bradford* and Places near thereto with Water, and for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*, in order thereto, to raise further Monies; and for other Purposes. 830
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- xxv. An Act for extending the Improvement of the District of *Rathmines* so as to include therein *Rathgar* and *Sallymount*, all in the County of *Dublin*. *Ibid.*
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- xli. An Act for the further Improvement of the Borough of *Halifax*, and for other Purposes. *Ibid.*
- xlii. An Act for authorizing the *London and South-western Railway Company* to make and maintain additional Works, and for authorizing the Transfer to them of the *Wimbledon and Dorking Railway*, and for making Arrangements respecting their Capital, and for other Purposes. 865
- xliiii. An Act to enable the *Dundee Water Company* to raise further Money, and to execute additional Works. 875

- xlii. An Act for authorizing the **Company of Proprietors of the Kent Waterworks** to raise further **Monies**, and for regulating their **Capital and Borrowing Powers**. Page 875
- xliii. An Act to enable the **Carlisle and Silloth Bay Railway and Dock Company** to raise additional **Capital** by Preference Shares and otherwise, and for other **Purposes**. 877
- xliiii. An Act to authorize the **Construction of a Railway** in the County of **Middlesex**, from the **Great Northern Railway**, through **Highgate, Finchley, and Hendon**, to **Edware**. 878
- xlv. An Act to authorize a **Lease of the Undertaking of the Carlisle and Silloth Bay Railway and Dock Company** to the **North British Railway Company**, and for other **Purposes**. 879
- xlv. An Act to authorize a **Lease of the Undertaking of the Port Carlisle Dock and Railway Company** to the **North British Railway Company**; and for other **Purposes**. *Ibid.*
- xlix. An Act to authorize the **North British Railway Company** to make certain **Railways** from their **Main Line** in the Parish of **Inveresk** to the **Farm Steading of Smeaton**, and thence to near **Macmerry** and to their **Hawick Line** at **Hardengreen**; and for other **Purposes**. 882
- l. An Act for incorporating the **Members of the Institution** known as "**The Asylum for the Education of the Deaf and Dumb Children of the Poor**," and for enabling them the better to carry on their **charitable Designs**. *Ibid.*
- li. An Act for making a **Railway** from the **Peebles Railway** at the **Leadburn Station** to the Parish of **Linton** in the County of **Peebles**. 885
- lii. An Act for a further **Supply of Water** to the **Town and Neighbourhood of Leeds** from the **River Wharfe**, and for other **Purposes**. 886
- liii. An Act to consolidate and amend the **Acts** relating to the **Maintenance and Repair of the Roads, Streets, and Bridges** within the **District of the City of Edinburgh**, and the **Assessments payable in respect thereof**; and for other **Purposes**. 888
- liv. An Act for authorizing the **Stockton and Darlington Railway Company** to make and maintain new **Lines of Railway** and other **Works** in the County of **Durham**; and for other **Purposes**. 892
- lv. An Act to authorize the making of a **Railway** from **Daventry** in the County of **Northampton**, to the **London and North-western Railway** near **Weedon** in the same County, and for other **Purposes**. 893
- lvi. An Act to confer upon the **Tewkesbury and Malvern Railway Company** further **Powers** for the **Completion of their Railway**; and for other **Purposes**. *Ibid.*
- lvii. An Act to authorize the **Relinquishment of the Street and Railway** authorized by "**The London Railway Depot and Storehouses Act, 1860**," and for other **Purposes**. 894
- lviii. An Act to authorize the **Metropolitan Railway Company** to acquire certain additional **Lands** and execute further **Works** for the **Purposes of their Undertaking**; to confer

- further Powers upon the Company with reference to the raising of Capital ; to authorize further Agreements with other Companies ; and for other Purposes. *Page* 895
- lix. An Act to repeal the Act relating to the *New Chappel, Lindfield, and Brighton, and Ditcheling and Clayton* Roads, and to make other Provisions in lieu thereof. 898
- lx. An Act to enable the *Denbigh, Ruthin, and Corwen* Railway Company to create Preference Capital. *Ibid.*
- lxi. An Act for the making and maintaining of a Bridge over the River *Wyre* (to be called "*Shard Bridge*"), with Roads thereto, and for other Purposes. *Ibid.*
- lxii. An Act for granting further Powers to the *Great North of Scotland* Railway Company. 899
- lxiii. An Act to amend the *Bradford, Wakefield, and Leeds* Railway Act, 1860, and to make further Provision as to Purchase of Land and Completion of Works on *Ossett* Branch. 901
- lxiv. An Act to enable the *Scottish North-eastern* Railway Company to raise additional Capital, to make a Deviation in their Railway, and execute other Works, and purchase additional Lands ; to amend the Acts relating to the Company ; and for other Purposes. *Ibid.*
- lxv. An Act for repairing and maintaining the Road from the Borough of *Bolton* to the Borough of *Blackburn*, and a Branch Road connected therewith, in the County Palatine of *Lancaster*. 906
- lxvi. An Act to authorize the Lease of the *Cromford and High Peak* Railway to the *London and North-western* Railway Company, and to make certain Arrangements with reference to the Capital of the *Cromford and High Peak* Railway Company ; and for other Purposes. *Ibid.*
- lxvii. An Act for the Incorporation of a Company for making a Railway from *Kington* to *Eardisley*, with a Branch therefrom ; and for vesting in such Company a Tramroad called "the *Kington* Railway," and enabling them to appropriate Portions of such Tramroad for the Purposes of their Undertaking ; and for other Purposes. 910
- lxviii. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Stations at *London Bridge* and the *Bricklayers Arms*, and to alter certain Roads, Streets, and Bridges ; and for other Purposes. 911
- lxix. An Act for making a Railway from the *Cornwall* Railway near *Lostwithiel* to *Fowey* in the County of *Cornwall*, and for other Purposes. 914
- lxx. An Act for vesting the disused Burial Ground of the Parish of *Saint Giles in the Fields*, and other Lands connected therewith, in the Rector as Glebe, and providing for the Maintenance of the disused Burial Ground ; and for other Purposes. *Ibid.*
- lxxi. An Act to authorize the Construction of a Railway from *Weymouth* to the *Isle of Portland*, and to extend the *Wilts, Somerset, and Weymouth* Railway to the Harbour. 916
- lxxii. An Act for supplying with Gas the Township of *Stretford* and adjacent Places in the County of *Lancaster*, and

- the Township of *Sale* and adjacent Places in the County of *Chester*; and for other Purposes. *Page* 917
- lxxiii. An Act for supplying with Gas the Townships of *Undermillbeck, Applethwaite, and Troutbeck*, in the Parish of *Windermere* in the County of *Westmoreland*. *Ibid.*
- lxxiv. An Act to enable the *Great Britain Mutual Life Assurance Society* to sue and be sued; and to confer further Powers on the Society. 918
- lxxv. An Act to confer further Powers on the *Newry and Armagh Railway Company*. *Ibid.*
- lxxvi. An Act for incorporating the *Tyne General Ferry Company*, and for authorizing them to establish, make, and maintain Ferries on, along, and across the River *Tyne*, and Landing Places and other Works; and for other Purposes. 920
- lxxvii. An Act for erecting a Bridge across the River *Hull* or *Old Harbour*, with Approaches and other Works connected therewith, all in the Town and County of the Town of *Kingston-upon-Hull*. 922
- lxxviii. An Act to authorize the *London, Brighton, and South Coast Railway Company* to make certain new Lines of Railway in the Counties of *Surrey* and *Sussex*; and for other Purposes. 924
- lxxix. An Act for making a Railway from the *Scottish North-eastern Railway* near *Limpet Mill* to the *Great North of Scotland Railway* at *Kintore*, with Branches to the *Deeside Railway* at *Peterculter*; and for other Purposes. 933
- lxxx. An Act to enable the *Maryport and Carlisle Railway Company* to construct Branch Railways to *Bolton* and *Wigton*, to improve their Station Accommodation at *Wigton*, to purchase additional Lands at *Wigton* and *Aikbank*, to raise further Monies; and for other Purposes. 934
- lxxxi. An Act for enabling the *Midland Railway Company* to construct new Railways and Works, and to acquire additional Lands in the Counties of *Derby, Leicester, Warwick, Stafford, Worcester, Gloucester, and Middlesex*; and for other Purposes. 935
- lxxxii. An Act for making and maintaining a Harbour, Piers, and other Works at *Ventnor* in the *Isle of Wight*, and for other Purposes. 937
- lxxxiii. An Act for incorporating a Company, under the Title of "*The Caterham Spring Water Company*," for better supplying with Water the Inhabitants of *Caterham* and the Neighbourhood thereof. *Ibid.*
- lxxxiv. An Act for the Amalgamation of the *Reading Union Gas Company* and the *Reading Gas-light Company*; and for incorporating the *Reading Gas Company*; and for making further Provision for the supplying of the Borough of *Reading* and the Neighbourhood thereof with Gas; and for other Purposes. 938
- lxxxv. An Act to enable the *North-eastern Railway Company* to construct Branch Railways from *Market Weighton* to *Beverley* and at *Hull*, to raise additional Capital; and for other Purposes. 940

- lxxxvi. An Act for making a Railway from the *Great Northern* Railway at *Hatfield* to the *London and North-western* Railway at *Saint Albans*; and for other Purposes. Page 941
- lxxxvii. An Act for granting further Powers to the *Alford Valley* Railway Company. *Ibid.*
- lxxxviii. An Act to enable the *Deeside* Railway Company to raise additional Capital for their original Railway; to maintain certain Portions of their Extension Railway constructed beyond the authorized Limits; and for other Purposes. 942
- lxxxix. An Act to enable the *Furness* Railway Company to make a Branch Railway to *Hawcoat Quarry*; to vest in the said Company the Undertaking of the *Ulverstone* Canal Navigation; and to enable them to raise additional Capital; and for other Purposes. 945
- xc. An Act for making a Railway in the West Riding of the County of *York*, to be called "The *Keighley and Worth Valley* Railway;" and for other Purposes. 947
- xc. An Act for the Construction by the *Midland* Railway Company of new Railways in connexion with their *Rousley and Buxton* Line, and for the Abandonment of Part of the authorized *Manchester, Sheffield, and Lincolnshire* Railway; for authorizing the Use by the *Manchester, Sheffield, and Lincolnshire* Railway Company of Parts of the intended Railways; and for other Purposes. *Ibid.*
- xcii. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to deviate and extend the authorized Line of their *Batley* Branch Railway in the West Riding of the County of *York*; and for other Purposes. 949
- xciii. An Act to enable the *Vale of Clwyd* Railway Company to extend their Railway to the North-west Shore of the River *Clwyd* at *Foryd*; to divert a Portion of the Line of their present Railway; and for other Purposes. 950
- xciv. An Act to authorize the Construction of Railways within the Town of *Burton-upon-Trent*, and for other Purposes. *Ibid.*
- xcv. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to make and maintain Deviations in the Line and Levels of their Railway; and for other Purposes. 951
- xcvi. An Act to enable the *South-eastern* Railway Company to make Railways to *Tunbridge* and *Dartford* respectively, and to widen a Portion of their *North Kent* Line of Railway, and to purchase additional Lands for the Purposes of their Undertaking; and for other Purposes. 952
- xcvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to *Shawforth* and other Works; to purchase additional Lands; and for other Purposes. *Ibid.*
- xcviii. An Act for vesting the *Oldham, Ashton-under-Lyne, and Guide Bridge Junction* Railway in the *Manchester, Sheffield, and Lincolnshire*, and the *London and North-western* Railway Companies; and for other Purposes. 953

- xcix. An Act to make better Provision for supplying with Water the Town and Township of *Wakefield*, and the Townships of *Alverthorpe-with-Thornes*, *Stanley-cum-Wrenthorpe*, and *Sandal Magna*, and for other Purposes. *Page* 954
- c. An Act for making a Railway from *Kingston-upon-Hull* to *Hornsea*. 956
- ci. An Act for dissolving the *Ceylon Railway Company*, and for other Purposes connected therewith. *Ibid.*
- cii. An Act for authorizing "The *North British Insurance Company*" to increase their Capital Stock ; and for other Purposes. 957
- ciiii. An Act to continue the *Ashborne and Belper Turnpike Trust* in the County of *Derby* ; and for other Purposes. 959
- civ. An Act to define the Powers of the *London and North-western* and *Chester and Holyhead* Railway Companies for raising Money ; and for other Purposes. *Ibid.*
- cv. An Act for the *Red House* and *Weeland* Roads in the West Riding of the County of *York*. 963
- cvi. An Act for the Amalgamation of the *South Durham and Lancashire Union* and *Eden Valley* Railway Companies with the *Stockton and Darlington* Railway Company ; for the Transfer to the last-named Company of the *Frosterly and Stanhope* Railway ; and for other Purposes. *Ibid.*
- cvii. An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct additional Reservoirs and other Works ; to alter the Charges for the Supply of Water within the Limits of their District, and to make other Rates and Charges in respect of such Supply ; and for other Purposes. 966
- cviii. An Act to provide for the leasing of the *Banbridge, Lisburn, and Belfast* Railway to the *Ulster* Railway Company. 967
- cix. An Act to authorize the Construction of a Railway from *Bala* to *Dolgelly* in the County of *Merioneth* ; and for other Purposes. *Ibid.*
- cx. An Act for making a Railway from *Corwen* to *Bala*, and for other Purposes. 968
- cx. An Act for incorporating a Company for making a Railway in the Counties of *Devon* and *Cornwall*, to be called "The *Launceston and South Devon* Railway ;" and for other Purposes. 969
- cxii. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a new Railway in the County of *Chester*, to be called "The *Manchester, Sheffield, and Lincolnshire (Godley and Woodley Branch)* Railway ;" and for other Purposes. 970
- cxiii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Ross-shire* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong. *Ibid.*

- cxiv. An Act to authorize the *Ewniskillen and Bundoran* Railway Company to extend their Railway to the *Midland Great Western Railway of Ireland at Sligo*; to change the Name of the Company; and for other Purposes. Page 972
- cxv. An Act to enable the *Llynvi Valley* Railway Company to increase their Capital; and for other Purposes. 973
- cxvi. An Act for the making and maintaining of a Bridge over the River *Trent* near to the Town of *Nottingham* (to be called "*Wilford Bridge*"), with Roads thereto, and for the discontinuing of *Wilford Ferry* across the River; and for other Purposes. *Ibid.*
- cxvii. An Act to repeal an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and maintaining the Turnpike Road from and out of the Road leading from Quebec in Leeds to Homefield Lane End in Wortley, to communicate with the Road leading from Huddersfield to Birstal, at the "Coach and Horses" Public House in Birstal in the West Riding of the County of York*, and granting more effectual Powers in lieu thereof. 974
- cxviii. An Act to enable the *Eden Valley* Railway Company to construct certain Extension and Branch Railways; to use Portions of other Railways; to raise additional Capital; and for other Purposes. *Ibid.*
- cxix. An Act for the *Rotherham and Wortley* Turnpike Road in the West Riding of the County of *York*. 975
- cxx. An Act for dissolving the *Hull and Holderness* Railway Company, and vesting its Undertaking in and uniting its Shareholders with those of the *North-eastern* Railway Company; and for other Purposes. *Ibid.*
- cxxi. An Act for making a Railway from *Johnstone* to *Bridge of Weir* in the County of *Renfrew*, with Branches, and for other Purposes. 978
- cxixii. An Act to dissolve the present Body of the *Wexford* Harbour Commissioners, and to appoint new Commissioners, and for other Purposes. 979
- cxixiii. An Act for conferring further Powers for the good Government of the Borough of *Cardiff*; and for other Purposes. 980
- cxixiv. An Act to authorize the Abandonment of a Portion of the *Garston and Liverpool* Railway; and for other Purposes. *Ibid.*
- cxixv. An Act for better supplying with Water the Gaol and House of Correction at *Maidstone* in and for the County of *Kent*, and the Lunatic Asylum at *Barming Heath* in and for the said County; and for other Purposes. *Ibid.*
- cxixvi. An Act to amend the Acts now in force for the Protection of Property in the Borough of *Liverpool* from Fire. 984
- cxixvii. An Act for enabling the *Great Western* Railway Company to construct Railways, and to acquire additional Lands in the Counties of *Stafford* and *Warwick*; and for other Purposes. 987

- cxviii. An Act for incorporating a Company for making a Railway in the County of *Devon*, to be called "The *Moretonhampstead and South Devon Railway*;" and for other Purposes. Page 987
- cxix. An Act to authorize the *South Yorkshire Railway and River Dun* Company, and the *Manchester, Sheffield, and Lincolnshire Railway* Company to contribute Funds towards and to acquire the Undertaking of the *Trent, Ancholme, and Grimsby Railway* Company. 988
- ccxx. An Act to amend "The *Wem and Bronygarth Roads Act, 1860*," and to confer further Powers in relation to the said Roads. 989
- ccxxi. An Act to enable the *United Kingdom Electric Telegraph Company (Limited)* to carry on the Works and Business of an Electric Telegraph Company. 992
- ccxxii. An Act for extending the Period limited for the Completion of a Portion of the Railway of the *Dartmouth and Torbay Railway* Company, and for authorizing them to raise a further Sum of Money; and for other Purposes. 1013
- ccxxiii. An Act to authorize the Amalgamation of the *Coniston Railway* Company with the *Furness Railway* Company, and for other Purposes. *Ibid.*
- ccxxiv. An Act to repeal the Act "for repealing Two Acts " for repairing the Road from *Little Sheffield* in the County " of *York* to *Sparrow Pit* Gate in the County of *Derby*, " and also an Act for making a Road from *Banner Cross* in " the West Riding of the County of *York* to *Fox House* in " the County of *Derby*, and for consolidating the Trusts of " certain Roads mentioned in the said Acts, and for amend- " ing and making certain other Roads to communicate there- " with, and for other Purposes;" and to make other Provisions in lieu thereof. 1017
- ccxxv. An Act to amalgamate the *Caledonian and Dumbar- tonshire Junction Railway* Company with the *Edinburgh and Glasgow Railway* Company. *Ibid.*
- ccxxvi. An Act to enable the *Caledonian Railway* Company to make certain Deviations of their authorized Lines of Railway called the "*Cleland Branch Extension*" and the "*Omoa Branch*," in the County of *Lanark*; and for other Purposes. 1020
- ccxxvii. An Act to enable the *Caledonian Railway* Company to make a Branch Railway from their *Granton Branch* to *Leith*, with a connecting Branch therefrom; and for other Purposes. 1021
- ccxxviii. An Act to amalgamate the *Glasgow, Dumbar- ton, and Helensburgh Railway* Company with the *Edinburgh and Glasgow Railway* Company. 1022
- ccxxix. An Act for changing the Name of the *Dundalk and Enniskillen Railway* Company to the Name "The *Irish North-western Railway* Company;" and for authorizing them to make and maintain an additional Line of Railway and other Works; and to make Arrangements with other Companies and Public Bodies; and to raise further Monies; and for other Purposes. 1023

- cxl. An Act to incorporate the Participants of the Level of *Hatfield Chase*; to authorize the Construction of additional Works of Drainage in the said Level; and to subject certain Lands therein to Taxation. *Page* 1027
- cxli. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to make Railways near *Sheffield* and *Thorne*, and to exercise other Powers. 1041
- cxlii. An Act for making a Railway from the *Hawick* Branch of the *North British* Railway near *Newtown Saint Boswells* to *Dunse*. *Ibid.*
- cxliii. An Act for making a Railway from *Bishops Waltham* to *Botley*. 1042
- cxliv. An Act for effecting Railway Communication from the *Metropolitan* Extension of the *London, Chatham, and Dover* Railway to the *Crystal Palace* at *Sydenham*. *Ibid.*
- cxlv. An Act for the Amalgamation of the Undertaking of the *Newcastle-upon-Tyne and Carlisle* Railway Company with the Undertaking of the *North-eastern* Railway Company; and for other Purposes. 1044
- cxlvi. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between *Blaydon* and *Conside*, with Branches therefrom; to acquire additional Lands, and for other Purposes. 1055
- cxlvii. An Act for more effectually repairing certain Roads called "*The Tupton and Ashover Road*," and "*The Birkin Lane Road*," in the County of *Derby*. 1056
- cxlviii. An Act to authorize the Construction of a Railway from *Hooton* to *Parkgate*, in connexion with the existing *Birkenhead* Railway, and for other Purposes. 1057
- cxlix. An Act to enable the *Bristol and South Wales Union* Railway Company to construct a Branch Railway to communicate with a Pier and other Works at the Mouth of the River *Avon*; and to authorize certain Arrangements with the Mayor, Aldermen, and Burgesses of the City and County of *Bristol* with reference thereto. *Ibid.*
- cl. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, "for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of "*Cheadle* in the County of *Stafford*, and for making "Deviations and new Branches to and from the same;" and to make other Provisions in lieu thereof. 1058
- cli. An Act for making a Railway from *Horsham* to *Dorking*, and for other Purposes. 1059
- clii. An Act for making Railways from the *London and South-western* Railway to *Hampton* and *Shepperton* in the County of *Middlesex*. 1060
- cliii. An Act to authorize the *Mid Kent* Railway Company to make a Railway from the *Mid Kent* Railway to *Addiscombe*; and for other Purposes. *Ibid.*
- cliv. An Act to enable the *North-eastern* Railway Company to construct the *Team Valley* and other Branch Railways in the County of *Durham*; and for other Purposes. 1061

- clv. An Act for providing and constructing an improved Cattle Market, Market Places, and Slaughter-houses, with all necessary Approaches and Conveniences, within the Parish of *Saint Thomas* in the County of the City of *Dublin*. Page 1062
- clvi. An Act to enable the *Mid Wales* Railway Company to alter the Line and Levels of their Railway, and to make a Junction between the *Mid Wales* and the *Central Wales* (*Extension*) Railways; and to amend the Acts relating to the said Company; and for other Purposes. 1063
- clvii. An Act to alter the Constitution of the Parochial Board of the *Barony* Parish of *Glasgow* in the County of *Lanark*. *Ibid.*
- clviii. An Act for making a Railway from the *Sutton* Station of the *Croydon and Epsom* Branch of the *London, Brighton, and South Coast* Railway to *Banstead* and *Epsom Downs* in the County of *Surrey*. 1065
- clix. An Act for making a Railway from the Port of *Bristol* to the Old Channel at the Mouth of the River *Avon*, together with a Pier in the said River, and for other Purposes. *Ibid.*
- clx. An Act for making a Railway from the *Glasgow, Paisley, and Greenock* Railway to *Wemyss Bay* in the County of *Renfrew*, and a Pier and Roads in connexion therewith; and for other Purposes. 1066
- clxi. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain new Lines of Railway by way of Deviation of their authorized *Swansea* Lines and *Cardiff* Line and other Works, and to make Arrangements with other Companies, and to raise further Capital, and to make Provision for laying down Narrow Gauge Rails on the *Cardiff and Penarth* Railway; and for other Purposes. 1067
- clxii. An Act for authorizing the *Llanidloes and Newtown* Railway Company to make and maintain a Line of Railway for the joint Use of the *Mid Wales* Railway Company and the *Manchester and Milford* Railway Company, and a Station at *Llanidloes* for the joint Use of the Three Companies, and to raise further Monies; and for other Purposes. 1071
- clxiii. An Act to authorize the Extension of the *London, Chatham, and Dover* Railway to *Walmer* and *Deal*, and for other Purposes. 1074
- clxiv. An Act to amend the Acts relating to the *Nene Valley* Drainage and Navigation Improvement; and to make Provision for the Discharge of the Debts and Liabilities of the Commissioners in the Third District of Drainage, and for the Separation of the Districts; and for other Purposes. *Ibid.*
- clxv. An Act for making a Railway from the *North Devon* Railway in the Parish of *Colebrook* in the County of *Devon* to *Okehampton* in the same County; and for other Purposes. 1097

- clxvi. An Act for authorizing the Construction of Railways from the *Sevenoaks* Railway to *Maidstone* and *Tunbridge*, and to join existing Railways at *Tunbridge*, all in *Kent*; and for other Purposes. Page 1097
- clxvii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking; and to authorize a Lease or Leases of the *Swansea* Harbour Railway and certain Wharves in *Swansea* Harbour to the *Vale of Neath* Railway Company; and to authorize the laying down of additional Rails for the Narrow Gauge on that Railway. 1100
- clxviii. An Act to authorize the *West Midland* Railway Company to construct additional Works, and to raise further Sums of Money; to provide Facilities for the Passage of their Traffic to *Newport* in the County of *Monmouth*; to regulate their Powers of raising Money in respect of certain other Undertakings; and for other Purposes. 1102
- clxix. An Act for constructing and maintaining a Pier at *Weston-super-Mare* in the County of *Somerset*. 1106
- clxx. An Act to facilitate Arrangements by the *Londonderry and Coleraine* Railway Company with their Creditors; and for other Purposes. 1107
- clxxi. An Act for making Railways from *Richmansworth* in the County of *Hertford* to *Amersham* and *Chesham* in the County of *Buckingham*; and for other Purposes. 1112
- clxxii. An Act to enable the *Carmarthen and Cardigan* Railway Company to extend their Railway from *Llangeller* to *Newcastle-Emlyn*, and to raise further Monies. 1113
- clxxiii. An Act for making a Railway from *Kettering* to *Thrapstone* in the County of *Northampton*; and for other Purposes. 1114
- clxxiv. An Act to improve the Western Approach to the Metropolitan Meat and Poultry Market, and to authorize the raising of additional Money. *Ibid.*
- clxxv. An Act for making a Railway from *Stafford* in the County of *Stafford* to *Uttoxeter* in the same County; and for other Purposes. 1122
- clxxvi. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to make and maintain additional Lines of Railway, and to reclaim Lands near to their Lines of Railway, and to raise further Monies; and for other Purposes. *Ibid.*
- clxxvii. An Act for conferring further Powers upon the *Andover and Redbridge* Railway Company. 1123
- clxxviii. An Act for authorizing Agreements between the *Briton Ferry* Dock and Railway Company and other Companies, and a Lease of Part of their Wharfs, and for altering Rates payable to the *Neath* Harbour Commissioners; and for authorizing the *Briton Ferry* Dock and Railway Company to raise further Capital; and for other Purposes. 1124
- clxxix. An Act for making Railways from *Cowbridge* in the County of *Glamorgan* to join the *Llantrissant and Taff Vale Junction* Railway and the *South Wales* Railway; and for other Purposes. 1126

- clxxx. An Act to authorize the *British Fisheries Society* to construct Piers or Breakwaters, and other Works in connexion with *Pulteney Harbour*, and to amend the Act relating thereto. Page 1127
- clxxxi. An Act to amalgamate the *Fife and Kinross Railway Company* with the *Edinburgh, Perth, and Dundee Railway Company*. 1128
- clxxxii. An Act for authorizing the *Vale of Neath Railway Company* to lay down Rails for the Narrow Gauge as well as the Broad Gauge on the *Vale of Neath Railway*, and to raise further Monies; and for other Purposes. 1134
- clxxxiii. An Act to authorize an Alteration of the Terms of the Lease of the *Severn Valley Railway* to the *West Midland Railway Company*; and for other Purposes. 1136
- clxxxiv. An Act to enable the *Brecon and Merthyr Tydfil Junction Railway Company* to make new Railways; and for other Purposes. 1139
- clxxxv. An Act for making a Railway in the County of *Salop*, to be called "The *West Shropshire Mineral Railway*;" and for other Purposes. 1146
- clxxxvi. An Act for incorporating "The *Brecon Markets Company*," and for vesting in them, and authorizing them to maintain and regulate, the Markets and Fairs in *Brecon*, and other Property of the Mayor, Aldermen, and Burgesses of the Borough of *Brecon*; and for providing for the Discharge of Liabilities of the Mayor, Aldermen, and Burgesses; and for other Purposes. *Ibid.*
- clxxxvii. An Act to confer Powers upon the *Eastern Counties Railway Company* with respect to the *Epping Railways*; and for other Purposes. 1154
- clxxxviii. An Act to separate the *Middle Level* from the *Bedford Level Corporation*; to transfer the Powers and Duties of the *Nene Navigation Commissioners* to the *Middle Level Commissioners*, and to provide for Payment of the Debt secured on the Navigation Tolls; to repeal the Barrier Banks Act; to amend the *Middle Level Acts*, and to incorporate the *Middle Level Commissioners*; to amend and enlarge the Powers of Commissioners acting under District Acts in the *Middle Level*; and for other Purposes. 1156
- clxxxix. An Act for amalgamating the *North British Railway* and the *Edinburgh, Perth, and Dundee Railway* and the *West of Fife Railway* and Harbour Companies, and for other Purposes. 1199
- exc. An Act for authorizing the *West Cheshire Railway Company* to make and maintain additional Lines of Railway and other Works, and to raise further Monies; and for other Purposes. 1206
- exci. An Act for authorizing the *Waterford and Limerick Railway Company* to divert their Tramway in the City of *Limerick*, and to work or lease the Undertaking of the *Limerick and Ennis Railway Company*. 1207
- excii. An Act to authorize the *London, Chatham, and Dover Railway Company* to construct additional Works and acquire

- additional Land in *Kent* and *Surrey*; and for other Purposes connected with their Undertakings. Page 1208
- xciii. An Act to authorize the Construction of a Railway in the Counties of *Glamorgan* and *Brecon*, to be called "The *Dulas Valley Mineral* Railway;" and for other Purposes. 1222
- xciv. An Act for making a Railway to connect the *South Staffordshire* Railway with the *Cannock Chase* Railway in the County of *Stafford*, and for other Purposes. *Ibid.*
- xcv. An Act to enable the *Eastern Union* Railway Company to make certain Arrangements concerning their Capital, and to subscribe to the *Waveney Valley* Railway. 1223
- xcvi. An Act for transferring the *Hereford, Ross, and Gloucester* Railway and for leasing the *Ely Valley* Railway to the *Great Western* Railway Company, and for other Purposes. 1225
- xcvii. An Act to empower the *Kent Coast* Railway Company to construct Railways or Tramways at *Ramsgate*, and to raise further Money; and for other Purposes. 1228
- xcviii. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking, to acquire additional Lands; and for other Purposes. 1230
- xcix. An Act for making a Railway, to be called "The *Spalding and Bourn* Railway," and for other Purposes. 1231
- cc. An Act for making a Railway, to be called "The *Tottenham and Hampstead Junction* Railway," and for other Purposes. 1232
- cci. An Act to enable the *Great Northern and Western (of Ireland)* Railway Company to make a Railway to *Ballina*; and for other Purposes. 1233
- ccii. An Act for making a Railway from *Carnarvon* to *Port Madoc* in the County of *Carnarvon*. *Ibid.*
- cciii. An Act for paving, cleansing, lighting, watching, draining, and improving the City of *Aberdeen* and adjacent Districts, for regulating the Police thereof, for supplying the Inhabitants with Water, and for other Purposes. 1234
- cciv. An Act to consolidate and amend the Acts relating to the Police and Statute Labour of the City of *Glasgow*, and for other Purposes. 1240
- ccv. An Act for consolidating and amending the Acts relating to the Corporation of *Salford*; for extending their Powers; and for other Purposes. 1242
- ccvi. An Act for incorporating a Company; and for making and maintaining the *East Gloucestershire* Railway; and for other Purposes. 1247
- ccvii. An Act for making a Railway, to be called "The *East Grinstead, Groombridge, and Tunbridge Wells* Railway," and for other Purposes. 1248
- ccviii. An Act for conferring additional Powers on the *London and North-western* Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for authorizing a Deviation in the Line of the *South Leicestershire* Railway; and for other Purposes. 1249

- ccix. An Act to enable the *Merthyr, Tredegar, and Abergarennny* Railway Company to lease their Railway. Page 1253
- ccx. An Act for enabling the *Mid-Sussex and Midhurst Junction* Railway Company to extend the Time for completing their Railway; to sell or lease their Undertaking to the *London, Brighton, and South Coast* Railway Company; and for other Purposes. *Ibid.*
- ccxi. An Act to authorize the Construction of a Railway from the *Bradford, Wakefield, and Leeds* Railway at *Wakefield* to the *South Yorkshire* Railway at *Barnby-upon-Don*, and of certain Branch Railways, to be called "The *West Riding and Grimsby* Railway." 1254
- ccxii. An Act for incorporating the *Dovey* Reclamation Company; and for authorizing them to reclaim Land in the Estuary of the River *Dovey*; and for authorizing Arrangements between them and the *Aberystwith and Welsh Coast* Railway Company; and for other Purposes. 1255
- ccxiii. An Act for extending the Time for the Purchase of Lands and the Completion of the Works authorized by "The *Dagenham (Thames)* Dock Act, 1855," and for other Purposes. 1256
- ccxiv. An Act for authorizing the *Redditch* Railway Company to raise further Monies; and for other Purposes. 1257
- ccxv. An Act to extend the Time for making the Railway of the *Kensington* Station and *North and South London Junction* Railway Company; and for other Purposes. *Ibid.*
- ccxvi. An Act for authorizing the *Abingdon* Railway Company to raise further Monies; and for other Purposes. *Ibid.*
- ccxvii. An Act for making a Railway from the *Waterford and Tramore* Railway near the City of *Waterford* to the Town of *Passage* in the County of *Waterford*. *Ibid.*
- ccxviii. An Act for authorizing an Extension of the *Oswestry, Ellesmere, and Whitchurch* Railway, and for other Purposes. 1258
- ccxix. An Act to authorize the Construction of a Railway in the County of *Down* from the *Downpatrick and Newry* Railway to *Newcastle*. 1259
- ccxx. An Act for amending "The *Charing Cross* Railway (City Terminus) Act, 1861." 1260
- ccxxi. An Act for incorporating a Company for making and maintaining the *Wrexham, Mold, and Connah's Quay Junction* Railway; and for other Purposes. 1261
- ccxxii. An Act to protect the Waters of the *Mersey* and the *Irwell* and of certain of their Tributaries from certain Obstructions. 1262
- ccxxiii. An Act to amalgamate the *Eastern Counties*, the *East Anglian*, the *Newmarket*, the *Eastern Union*, and the *Norfolk* Railway Companies; and for other Purposes. 1266
- ccxxiv. An Act for a Lease of the Undertaking of the *Mid Kent* Railway (*Bromley* to *Saint Mary's Cray*) Company to the *London, Chatham, and Dover* Railway Company, and for other Purposes. 1295

- ccxxv. An Act for the Amalgamation of the *Somerset Central Railway Company* and the *Dorset Central Railway Company*, and for other Purposes. Page 1296
- ccxxvi. An Act to authorize the Construction of a Railway in *Shropshire* to be called "The *Wellington and Drayton Railway*." 1299
- ccxxvii. An Act for making a Railway and Harbour in the County of *Devon*, to be called the *Sidmouth Railway and Harbour*, and for other Purposes. 1300
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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. AN Act to confirm certain Contracts for granting Leases made and entered into by *Charles Phillimore* Esquire of Part of the Lands and Hereditaments devised by the Will of *William Robert Phillimore* Esquire, deceased, situate in the Parish of *Saint Mary Abbots, Kensington*, in the County of *Middlesex*, and to confirm certain Leases granted in pursuance of the said Contracts, and for other Purposes relating to the said Will. Page 1302
2. An Act for incorporating the Trustees under the Will of Captain *William Mackintosh*, for defining and explaining the said Will, and for carrying into effect the Purposes thereof. Ibid.
3. An Act to extend the Powers given to the Trustees of the Will of *William Tufnell* Esquire by an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for enabling the Trustee under the Will of the late William Tufnell Esquire to reduce the Fines for the Copyholds held of the Manor of Barnersbury devised by his Will, as an Encouragement to the Tenants to build thereon, to grant Building and Repairing Leases of the devised Estates; and for other Purposes.* Ibid.
4. An Act to enable the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward*, late King of *England* the Sixth, of *Saint Thomas the Apostle*, commonly called "*Saint Thomas's Hospital*," to convey the Site of the present Hospital to the *Charing Cross Railway Company*, and to acquire a new Site for the same Hospital; and for other Purposes. 1303
5. An Act for amending the Powers of Leasing and other Powers created by divers Acts relating to the Estates annexed to the Earldom of *Shrewsbury*; and for other Purposes.

6. An Act to authorize the Trustees of the Will of *Athelstan Corbet* Esquire, deceased, to grant Building Leases and Mining Leases of the Estates thereby devised, and to raise Five thousand Pounds out of the same Estates, and apply such Sum in the Improvement of the Port of *Aberdovey* and Lands adjoining thereto; and for other Purposes. *Page* 1303
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PRIVATE ACTS,

NOT PRINTED.

7. An Act for inclosing the Commons or Waste Lands called "*Dollow and Kilmore Commons*" in the Parishes of *Dollow* and *Kilmore* in the County of *Tipperary*.
 8. An Act to dissolve the Marriage of Colonel *Gore Boland Munbee* with *Sophia Catherine* his now Wife, and to enable him to marry again; and for other Purposes.
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25 & 26 VICT.

TABLES

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE I.

[IN ORDER OF CAP.]

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
III. -	- { Amends - Amends -	24 & 25 Vict. c. 5. - 9 Geo. 4. c. 92. -	Exchequer Bills. Savings Banks.
VIII.	- { Amends and ap- plies -	23 & 24 Vict. c. 78. - 7 & 8 Vict. c. 15. -	Bleaching Works. Factories.
X. -	- { Continues and amends {	24 & 25 Vict. c. 113. " " c. 132.	Industrial Schools. " " (Scotland).
XI. -	- Explains -	13 & 14 Vict. c. 59. {	Australian Colonies Government.
XIV. -	- Extends -	18 & 19 Vict. c. 90. {	Payment of Costs in Crown Suits.
XV. -	- Amends -	40 Geo. 3. c. 84. (I.) {	College of Physicians (Ireland).
XVII.	- Amends -	24 & 25 Vict. c. 9. - {	Conveyance of Land on Charitable Uses.
XIX.	- { Partly re-peals and amends* } Applies - Applies -	24 & 25 Vict. c. 45. -	Piers and Harbours.
		17 & 18 Vict. c. 120.	Merchant Shipping, 1854.
		7 Will. 4. & 1 Vict. c. 83. - -	Custody of Documents by Clerks of Peace.
XXI. -	- Amends -	24 & 25 Vict. c. 35. {	Transfer of Stock, &c. (Ireland).
XXII.	- { Amends and ap-plies - Repeals -	Customs Acts. Excise Acts. Property and Income Tax Acts.	
		9 Geo. 4. c. 18. -	Cards and Dice.

* i. e. see Schedules A. and C.

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
XXIII.	- Amends -	24 & 25 Vict. c. 43.	{ Summary Procedure on Bills of Exchange (Ireland).
XXIV.	- Continues* {	19 & 20 Vict. c. 36. {	Peace Preservation (Ireland).
		23 & 24 Vict. c. 138. {	Peace Preservation (Ireland) Amendment Act.
XXVI.	- Amends -	17 & 18 Vict. c. 81. -	University of Oxford.
XXVII.	- Continues†	24 & 25 Vict. c. 89. {	Military Forces in the East Indies.
XXVIII.	- Amends -	21 & 22 Vict. c. 83. -	Universities of Scotland.
XXIX.	- { Amends‡ -	13 & 14 Vict. c. 31. {	Improvement of Lands (Ireland).
	- { Applies -	- - - - {	Acts for the Improvement of Land in Ireland.
XXX.	- Amends -	24 & 25 Vict. c. 80. -	Public Works and Harbours.
XXXII.	- Continues§ {	2 & 3 Vict. c. 74. (as amended by 11 & 12 Vict. c. 89.) - {	Administration of unlawful Oaths, and Protection of Magistrates and Witnesses in Criminal Cases (Ireland).
XXXIV.	- Explains -	23 & 24 Vict. c. 112.	Defence of the Realm.
XXXV.	- Amends - {	24 & 25 Vict. c. 91. -	Inland Revenue.
		9 Geo. 4. c. 58. -	Public Houses (Scotland).
		16 & 17 Vict. c. 67. }	
XXXVII.	- { Restrains - {	1 Anne, c. 7. - -	Crown Revenues and Estates.
		1 Geo. 3. c. 1. -	
		34 Geo. 3. c. 75. -	
	- { Applies - {	39 & 40 Geo. 3. c. 88. {	Real and Personal Estate of the Sovereign.
		13 & 14 Vict. c. 60. -	Trustee Act, 1850.
		21 & 22 Vict. c. 76. }	
		23 & 24 Vict. c. 143. }	Titles to Land (Scotland).

* *i. e.* until July 1, 1864, and to the End of the then next Session of Parliament.

† *i. e.* until March 31, 1867.

‡ *i. e.* extends Powers of Commissioners of Public Works until January 1, 1864.

§ *i. e.* for Five Years from passing of the Act, and until the End of the then next Session.

25 & 26 Vict.	Effect.	Act affected	Subject of Act affected.
Cap. XXXVIII.	Repeals	24 Geo. 2. c. 40. s. 12.	Spirit Duties.
XL.	Applies	5 Geo. 4. c. 113.	Slave Trade.
XLI.	{ Amends and applies }	23 & 24 Vict. c. 140.	Rifle Volunteer Grounds.
XLII.	Applies	21 & 22 Vict. c. 27.	Chancery Amendment.
XLIII.	Amends	Poor Relief Acts.	
XLIV.	Amends	4 Geo. 4. c. 64.	Gaols.
XLV.	Amends	{ 17 & 18 Vict. c. 117. } { 21 & 22 Vict. c. 96. }	West Indian Encumbered Estates.
XLVI.	Applies	21 & 22 Vict. c. 27.	Chancery Amendment.
XLVIII.	{ Amends } { Repeals }	{ 15 & 16 Vict. c. 72. } { 24 & 25 Vict. c. 30. }	Government of New Zealand.
XLIX.	Extends	7 & 8 Vict. c. 65.	Duchy of Cornwall Estates.
L.	{ Applies } { Amends }	{ 14 & 15 Vict. c. 93. } { 21 & 22 Vict. c. 100. } 24 & 25 Vict. c. 96. " " c. 97. " " c. 99. " " c. 100.	Petty Sessions (Ireland). Criminal Law Consolidation. Summary Jurisdiction (Ireland).
LII.	Amends	24 & 25 Vict. c. 105.	Leases of Church Lands.
LIII.	Applies	{ 3 & 4 Will. 4. c. 74 } { 13 & 14 Vict. c. 60. } 20 Vict. c. 120.	{ Abolition of Fines and Recoveries. } Trustees. Sales, &c. of Settled Estates.
LIV.	Amends	{ 20 & 21 Vict. c. 71. } { 21 & 22 Vict. c. 89. }	Lunacy (Scotland).
LIX.	Applies	14 & 15 Vict. c. 93.	Petty Sessions (Ireland).
LXI.	{ Applies and amends } { Extends }	5 & 6 Will. 4. c. 50. 3 Geo. 4. c. 126.	Highways. Turnpike Roads.

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap. LXII. - -	Amends -	{ 13 & 14 Vict. c. 68. " " c. 69. }	Elections (Ireland).
LXIII.	Amends* -	{ 8 & 9 Vict. c. 91. - 16 & 17 Vict. c. 107. }	Warehousing of Goods. Customs Consolidation Act.
		{ 17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. 19 & 20 Vict. c. 75. - 24 & 25 Vict. c. 96. }	Merchant Shipping. Customs Duties. Criminal Law Consolida- tion.
	Explains -	1 Vict. c. 2. - -	Revenues of the Crown.
	Restrains -	20 & 21 Vict. c. 43. -	Summary Jurisdiction.
LXIV.	Repeals -	{ Acts and Parts of Acts specified in Schedule. 18 & 19 Vict. c. 126. }	Criminal Justice Admi- nistration.
	Applies -	{ 24 & 25 Vict. c. 96. } { 24 & 25 Vict. c. 110. Metropolitan Police Acts. }	Criminal Law Consolida- tion. Dealers in old Metals.
LXV.	Applies -	19 Vict. c. 16. - -	Central Criminal Court.
LXVI.	Applies -	23 & 24 Vict. c. 139.	Storage of Gunpowder.
LXVII.	Applies -	3 & 4 Will. 4. c. 74. }	Abolition of Fines and Recoveries.
LXVIII.	Applies -	{ 5 & 6 Vict. c. 45. - } { 7 & 8 Vict. c. 12. - }	Copyright.
LXIX.	Applies -	{ 14 & 15 Vict. c. 49. - 11 & 12 Vict. c. 27. }	Preliminary Inquiries. Harbours and Docks Clauses.
		{ 8 & 9 Vict. c. 18. - " " c. 19. - 23 & 24 Vict. c. 152. }	Railway Clauses. " " (Scotland). Tramways (Ireland).
	Amends -	{ Acts and Parts of Acts in Schedule. 46 Geo. 3. c. 153. - } { 54 Geo. 3. c. 139. - }	Harbours and Piers.
		{ 24 & 25 Vict. c. 45. } " " c. 47. -	Passing Tolls.

* See Schedule to the Act.

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap. LXXIII. -	{ Further continues* }	5 & 6 Vict. c. 35. -	Copyhold Commission.
LXXIV. -	Amends -	24 & 25 Vict. c. 88. -	Sites for Public Offices.
LXXV. -	Continues†	11 & 12 Vict. c. 133.	Savings Banks (Ireland).
LXXVI. -	{ Applies - Amends - }	{ 14 & 15 Vict. c. 93. - 23 & 24 Vict. c. 119. }	{ Petty Sessions (Ireland). Weights and Measures (Ireland). }
LXXIX. -	Amends -	23 & 24 Vict. c. 151.	Coal Mines.
LXXXI. -	{ Makes per- petual - }	23 & 24 Vict. c. 144.	Divorce Court.
LXXXIII. -	{ Amends - Further continues‡ }	{ 2 Vict. c. 56. - - 10 Vict. c. 31. - - 6 & 7 Vict. c. 92. - 12 & 13 Vict. c. 91. " " c. 104. }	{ Destitute Poor (Ireland). Poor Rates (Ireland). Poor Law Commission (Ireland). }
LXXXIV. -	{ Continues§ Explains - }	{ 20 & 21 Vict. c. 61. } Schedule B. - } 23 & 24 Vict. c. 114.	{ Excise on Sugar. Excise on Spirits. }
LXXXVI. -	{ Applies - Applies and amends }	8 & 9 Vict. c. 109. - 16 & 17 Vict. c. 70. -	{ Games and Wagers. Proceedings in Lunacy. }
LXXXVII. -	Repeals -	{ 15 & 16 Vict. c. 31. } 17 & 18 Vict. c. 25. } 19 & 20 Vict. c. 40. }	{ Industrial and Provident Societies. }
LXXXVIII. -	Saves -	59 Geo. 3. c. 7. -	Trade of Cutlers.
LXXXIX. -	Repeals -	{ Acts specified in } Schedule 3, Part I. }	{ Joint Stock, Banking, and other Companies. }
XC. -	Amends -	25 & 26 Vict. c. 40. -	African Slave Trade.
XCI. -	Amends -	21 & 22 Vict. c. 90. -	Medical Education.

* Until August 1, 1867, and thence until the End of the next Session of Parliament.

† Until January 1, 1865, and thence until the End of the next Session of Parliament.

‡ Until July 23, 1863, and thence until the End of the next Session of Parliament.

§ Until July 1, 1863.

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap. XCII. -	Amends -	{ 1 Geo. 4. c. 11. - 9 & 10 Vict. c. 30. - }	Parliamentary Elections (Ireland).
XCIII. -	Applies -	{ 18 & 19 Vict. c. 120. 19 & 20 Vict. c. 112. 21 & 22 Vict. c. 104. 11 Geo. 3. c. 34. - }	Local Management of Metropolis. Embankment of River Thames.
XCIV. -	{ Amends - Applies - }	{ 2 & 3 Will. 4. c. 102. { 6 & 7 Will. 4. c. 102. { 16 & 17 Vict. c. 68. }	Boundaries of Counties and Boroughs. Taking the Poll at Elec- tions.
XCVI. -	Amends -	3 & 4 Will. 4. c. 74. {	Abolition of Fines and Recoveries.
XCVII. -	Applies -	{ 9 Geo. 4. c. 39. - { 20 & 21 Vict. c. 72. { 20 Geo. 2. c. 43. - { 24 & 25 Vict. c. 109. }	Salmon Fisheries (Scot- land). Commissioners of Supply (Scotland). Heritable Jurisdiction (Scotland). Salmon Fisheries of Eng- land.
XCVIII. -	Amends -	{ 23 & 24 Vict. c. 139. } 24 & 25 Vict. c. 120. }	Gunpowder and Fire- works.
XCIX. -	Amends -	{ 5 & 6 Vict. c. 42. - { 24 & 25 Vict. c. 134. }	Commissioners of Insol- vency. Bankrupt Law Consoli- dation.
C. -	Amends -	23 & 24 Vict. c. 64. -	Local Boards of Health.
CI. -	{ Repeals - Amends - Applies - }	{ 13 & 14 Vict. c. 33. } 23 & 24 Vict. c. 96. } 19 & 20 Vict. c. 103. } 22 Geo. 2. c. 27. - } 17 Geo. 3. c. 56. - } 3 & 4 Will. 4. c. 76. }	Police of Towns (Scot- land). Removal of Nuisances (Scotland). Prevention of Frauds in Manufactures. Boundaries of Burghs (Scotland).

25 & 26 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.	Amends	26 Geo. 3. c. 71. -	Licensing Slaughter-houses.
		7 & 8 Vict. c. 87. -	Woods and Forests Accounts.
CII. -	Continues*	7 Geo. 4. c. 142. -	Metropolitan Turnpike Trusts.
		18 & 19 Vict. c. 120. 19 & 20 Vict. c. 112. 21 & 22 Vict. c. 101. 20 & 21 Vict. c. 120.	Local Management of Metropolis. Finsbury Park.
CIII. -	Amends -	6 & 7 Will. 4. c. 96. -	Parochial Assessments
CV. -	Applies	43 Geo. 3. c. 80. -	Highland Roads and Bridges.
		59 Geo. 3. c. 135. -	Valuation of Lands (Scotland).
	Applies	17 & 18 Vict. c. 91. -	Boundaries of Burghs (Scotland).
		20 & 21 Vict. c. 58. - " " c. 70. -	
CVI. -	Amends -	6 & 7 Will. 4. c. 116. - 7 & 8 Vict. c. 106. -	County and District Surveyors (Ireland).
CVII. -	Amends -	6 Geo. 4. c. 50. -	Juries.
CIX. -	Continues†	17 & 18 Vict. c. 102. -	Corrupt Practices at Elections.
CXI. -	Amends	8 & 9 Vict. c. 100. -	Lunatics and Lunatic Asylums.
		16 & 17 Vict. c. 96. - " " c. 97. - 18 & 19 Vict. c. 105. -	
CXIII. -	Amends -	8 & 9 Vict. c. 83. -	Removal of Paupers.
CXIV. -	Applies	1 & 2 Will. 4. c. 32. -	Game Laws.
		2 & 3 Will. 4. c. 68. - 11 & 12 Vict. c. 43. - 14 & 15 Vict. c. 93. -	Game (Scotland). Juries. Petty Sessions (Ireland).

* Until August 17, 1863.

† Until September 1, 1863, and from thence until the End of the next Session of Parliament.

TABLE II.

CHRONOLOGICAL.

[For Details, see TABLE I.]

Act affected.	Subject of Act affected.	How affected.	Act affecting.
1 Anne, c. 7. - -	Crown Revenues and Estates.	Restrained-	25 & 26 Vict. Cap. XXXVII.
20 Geo. 2. c. 43. -	Heritable Jurisdiction (Scotland).	Applied -	XCVII.
22 Geo. 2. c. 27. -	Prevention of Frauds in Manufactures.	Applied -	CI.
24 Geo. 2. c. 40. s. 12.	Spirit Duties -	Repealed -	XXXVIII.
1 Geo. 3. c. 1. - -	Crown Revenues and Estates.	Restrained-	XXXVII.
11 Geo. 3. c. 34. -	Thames Embankment -	Applied -	XCIII.
17 Geo. 3. c. 56. -	Prevention of Frauds in Manufactures.	Applied -	CI.
26 Geo. 3. c. 71. -	Licensing Slaughtering-houses.	Amended -	CII.
34 Geo. 3. c. 75. -	Crown Revenues and Estates.	Restrained-	XXXVII.
39 & 40 Geo. 3. c. 88.	Real and Personal Estate of the Sovereign.	Applied -	XXXVII.
40 Geo. 3. c. 84. (I.) -	College of Physicians (Ireland).	Amended -	XV.
43 Geo. 3. c. 80. -	Highland Roads and Bridges.	Amended -	CV.
46 Geo. 3. c. 153. -	Harbours and Piers -	Amended -	LXIX.
54 Geo. 3. c. 139. -	Harbours and Piers -	Amended -	LXIX.
59 Geo. 3. c. 7. - -	Trade of Cutlers -	Saved -	LXXXVIII.
59 Geo. 3. c. 135. -	Highland Roads and Bridges.	Amended -	CV.
1 Geo. 4. c. 11. - -	Parliamentary Elections (Ireland).	Amended -	XCII.
3 Geo. 4. c. 126. -	Turnpike Roads -	Extended -	LXI.
4 Geo. 4. c. 64. - -	Gaols - - -	Amended -	XLIV.
5 Geo. 4. c. 113. -	Slave Trade - - -	Applied -	XL.
6 Geo. 4. c. 50. - -	Juries - - -	Amended -	CVII.
7 Geo. 4. c. 142. -	Metropolitan Turnpike Trusts.	Amended -	CII.
9 Geo. 4. c. 18. - -	Cards and Dice -	Repealed -	XXII.
9 Geo. 4. c. 39. - -	Salmon Fisheries (Scotland).	Applied -	XCVII.
9 Geo. 4. c. 58. - -	Public Houses (Scotland).	Amended -	XXXV.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
			25 & 26 Vict. Cap.
9 Geo. 4. c. 92. -	Savings Banks -	Amended -	III.
1 & 2 Will. 4. c. 32. -	Game Laws -	Applied -	CXIV.
2 & 3 Will. 4. c. 68. -	Game (Scotland) -	Applied -	CXIV.
2 & 3 Will. 4. c. 102.	Boundaries of Counties and Boroughs.	Amended -	XC.V.
3 & 4 Will. 4. c. 74. -	Abolition of Fines and Recoveries.	Applied -	LIII. and LXVII.
3 & 4 Will. 4. c. 76. -	Boundaries of Burghs (Scotland).	Amended -	XCVI.
5 & 6 Will. 4. c. 50. -	Highways -	Applied and amended.	CI.
6 & 7 Will. 4. c. 102.	Taking the Poll at Elections.	Applied -	LXI.
6 & 7 Will. 4. c. 116.	County and District Surveyors (Ireland).	Applied -	XC.V.
7 Will. 4. & 1 Vict. c. 83.	Custody of Documents by Clerks of Peace.	Amended -	CVI.
1 Vict. c. 2. -	Revenues of the Crown	Applied -	XIX.
2 Vict. c. 56. -	Destitute Poor (Ireland)	Explained -	LXIII.
2 & 3 Vict. c. 74. -	Protection of Magis- trates and Witnesses in Criminal Cases (Ireland).	Amended -	LXXXIII.
		Continued -	XXXII.
5 & 6 Vict. c. 35. -	Copyhold Commission -	Continued -	LXXIII.
5 & 6 Vict. c. 42. -	Commissioners of Insol- vency.	Amended -	XCIX.
5 & 6 Vict. c. 45. -	Copyright -	Applied -	LXVIII.
6 & 7 Vict. c. 92. -	Poor Rates (Ireland) -	Applied -	LXXXIII.
6 & 7 Vict. c. 96. -	Parochial Assessments -	Amended -	CH.
7 & 8 Vict. c. 12. -	Copyright -	Applied -	LXVIII.
7 & 8 Vict. c. 15. -	Factories -	Applied -	VIII.
7 & 8 Vict. c. 65. -	Duchy of Cornwall Es- tates.	Extended -	XLIX.
7 & 8 Vict. c. 87. -	Woods and Forests Ac- counts.	Amended -	CII.
7 & 8 Vict. c. 106. -	County and District Surveyors (Ireland).	Amended -	CVI.
8 & 9 Vict. c. 18. -	Railways Clauses Act -	Applied -	LXIX.
8 & 9 Vict. c. 19. -	Railways Clauses Act (Scotland).	Applied -	LXIX.
8 & 9 Vict. c. 83. -	Removal of Paupers -	Amended -	CXIII.
8 & 9 Vict. c. 91. -	Warehousing of Goods	Amended -	LXIII.
8 & 9 Vict. c. 100. -	Lunatics and Lunatic Asylums.	Amended -	CXI.
8 & 9 Vict. c. 109. -	Games and Wagers -	Applied -	LXXXVI.
9 & 10 Vict. c. 30. -	Parliamentary Elections (Ireland).	Amended -	XCII.
10 Vict. c. 31. -	Destitute Poor (Ireland)	Amended -	LXXXIII.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
10 & 11 Vict. c. 90. -	Poor Law Commission (Ireland).	Further continued.	25 & 26 Vict. Cap. LXXXIII.
11 & 12 Vict. c. 27. -	Harbours and Docks Clauses.	Applied -	LXIX.
11 & 12 Vict. c. 43. -	Juries - - - -	Applied -	XLIII.
11 & 12 Vict. c. 133. -	Savings Banks (Ireland)	Continued -	LXXV.
12 & 13 Vict. cc. 91. 104.	Poor Rates (Ireland) -	Amended -	LXXXIII.
13 & 14 Vict. c. 31. -	Improvement of Land (Ireland).	Amended -	XXIX.
13 & 14 Vict. c. 33. -	Police of Towns (Scotland).	Repealed -	CI.
13 & 14 Vict. c. 59. -	Australian Colonies Government.	Explained -	XI.
13 & 14 Vict. c. 60. -	Trustee Act - - -	Applied -	XXXVII. and LIII.
13 & 14 Vict. cc. 68. 69.	Elections (Ireland) -	Amended -	LXII.
14 & 15 Vict. c. 49. -	Preliminary Inquiries -	Applied -	LXIX.
14 & 15 Vict. c. 93. -	Petty Sessions (Ireland)	Applied -	L., LIX., LXXVI., and CXIV.
15 & 16 Vict. c. 31. -	Industrial and Provident Societies.	Repealed -	LXXXVII.
15 & 16 Vict. c. 72. -	New Zealand - - -	Amended -	XLVIII.
16 & 17 Vict. c. 67. -	Public Houses (Scotland).	Amended -	XXXV
16 & 17 Vict. c. 68. -	Taking the Poll at Elections.	Applied -	XCIV.
16 & 17 Vict. c. 70. -	Proceedings in Lunacy	Applied and amended.	LXXXVI.
16 & 17 Vict. cc. 96. 97.	Lunatics and Lunatic Asylums.	Amended -	CXI.
16 & 17 Vict. c. 107. -	Customs Consolidation Act.	Amended -	LXIII.
17 & 18 Vict. cc. 25. 40.	Industrial and Provident Societies.	Repealed -	LXXXVII.
17 & 18 Vict. c. 81. -	University of Oxford -	Amended -	XXVI.
17 & 18 Vict. c. 91. -	Valuation of Lands (Scotland).	Applied -	CV.
17 & 18 Vict. c. 102. -	Corrupt Practices at Elections.	Continued -	CIX.
17 & 18 Vict. c. 104. -	Merchant Shipping -	Amended -	LXIII.
17 & 18 Vict. c. 117. -	West Indian Encumbered Estates.	Amended -	XLV.
17 & 18 Vict. c. 120. -	Merchant Shipping -	Applied -	XIX.
18 & 19 Vict. c. 90. -	Payment of Costs in Crown Suits.	Extended -	XIV.
18 & 19 Vict. c. 91. -	Merchant Shipping -	Amended -	LXIII.
18 & 19 Vict. c. 105. -	Lunatics and Lunatic Asylums.	Amended -	CXI.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
			25 & 26 Vict. Cap.
18 & 19 Vict. c. 120.-	Metropolis Local Man- agement. }	Applied -	XCIII.
18 & 19 Vict. c. 126.-		Amended -	CII.
	Criminal Justice Admi- nistration.	Applied -	LXIV.
19 & 20 Vict. c. 16. -		Applied -	LXV.
19 & 20 Vict. c. 36. -	Peace Preservation (Ire- land).	Continued -	XXIV.
19 & 20 Vict. c. 75 -	Customs Duties -	Amended -	LXIII.
19 & 20 Vict. c. 103.-	Removal of Nuisances (Scotland).	Amended -	CI.
19 & 20 Vict. c. 112.-	Metropolis Local Man- agement. }	Applied -	XCIII.
		Amended -	CII.
20 Vict. c. 120. -	Sales, &c. of Settled Estates.	Applied -	LIII.
20 & 21 Vict. c. 43. -	Summary Jurisdiction -	Restrained -	LXIII.
20 & 21 Vict. c. 58. -	Valuation of Lands (Scotland).	Applied -	CV.
20 & 21 Vict. c. 61. Sch. B.	Excise on Sugar -	Continued -	LXXXIV.
20 & 21 Vict. c. 70. -	Boundaries of Burghs (Scotland).	Applied -	CV.
20 & 21 Vict. c. 71. -	Lunacy (Scotland) -	Amended -	LIV.
20 & 21 Vict. c. 72. -	Commissioners of Sup- ply (Scotland).	Applied -	XCVII.
20 & 21 Vict. c. 120.-	Finsbury Park -	Continued -	CII.
21 & 22 Vict. c. 27. -	Chancery Amendment -	Applied -	XLII. and XLVI.
21 & 22 Vict. c. 76. -	Titles to Land (Scot- land).	Applied -	XXXVII.
21 & 22 Vict. c. 83. -	Universities of Scotland	Amended -	XXVIII.
21 & 22 Vict. c. 89. -	Lunacy (Scotland) -	Amended -	LIV.
21 & 22 Vict. c. 90. -	Medical Education -	Amended -	XCI.
21 & 22 Vict. c. 96. -	West Indian Encum- bered Estates.	Amended -	XLV.
21 & 22 Vict. c. 100.-	Petty Sessions (Ireland)	Applied -	L.
21 & 22 Vict. c. 104.-	Metropolis Local Man- agement.	Applied -	XCIII.
23 & 24 Vict. c. 64. -	Local Boards of Health	Amended -	C.
23 & 24 Vict. c. 78. -	Bleaching Works -	Amended -	VIII.
23 & 24 Vict. c. 96. -	Police of Towns (Scot- land).	Repealed -	CI.
23 & 24 Vict. c. 112. -	Defence of the Realm -	Explained -	XXXIV.
23 & 24 Vict. c. 114.-	Excise on Spirits -	Explained -	LXXXIV.
23 & 24 Vict. c. 119.-	Weights and Measures (Ireland).	Amended -	LXXXVI.
23 & 24 Vict. c. 138.-	Peace Preservation (I.) Amendment Act.	Continued -	XXIV.
23 & 24 Vict. c. 139. -	Storage of Gunpowder }	Applied -	LXVI.
		Amended -	XCVIII.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
23 & 24 Vict. c. 140. -	Rifle Volunteer Grounds	Amended and applied.	25 & 26 Vict. Cap. XLI.
23 & 24 Vict. c. 143. -	Titles to Land (Scotland).	Applied -	XXXVII.
23 & 24 Vict. c. 144. -	Divorce Court -	Made perpetual.	LXXXI.
23 & 24 Vict. c. 151. -	Coal Mines -	Amended -	LXXIX.
23 & 24 Vict. c. 152. -	Tramways (Ireland) -	Applied -	LXIX.
24 & 25 Vict. c. 5. -	Exchequer Bills -	Amended -	III.
24 & 25 Vict. c. 9. -	Conveyance of Land on Charitable Uses.	Amended -	XVII.
24 & 25 Vict. c. 30. -	New Zealand -	Repealed -	XLVIII.
24 & 25 Vict. c. 35. -	Transfer of Stock, &c. (Ireland).	Amended -	XXI.
24 & 25 Vict. c. 43. -	Summary Procedure in Bills of Exchange (Ireland).	Amended -	XXIII.
24 & 25 Vict. c. 45. -	Piers and Harbours -	Amended and partly repealed.	XIX.
24 & 25 Vict. c. 47. -	Passing Tolls -	Amended -	LXIX.
24 & 25 Vict. c. 80. -	Public Works and Harbours.	Amended -	XXX.
24 & 25 Vict. c. 88. -	Sites for Public Offices	Amended -	LXXIV.
24 & 25 Vict. c. 89. -	Military Forces in India	Continued -	XXVII.
24 & 25 Vict. c. 91. -	Inland Revenue -	Amended -	XXXV.
24 & 25 Vict. c. 96. -	Criminal Law Consolidation.	Amended -	L. and LXIII.
24 & 25 Vict. cc. 97. 99. 100.	Summary Jurisdiction (Ireland).	Applied -	LXIV.
24 & 25 Vict. c. 105. -	Leases of Church Lands	Amended -	L.
24 & 25 Vict. c. 109. -	Salmon Fisheries of England.	Amended -	LII.
24 & 25 Vict. c. 110. -	Dealers in old Metals -	Applied -	XCVII.
24 & 25 Vict. c. 113. -	Industrial Schools -	Applied -	LXIV.
24 & 25 Vict. c. 113. -	Industrial Schools -	Continued -	X.
24 & 25 Vict. c. 120. -	Gunpowder and Fireworks.	Amended -	XCVIII.
24 & 25 Vict. c. 132. -	Industrial Schools (Scotland).	Amended -	X.
24 & 25 Vict. c. 134. -	Bankrupt Law Consolidation.	Amended -	XCIX.
25 & 26 Vict. c. 40. -	African Slave Trade -	Amended -	XC.

NOTE.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
The Acts relating to -	Customs, Excise, and Property and Income Tax.	Amended -	25 & 26 Vict. Cap. XXII.
" "	Improvement of Land (Ireland).	Applied -	XXIX.
" "	Relief of the Poor -	Amended -	XLIII.
" "	Metropolitan Police -	Applied -	LXIV.
" "	Joint Stock, Banking, and other Companies.	Repealed -	LXXXIX. Sch.

THE

STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginae,
Vicesimo Quinto et Vicesimo Sexto.

‘ **A**T the Parliament begun and holden at *Westminster*, the
‘ Thirty-first Day of *May*, Anno Domini 1859, in the
‘ Twenty-second Year of the Reign of our Sovereign Lady
‘ *Victoria*, by the Grace of God of the United Kingdom of *Great*
‘ *Britain and Ireland*, Queen, Defender of the Faith : And from
‘ thence continued by several Prorogations to the Sixth Day of
‘ *February* 1862 ; being the Fourth Session of the Eighteenth
‘ Parliament of the United Kingdom of *Great Britain and*
‘ *Ireland*.’

C A P. I.

An Act to apply the Sum of Nine hundred and seventy-
three thousand seven hundred and forty-seven Pounds out
of the Consolidated Fund to the Service of the Year
ending the Thirty-first Day of *March* One thousand eight
hundred and sixty-two. [10th *March* 1862.]

C A P. II.

An Act to apply the Sum of Eighteen Millions out of the
Consolidated Fund to the Service of the Year One thou-
sand eight hundred and sixty-two. [24th *March* 1862.]

C A P. III.

An Act to amend an Act, intituled *An Act to amend the*
Law relating to Supply Exchequer Bills, and to charge the
same on the Consolidated Fund ; and to repeal all Provi-
sions by which Authority is given to the Commissioners
of Her Majesty's Treasury to fund Exchequer Bills.
[24th *March* 1862.]

‘ **W**HEREAS by an Act passed in the last Session of Parlia-
‘ ment, Chapter Five, it is enacted, that whenever Payment
‘ of the Principal Moneys of any Exchequer Bills authorized to
‘ be made out and issued under the Provisions of the said Act
‘ shall
24 & 25 Vict.
c. 5.
25 & 26 Vict. A shall

Exchequer Bills.

1

‘ shall be claimed, and shall be paid to the Holder thereof, and
 ‘ whenever any Exchequer Bills shall, under the Authority of
 ‘ the said Act, be paid in for Duties granted to Her Majesty, it
 ‘ shall be lawful for the Commissioners of Her Majesty’s Treas-
 ‘ ury to order the Preparation and Issue of a like Amount of
 ‘ Exchequer Bills to be prepared and issued in place of the Ex-
 ‘ chequer Bills so paid off, and so paid in for Duties: And
 ‘ whereas it is expedient to provide that no Exchequer Bills
 ‘ shall be so prepared and issued in place of such Exchequer Bills
 ‘ so paid off, and so paid in for Duties, at any Period after the
 ‘ Expiration of the financial Year during which such Exchequer
 ‘ Bills shall have been paid off or paid in for Duties: And
 ‘ whereas by an Act passed in the Ninth Year of the Reign of
 ‘ King *George* the Fourth, Chapter Ninety-two, certain Powers
 ‘ and Authorities are given to the Commissioners of Her Majesty’s
 ‘ Treasury to create permanent Annuities chargeable upon the
 ‘ Consolidated Fund in lieu of Exchequer Bills held by the Com-
 ‘ missioners for the Reduction of the National Debt under the
 ‘ Authority of that Act, and to cancel such Exchequer Bills in
 ‘ consideration of the permanent Annuities so created in lieu
 ‘ thereof; and it is expedient that such Powers and Authority
 ‘ shall cease and determine.’ 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 :

9 G. 4. c. 92.

Limitation of
 Authority for
 Re-issue of
 Bills.

1. The Authority granted by the said first-recited Act shall be limited to and shall not extend beyond the Year commencing on the First Day of *April* and ending on the Thirty-first Day of *March* then next immediately following during which any such Exchequer Bills shall be paid off or paid in for Duties, and shall thereupon be cancelled.

Powers for
 Creation of
 Annuities, &c.
 repealed.

2. The several Powers and Authorities vested in the Commissioners of Her Majesty’s Treasury in relation to the Creation of permanent Annuities, and to the cancelling of Exchequer Bills by the said second-recited or by any other Act are hereby repealed, and shall cease and determine on and after the passing of this Act.

Payment to the
 Bank of Eng-
 land for Ma-
 nagement.

3. There shall be paid to the Governor and Company of the Bank of *England* out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof, for the Management of the Unredeemed Public Debt in Exchequer Bills, for the Year commencing on the First Day of *December* One thousand eight hundred and sixty-one, an Allowance at the Rate of One hundred Pounds for every Million of Exchequer Bills which were outstanding on that Day; and such Payment shall be made on the First Day of *December* One thousand eight hundred and sixty-two; and the Allowance for Management of Exchequer Bills shall be computed and paid in like Manner in every succeeding Year, until Parliament shall otherwise direct.

Outstanding
 Exchequer

4. All Exchequer Bills, charged on Supplies granted by Parlia-
 ment, which shall be outstanding after the Thirty-first Day

*Exchequer Bills.**Officers Commissions.*

of *March* One thousand eight hundred and sixty-two, and the Interest thereon, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Authority to pay the Principal and Interest of such Exchequer Bills out of any Supplies appropriated by Parliament to such Purposes shall thenceforth cease and determine.

Bills charged on Consolidated Fund.

C A P. IV.

An Act to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto. [11th April 1862.]

‘ **W**HEREAS every Officer appointed or promoted by Her Majesty in Her Land Forces or Marines, and every Adjutant or Quartermaster in Her Militia or Volunteer Forces, receives a Commission from Her Majesty with Her Royal Sign Manual thereon: And whereas in the Case of Her Majesty's Land Forces, before such Commissions are prepared in or issued from the Office of the Secretary of State, each Officer has been appointed or promoted by Her Majesty, under Her Royal Sign Manual, to the Rank for which a Commission afterwards issues under Royal Sign Manual, and has been gazetted to his Appointment or Promotion, and has entered on the Duties and received the Pay or Emolument thereof according to the Rank to which he has been so appointed or promoted by Her Majesty: And whereas it is expedient to regulate from Time to Time the Mode of authenticating Commissions granted by Her Majesty: 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:

L That it shall be lawful for Her Majesty, by Order in Council, from Time to Time, as Occasion may require, to direct that all or any Commissions for Officers prepared or to be prepared under the Authority of Her Majesty's Royal Sign Manual may be afterwards issued without Her Royal Sign Manual, but having thereon, in the Case of Her Majesty's Land Forces, except as herein-after mentioned, the Signatures of the Commander-in-Chief or the General commanding in chief, and of One of Her Majesty's Principal Secretaries of State, and in the Case of the Royal Marines of the Lords Commissioners of the Admiralty, and in the Case of Military Chaplains, Commissariat and Store Officers, and of Adjutants and Quartermasters in the Militia and Volunteer Forces, of One of Her Majesty's said Principal Secretaries; and that every such Commission issued and signed in pursuance of such Order in Council shall be conclusive Evidence that the Officer named in any such Commission has been appointed or promoted by Her Majesty to the Rank or Office named therein.

Officers Commissions in the Army, &c. may be issued without Her Majesty's Royal Sign Manual being affixed thereto.

*Officers Commissions.**Mutiny.*

Nothing to affect Her Majesty's Right to sign Commissions.

2. Nothing herein contained shall be construed to prevent Her Majesty from signing any Commission, or to prevent any Commission so signed from having the same Validity and Effect as if this Act had not passed.

C A P. V.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[11th April 1862.]

[*The Sections now printed are either entirely new or have been materially altered.*]

Number of Men to consist of 145,450, exclusive of 6,688 Officers and Men, being Depôts of Regiments in India stationed in Great Britain, but including Officers and Men recruiting for the same.

‘ **W**HEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain and Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and forty-five thousand four hundred and fifty Men, exclusive of Six thousand six hundred and eighty-eight Officers and Men, being the Depôts of Regiments in *India* stationed in *Great Britain*, and exclusive of the Officers and Men belonging to the Regiments and other Corps employed in Her Majesty's *East Indian Possessions*, but including the Officers and Men of the Troops and Companies recruiting for those Regiments and Corps: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow:’ 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:

Persons subject to this Act.

2. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, other than Officers and Soldiers belonging to Her Majesty's *Indian Forces*, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to the Officers and Soldiers belonging to Her Majesty's *Indian Forces*, while such

Mutiny.

Officers or Soldiers shall be in any Part of the United Kingdom, and to Persons who are or shall be hired to be employed in the Royal Artillery, Royal Engineers, and Military Store Department, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff or in the Commissariat Staff Corps, or in the Military Store Department, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five), to any Outpensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

18. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain and Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain and Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England or Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland*, to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England*; and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England*, and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England*; and the Person in whose Custody such Offender shall at that

As to Execution of Sentences of Penal Servitude in the United Kingdom.

Mutiny.

Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Penal Servitude in the Colonies, the East Indies, the Ionian Islands, or elsewhere out of Her Majesty's Dominions.

19. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within

Mutiny.

within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively: In the *Ionian Islands* and elsewhere out of Her Majesty's Dominions, the Officer commanding shall have Power to make an Order in Writing for the Penal Servitude or intermediate Custody of such Offender; and such Offender shall be liable by virtue of such Order to be imprisoned and kept to Hard Labour and otherwise dealt with under the Sentence of the Court in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Place where he may be ordered to be kept in such intermediate Custody, or in the Place to which he may be removed for the Purpose of undergoing his Sentence of Penal Servitude.

26. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be clearly seen, and not liable to be obliterated; a Court-martial recommending that an Offender be discharged with Ignominy may also recommend that he be marked on the Right Breast with the Letters B. C., and such Recommendation may legally be carried into effect by the Military Authorities.

Marking Deserters, or Soldiers discharged with Ignominy.

31. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of the United Kingdom, it shall be lawful for the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder

As to the Removal of Prisoners.

Mutiny.

or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial ; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any public Prison other than such Military Prison as aforesaid, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the General commanding in chief or the Adjutant General of Her Majesty's Forces in the Case of any such Prisoner, and for the Commander-in-Chief in *India* in the Case of any Prisoner so confined in any Part of Her Majesty's *Indian* Dominions, and for the General commanding in chief in any Presidency in *India* in the Case of a Prisoner so therein confined, and for the Officer commanding in chief or the Officer who confirmed the Proceedings of the Court at any Foreign Station in the Case of a Prisoner so there confined, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial ; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction either within the United Kingdom or elsewhere to some other Prison or Place either in the United Kingdom or elsewhere, the Officer who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released ; and such Governor, Provost Marshal, Gaoler or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose ; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, or in the *Ionian Islands*, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military Custody as may be lawfully exercised by any of the Military Authorities above mentioned in respect of any Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions ; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned,

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be discharged or delivered over, as the Case may be : Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence for whatever Purpose such Detention shall take place ; and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

33. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall forthwith, or as soon as may be, give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, Notice of the Day and Hour on which the Imprisonment of such Person will expire.

Expiration of
Imprisonment
of Soldiers in
Common Gaols.

36. Any Recruit for Her Majesty's Army who, having been attested or received Pay other than Enlisting Money, shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, forfeit his personal Bounty, and be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty.

Desertion of
Recruits prior
to joining their
Regiments or
Corps.

40. Any Person attested for Her Majesty's Army or Her Majesty's *Indian Army*, or serving on the permanent Staff of the Disembodied Militia other than as a Commissioned Officer, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of absenting himself from his Service, or neglecting to fulfil his Contract, or otherwise misconducting himself respecting the same, or the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit ; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever,

Soldiers liable
to be taken out
of Her Ma-
jesty's Service
only for
Felony, Misdemeanor, or for
Debts amount-
ing to 30*l.* and
upwards.

Soldiers not
liable to be
taken out of
Her Majesty's

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Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, or misconducting himself respecting the same, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Enlistment and Re-enlistment, and Transfer to another Corps abroad.

52. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or in any Colony for any other Person duly authorized in that Behalf by the Governor or Officer administering the Government of such Colony, or in the *Ionian Islands* for any Person duly authorized in that Behalf by the Lord High Commissioner,

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Commissioner, or in Her Majesty's Dominions in *India* for any Person duly authorized in that Behalf by the Governor General or Lieutenant Governor or other Officer administering the Government of any Presidency, Division, or Province, or within the Territories of any Foreign State in *India* for the Person performing the Duties of the Office of *British* Resident therein, or for any other Person duly authorized in that Behalf by the Governor General, to enlist and attest or to re-engage within the local Limits of their several Authorities any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Army or Her Majesty's *Indian* Army; and any such Magistrate or Person as aforesaid shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; but no such Magistrate or other Person authorized to enlist and attest as above mentioned shall be a General Officer or hold any Regimental Commission; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so attested shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain or for Her Majesty's *Indian* Forces; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier.

54. Any Soldier at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, may, with the Consent of his Commanding Officer, or any Person having been a Soldier, after having received his Discharge may, if approved by competent Military Authority as a fit Person for Her Majesty's Service, be re-engaged to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry, and Nine Years in the Artillery or Engineers, upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Service.

76. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanors and Offences herein-before mentioned; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct,

Re-engagement of Soldiers or of Persons having been Soldiers for a further Term.

Ordinary Course of Criminal Justice not to be interfered with. Punishment of Officers obstructing Civil Justice.

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obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain and Ireland* or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for inducing Soldiers to desert.

81. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justices shall think fit.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

83. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to

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be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Fifty Lashes, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Twenty-five Lashes; or if such Soldier shall, within Forty-eight Hours of the Expiration of his original or of any additional Sentence, be guilty of any Offence against the Rules of the Prison, he may for every such Offence, on Conviction thereof by a Board or by a single Visitor, be ordered to be kept in Prison for a Period not exceeding Seventy-two Hours in either a dark or light Cell, and with or without Hard Labour or Solitary Confinement, on a Bread and Water Diet, or otherwise; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

92. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy

Mode of recording a Soldier's Settlement.

Mutiny.

of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Duration of
this Act.

98. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-three; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-two inclusive until the First Day of *May* One thousand eight hundred and sixty-three; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-two inclusive until the First Day of *August* One thousand eight hundred and sixty-three; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and sixty-two inclusive to the First Day of *September* One thousand eight hundred and sixty-three; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and sixty-three inclusive until the First Day of *January* One thousand eight hundred and sixty-four; and shall be and continue in force within *British Columbia* and *Vancouver's Island*, from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and sixty-four, and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-four inclusive until the First Day of *February* One thousand eight hundred and sixty-five: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

*Mutiny.**Marine Mutiny.*

SCHEDULE referred to by the foregoing Act.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of _____ in the
 County of _____, do solemnly and sincerely declare,
 That to the best of my Knowledge and Belief I was born in the
 Parish of (a) _____ in or near the Town of (b) _____ in
 the County of (c) _____, and am _____ Years of Age ;
 that I am of the Trade or Calling of _____ [or of no Trade
 or Calling, *as the Case may be*] ; that I am not an Apprentice ;
 that I am not married ; that I do not belong to the Militia, or to
 the Naval Coast Volunteers, or to any Portion of Her Majesty's
 Land or Sea Forces ; that I have never served Her Majesty by
 Land or Sea in any Military or Naval Employment whatsoever,
 except _____ ; that I have never been marked with the
 Letter D ; that I have never been rejected as unfit for Her
 Majesty's Service on any previous Enlistment ; that I was enlisted
 at _____ on the _____ Day of _____ 186 ,
 at _____ o'Clock _____ M. by _____ of _____, and
 that I have read [or had read to me] the Notice then given to
 me and understood its Meaning ; that I enlisted for a Bounty
 of _____ and a free Kit, and have no Objection to make to the
 Manner of my Enlistment ; that I am willing to be attested to
 serve in the _____ Regiment of _____ [instead of the Words " in
 " the _____ Regiment," any Words may be substituted which are
 applicable to the Case in or for whatever Part of Her Majesty's
 Dominions the Enlistment may be made] for the Term of [the
 Blank after the Words " Term of " to be filled up with Ten
 Years for Infantry and Twelve for Cavalry or Artillery or other
 Ordnance Corps, if the Person enlisted is of the Age of Eighteen
 Years or upwards ; but if under that Age, then the Difference
 between his Age and Eighteen is to be added to such Ten or
 Twelve Years (as the Case may be)], provided Her Majesty
 should so long require my Services, and also for such further
 Term, not exceeding Two Years, as shall be directed by the
 Commanding Officer on any Foreign Station.

Signature of Recruit.

Signature of Witness.

Note (a), (b), (c). These Blanks need not be filled up if the
 Recruit is unable to give the requisite Information.

C A P. VI.

An Act for the Regulation of Her Majesty's Royal Marine
 Forces while on shore. [11th April 1862.]

[The Sections now printed are either entirely new or have been
 materially altered.]

20. If any Person who is or shall be commissioned or in Pay
 as an Officer of Royal Marines, or who is or shall be listed or in
 Pay as a Non-commissioned Officer, Drummer, or Private Man
 in Her Majesty's Royal Marine Forces, shall at any Time during
 the _____ Crimes punishable with
 Death.

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the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert from Her Majesty's Royal Marine Forces; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

23. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any

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Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid by Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient

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sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland* to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England*, and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England* and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England*.

Marking
Deserters or
Marines dis-
charged with
Ignominy.

39. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked, Two Inches below and One Inch in rear of the Nipple of the Left Breast, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be clearly seen and not liable to be obliterated; a Court-martial recommending that an Offender be discharged with Ignominy may also recommend that he be marked on the Right Breast with the Letters B.C., and such Recommendation may legally be carried into effect by the proper Authorities.

Expiration of
Imprisonment
in Common
Gaols.

46. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, specifying the Day and Hour of the Day on and at which he is to be released; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, or the Officer commanding at the nearest Head Quarters of the Royal Marines, or the Officer commanding Her Majesty's Ship to which any such Marine may belong, shall, by Writing under his Hand, direct that such Marine be delivered to some other Officer or Person, in which Case he shall be delivered to such other Officer or Person accordingly, and the Officer or

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Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine, and if such Gaoler or other Person as aforesaid has conducted or conveyed any such Marine specifying the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of One Shilling *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

51. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry, and to remand the said suspected Person, in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained; and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Dépôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed

Apprehension
of Deserters.

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in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that when any Person shall be apprehended and committed as a Deserter in any such Foreign Dominions, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in such Part, or if the Detachment be in such Part, the Justice may deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law; and such Sum of Twenty Shillings, and such Fees of Two Shillings, and Two Shillings and Sixpence, and all Charges and Expenses for conducting such Deserter to any Prison or Police Station and to Head Quarters or Depôt, shall be charged against any Wages or Pay of such Deserter.

Fraudulent
Confession of
Desertion.

54. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or Her Majesty's *Indian* Forces, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's

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Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England* or *Ireland*, of an Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of Queen *Victoria*, intitled *An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing

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fessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment
for inducing
Marines to
desert.

55. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure or persuade any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months, as the convicting Justices shall think fit.

As to Re-
enlistment
abroad.

70. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or for the Officer commanding any Ship or Vessel of Her Majesty on the Books of which any Marine may be borne, or on board of which any such Marine may be, or, notwithstanding anything in this Act contained, for the Commanding Officer of any Battalion or Detachment of Royal Marines, whether borne on the Books of any One of Her Majesty's Ships or otherwise, to re-engage or enlist and attest out of *Great Britain or Ireland* any Marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer, Justice, or Magistrate a fit Person to continue in Her Majesty's Service, and every such Commanding Officer, Justice, or Magistrate shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices of the Peace in the United Kingdom for all such Purposes of Enlistment and Attestation, and any Marine so re-enlisted or re-engaged shall be deemed to be an attested Marine.

Duration of
Act.

99. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-three inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-two until the First Day of *May* One thousand eight hundred and sixty-three inclusive; and within the Garrison of *Gibraltar* and within the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-two until the First Day of *August* One thousand eight hundred and sixty-three inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good*

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Hope, from the First Day of *September* One thousand eight hundred and sixty-two until the First Day of *September* One thousand eight hundred and sixty-three inclusive; and in all other Places from the First Day of *February* One thousand eight hundred and sixty-three until the First Day of *February* One thousand eight hundred and sixty-four inclusive: Provided always, that this Act shall from and after the Receipt and Pronunciation thereof, in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of in the
County of , do solemnly and sincerely declare,
That to the best of my Knowledge and Belief I was born in the
Parish of (a) in or near the Town of (b) in
the County of (c) , and am Years of Age; that
I am of the Trade or Calling of [or of no Trade
or Calling, *as the Case may be*]; that I am not an Apprentice;
that I am married [or not married, *as the Case may be*]; that I
do not belong to the Militia, or to the Naval Coast Volunteers, or
Royal Naval Volunteers, or to any Portion of Her Majesty's Land
or Sea Forces; that I have never served Her Majesty by Land
or Sea in any Military, Marine, or Naval Employment whatsoever,
except ; that I have never been marked with
the Letter D; that I have never been rejected as unfit for Her
Majesty's Service on any previous Enlistment; that I was en-
listed at on the Day of 186 ,
at o'Clock M. by of , and
that I have read [or had read to me] the Notice then given to
me and understood its Meaning; that I enlisted for a Bounty
of and a free Kit [*as the Case may be*], and have
no Objection to make to the Manner of my Enlistment; that I
am willing to be attested to serve in the Royal Marines for the
Term of [*the Blank after the Words "Term of" to be filled up
with Twelve Years, if the Person enlisted is of the Age of
Eighteen Years or upwards; but if under that Age, then the
Difference between his Age and Eighteen is to be added to such
Twelve Years*], provided Her Majesty should so long require my
Services, and also for such further Term, not exceeding Two
Years, as shall be directed by the Commanding Officer on any
Foreign Station.

Signature of Recruit.

Signature of Witness.

Note (a), (b), (c).—These blanks need not be filled up if the Recruit is unable to give the requisite Information.

India Stocks Transfer.

C A P. VII.

An Act to provide for the Registration and Transfer of *India* Stocks at the Bank of *Ireland*, and for the mutual Transfer of such Stocks from and to the Banks of *England* and *Ireland* respectively. [11th April 1862.]

WHEREAS by an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and two, the Secretary of State in Council of *India* was authorized from Time to Time to make such Arrangements with the Governor and Company of the Bank of *England* as should be deemed expedient for the Payment of Debts and Obligations of the Government of *India*, and of the Interest thereon, and for the Creation and Registration and for the Transfer of and the Payment of Interest on any Stock into which any such Obligations might be convertible: And whereas certain Arrangements have been made under the Authority of the said Act, and in pursuance of such Arrangements the Stocks in certain Loans secured by and chargeable on the Revenues of *India*, and the Transfers thereof, are registered at the Bank of *England*, and the Dividends thereon are paid at such Bank: And whereas it is expedient that Provision should be made so as to enable the Transfer of Stock raised in the United Kingdom on the Credit of the Revenues of *India* to the Bank of *Ireland*, and for the Registration and Transfer of and the Payment of Dividends on such Stock so transferred at such last-mentioned Bank: And whereas it is expedient to make Provision for the mutual Transfer of such Stock from and to the Bank of *England* and the Bank of *Ireland* respectively: 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:

Interpretation
of Expression
"India Stock."

1. In this Act the Expression "*India* Stock" means Stock created or to be created for the raising of Money in the United Kingdom on the Credit of the Revenues of *India*, but does not include the Stock commonly known by the Name of *East India* Stock.

Power to
transfer *India*
Stock from the
Books of the
Bank of *Eng-
land* to the
Books of the
Bank of *Ire-
land*.

2. From and after the passing of this Act it shall and may be lawful for any Person or Persons holding any *India* Stock transferable at the Bank of *England*, upon making Application in the Manner herein-after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of *Ireland*, and to be transferable at such Bank; and the Dividends on the Stock so transferred shall be payable half-yearly at the Bank of *Ireland* on the same Days on which such Dividends would have been payable at the Bank of *England* if the said Stock had never been so transferred.

India Stocks Transfer.

3. The several Stocks so transferred, or any Share or Interest therein, and the proportional Dividend attached thereto respectively, shall be assignable and transferable at the Bank of *Ireland*, as directed by this Act, and not otherwise; and there shall be kept at the Bank of *Ireland* within the City of *Dublin* a Book or Books wherein all Assignments or Transfers of any Part of the several Stocks and the proportional Dividends attached thereto respectively shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent by his, her, or their Attorney or Attornies, thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses, and the Person or Persons to whom any such Assignment or Transfer shall be made, or, in case of Absence, his, her, or their Attorney or Attornies thereunto lawfully authorized as aforesaid, shall respectively underwrite his, her, or their Acceptance thereof; and no other Method of assigning or transferring any such Stock and the Dividend attached thereto, or any Interest therein, at the Bank of *Ireland*, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged upon the said Assignments or Transfers or any of them.

Assignments or Transfers of Stock so transferred may be made at the Bank of Ireland.

4. It shall and may be lawful for any Person or Persons holding any *India* Stock transferable at the Bank of *Ireland*, upon making Application in the Manner herein-after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of *England*, and to be transferable at such Bank.

Power to transfer *India* Stock from Bank of *Ireland* to Bank of *England*.

5. Notwithstanding anything herein-before contained to the contrary, it shall not be lawful for any Person to make any Transfer of any Stock from the Bank of *England* to the Bank of *Ireland*, or from the Bank of *Ireland* to the Bank of *England*, under the Provisions of this Act, at any Time within Three clear Days before the Day on which the Books shall be closed for the Purpose of striking the Balances of the several Accounts for the Purpose of calculating the half-yearly Dividend, or within such other Period as the Governor and Company of the Bank of *England*, in concurrence with the Governor and Company of the Bank of *Ireland*, may from Time to Time prescribe.

No Transfer shall be made within a certain Period before the closing Day.

6. Any Person or Persons holding *India* Stock transferable at the Bank of *England* or at the Bank of *Ireland* respectively, and desiring to transfer the same so as to make such Stock transferable at the Bank of *Ireland* or at the Bank of *England* respectively, shall apply in Writing, or cause Application in Writing to be made by some Person on his, her, or their Behalf, to the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively at which such Stock shall be transferable, for Permission to transfer or cause to be transferred such Stock for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company

Application to be made to the Banks of *England* and of *Ireland* for Permission to transfer from the one to the other, and upon such Transfers being made Certificates to be granted.

India Stocks Transfer.

pany of the Bank of *Ireland* or into the Books of the Governor and Company of the Bank of *England* respectively, as the Case may require, and such Application shall be according to such Form as shall be established by the Governor and Company of the Bank of *England* in concurrence with the Governor and Company of the Bank of *Ireland*, and shall be the same in all Cases, and upon such Application having been made, and upon such Person or Persons transferring the Stock or causing the same to be transferred into the Name of the Accountant General of the Bank of *England* or Bank of *Ireland* respectively, at which it shall be desired that such Stock shall be transferred, it shall and may be lawful for the Governor or Deputy Governor of the Bank of *England* or for the Governor or Deputy Governor of the Bank of *Ireland*, as the Case may require, or for the Accountant General or Deputy Accountant General of such Governor and Company, or for the Secretary or Assistant Secretary of such Governor and Company for the Time being, and they are hereby respectively authorized and required to grant a Certificate to the Person or Persons making such Transfer, or on whose Behalf such Transfer shall have been made, directed to the Governor and Company of the Bank of *Ireland* or the Governor and Company of the Bank of *England* to which it shall be desired that such Stock shall be transferred, and such Certificate shall be according to such Form as shall be established by the Governor and Company of the Bank of *England*, in concurrence with the Governor and Company of the Bank of *Ireland*, and shall be the same in all Cases; and such Certificate shall state that the Person or Persons therein mentioned has or have transferred or caused to be transferred at the Bank of *England* or the Bank of *Ireland*, as the Case may be, the Stock therein described, to the Accountant General of the Bank of *England* or the Bank of *Ireland*, as the Case may be, for the Purpose of having the Amount of such Stock written in the Name or Names of such Person or Persons into the Books of the Governor and Company of the Bank of *Ireland* or of the Governor and Company of the Bank of *England*, as the Case may be, and shall describe such Stock, and specify the Amount thereof, and thereupon the Amount of the Stock comprised in such Certificate shall be written off the Account of the Accountant General of the Bank of *England*, or the Account of the Accountant General of the Bank of *Ireland*, by an Entry made in conformity with such Certificate.

7. In every Case where any Transfer for the Purposes of this Act shall be made at the Bank of *England* the Governor and Company of the said Bank shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of *Ireland* on the same Day on which such Transfer shall be made; and in like Manner in every Case where any Transfer for the Purposes of this Act shall be made at the Bank of *Ireland* the Governor and Company of the Bank of *Ireland* shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of *England* on the same Day on which such Transfer shall be made.

Notices of Transfers to be sent to the Bank into which the Stock is to be transferred.

India Stocks Transfer.

8. A Book or Books shall be provided and kept by the Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland* at the Bank of *England* and Bank of *Ireland* respectively, in which shall be fairly entered the Names of all Persons making any Transfer of any Stocks to the Accountant General of the said Banks respectively, under the Provisions of this Act, to which Book or Books it shall and may be lawful for all Persons making any such Transfer, their respective Executors, Administrators, and Assigns, from Time to Time and at all reasonable Times to resort, and to inspect the same, without any Fee or Charge.

Books to be provided for entering Transfers under this Act at the Banks of England and Ireland.

9. Whenever any Transfer shall be made of any Stock for the Purposes of this Act at the Bank of *England* or at the Bank of *Ireland* respectively, then and in every such Case, upon the Production of a Certificate of the Governor or Deputy Governor of the Bank of *England* or of the Governor and Company of the Bank of *Ireland* at which any such Transfer shall have been made, or of the Accountant General or Deputy Accountant General, or of the Secretary or Assistant Secretary of such Governor and Company respectively, granted according to the Directions of this Act, the Governor and Company of the Bank of *Ireland* or the Governor and Company of the Bank of *England* respectively are hereby authorized and required to write or cause to be written into the Books of such Bank of *Ireland* or Bank of *England* respectively, as the Case may require, relating to Stock of the same Denomination, the Amount of Stock specified in such Certificate; and such Amount of Stock shall be written accordingly, transferable under the Provisions of this Act at the Bank of *Ireland* or Bank of *England* respectively, as the Case shall require, and shall be payable and transferable at such Bank of *England* or Bank of *Ireland* respectively; and every such Amount of Stock so written into the Books of the Bank of *Ireland* or of the Bank of *England* respectively shall be entitled to Interest or Dividend payable at the Bank to which such Transfer shall have been made, except as to Stock which shall have been transferred after the closing and before the Dividend shall become payable, in which Case the Party making the Transfer shall receive the current Dividend at the Bank from which such Transfer shall have been made.

On Production of Certificate from the Bank where the Transfer is made, the Bank to which the Transfer is made shall write the Amount of Stock into their Books.

10. The Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland*, upon making up their Books preparatory to the Payment of each and every half-yearly Interest or Dividend upon any Stocks transferable under this Act, shall certify to the Secretary of State in Council of *India*, or to such Officer or Officers as the Secretary of State in Council of *India* shall direct, the Amounts of such Stocks which shall then be written in the Books of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, and shall be transferable at such Banks respectively under the Provisions of this Act; and upon the Receipt of such Certificates the Secretary of State in Council of *India* is hereby authorized and required to pay to the Governor

Banks to certify to the Secretary of State in Council of *India* the Amount of Stock written in their Books prior to Dividend, and the Interest to be paid to them by such Secretary of State.

India Stocks Transfer.

and Company of the Bank of *England* and to the Governor and Company of the Bank of *Ireland*, or into the Bank of *England* to the Account of the Governor and Company of the Bank of *Ireland*, respectively, the Amount of all Interest or Dividends then being or becoming payable upon such Amounts of Stocks as are specified in such Certificates respectively.

Remuneration for Services under this Act to be paid to the Bank of Ireland.

11. In addition to the Amount of Interest or Dividend which shall from Time to Time be paid to the Governor and Company of the Bank of *Ireland* under the last Provision, the Secretary of State in Council of *India* shall at the same Time pay to the Governor and Company of the Bank of *Ireland*, or to the Account of such Governor and Company at the Bank of *England*, as a Remuneration for their Services in the Execution of this Act, such Sum as shall from Time to Time be fixed as the Amount of such Remuneration under any Arrangement or Agreement to be made between the Secretary of State in Council of *India* and the Governor and Company of the Bank of *Ireland*.

Duplicates may be granted of Certificates lost or destroyed.

12. In case of the Loss or Destruction of any Certificate of the Governor or Deputy Governor, Accountant General, or Deputy Accountant General, Secretary or Assistant Secretary of the Bank of *England* or of the Bank of *Ireland* respectively, granted for the Purposes of this Act, it shall and may be lawful for any such Governor or Deputy Governor, Accountant General or Deputy Accountant General, Secretary or Assistant Secretary, and they are hereby respectively authorized and empowered, upon Proof of such Loss or Destruction to their Satisfaction, to grant a Duplicate of such Certificate, and such Duplicate shall be full and sufficient Authority for the Purposes of this Act, and shall stand in the Place and Stead of the original Certificate, if such original Certificate shall not have been previously found and acted upon: Provided always, that upon any Loss or Destruction or alleged Loss or Destruction of any such original Certificate, and on the Production of any such Duplicate Certificate, it shall and may be lawful for the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland* respectively, and they are hereby authorized and required, to demand and take from the Party or Parties tendering any such Duplicate full and sufficient Security to Her Majesty, Her Heirs and Successors, to indemnify such Governor and Company against the Production of or any Claim which shall be made under or by virtue of any such original Certificate so lost or destroyed, or alleged to have been lost or destroyed; and if at any Time after the Time when a duplicate Certificate shall have been produced and acted upon under this Act the Original of such Certificate shall be tendered to the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, it shall and may be lawful for such Governor and Company and they are hereby authorized and required to detain such original Certificate, and to cancel the same, and to transmit the same so cancelled to the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, as the Case may be, by or on whose Behalf such Certificate shall

Bleachfields (Women and Children Employment).

have been given, and to deliver up such Security as shall have been entered into touching the said original Certificate to the Party or Parties entering into such Security, or such of them as shall require the same.

13. The Governor and Company of the Bank of *Ireland* shall be at liberty to close their Books for Transfer of *India* Stock on any Day in the Month prior to the Days for Payment of the half-yearly Dividends on such Stock, such Day to be fixed or agreed on between the Bank of *England* and the Bank of *Ireland*; provided, however, that the Period for which the same shall be closed shall not exceed Fifteen Days, and the Person or Persons who on the Day of such closing shall appear in the said Books to be the Proprietor or Proprietors thereof shall be entitled to the current Dividend thereon.

Power to Bank of Ireland to close Books for Transfer.

14. If any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any Certificate or duplicate Certificate required by this Act, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Certificate, with Intent to defraud the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, or any Body Politic or Corporate, or any Person or Persons whomsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being convicted thereof in due Form of Law, shall be adjudged guilty of Felony.

Persons forging, &c. Certificates guilty of Felony.

15. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving any such Certificate or duplicate Certificate, or for paying Interest or Dividend, or for any Transfer of any Sum to be made in pursuance of this Act, upon Pain that any Officer or Person offending by taking or demanding any such Fee or Reward or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Complaint, or Information in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* respectively.

No Fee, &c. to be taken for receiving Certificates, or paying Dividends, &c. on Penalty of 20*l.*, with Costs of Suit.

C A P. VIII.

An Act to prevent the Employment of Women and Children during the Night in certain Operations connected with Bleaching by the open-air Process. [11th April 1862.]

‘ WHEREAS it is the Practice of a few Occupiers of Bleach
‘ Fields or Works in which the Operation of Bleaching
‘ by the open-air Process is the only Operation of Bleaching
‘ carried on, and which consequently are not regulated by the
‘ Provisions of the Act of the Twenty-third and Twenty-fourth

Sir John Soane's Museum.

' Years of *Victoria*, Chapter Seventy-eight, to employ Females
' unnecessarily during the Night in Processes in which mecha-
' nical Power is used: And whereas the Exemption accorded to
' such Works in virtue of the First and Seventh Clauses of the
' said recited Act was not intended to give Sanction to a Prac-
' tice (so injurious to the Health and Morals of the Persons so
' employed): Be it therefore enacted by the Queen's most Excel-
lent 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:

Women and
Children not to
be employed
during the
Night.

1. That from and after the First Day of *January* One thousand eight hundred and sixty-three, in any Building, Buildings, or Premises in One or more of which any Process previous to packing is carried on in the Occupation of bleaching, dyeing, or finishing of any Yarn or Cloth of Cotton, Silk, Wool, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, including the Occupation of Bleaching by the open-air Process as defined in the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Seventy-eight, and in One or more of which Processes Steam or Water or other mechanical Power is used or employed, it shall not be lawful to employ Females, young Persons, and Children, or any of them, during the Night; that is to say, from Eight of the Clock in the Evening to Six of the Clock in the Morning, excepting to recover lost Time in the Manner provided by "The Bleaching and Dyeing Works Act," Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-eight.

Application of
Powers, &c. of
7 & 8 Vict. c. 15.
to this Act.

2. For the due Enforcement of this Act, there shall be applicable all the Powers, Provisions, and Penalties of the Act of the Seventh and Eighth Years of *Victoria*, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories*.

C A P. IX.

An Act to enable the Trustees of *Sir John Soane's Museum* to send Works of Art to the International Exhibition, 1862. [11th April 1862.]

3 & 4 W. 4. c. 4.
(Priv.)

' **W**HEREAS by a Private Act passed in the Third Year of
' the Reign of King *William* the Fourth, Chapter Four,
' and intituled *An Act for settling and preserving Sir John*
' *Soane's Museum, Library, and Works of Art in Lincoln's Inn*
' *Fields in the County of Middlesex, for the Benefit of the Pub-*
' *lic, and for establishing a sufficient Endowment for the due*
' *Maintenance of the same*, a Museum was established in *Lin-*
' *coln's Inn Fields* by the late *Sir John Soane of Chelsea* in
' the County of *Middlesex*, for the Preservation and Maintenance
' for public Use of, among other valuable Effects, the *Belzoni*
' *Sarcophagus*, a Library of Books and Manuscripts, Prints,
' Drawings, Pictures, Models, and various other Works of Art
' that had been collected by him: And whereas the said Works

Industrial Schools Acts (1861) Amendment.

‘ of Art are vested in a Body of Trustees incorporated by the
 ‘ said Act, under the Name of “ The Trustees of Sir *John Soane’s*
 ‘ Museum :” And whereas Doubts are entertained whether the
 ‘ said Trustees have Authority under the said Act to lend any of
 ‘ the Works of Art belonging to the said Museum for the Pur-
 ‘ pose of being exhibited at the International Exhibition, 1862 ;
 ‘ and it is expedient that such Doubts should be removed :’ 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 :

L It shall be lawful for the Trustees of Sir *John Soane’s*
 Museum, without being deemed guilty of a Breach of Trust or
 incurring any Responsibility, to lend to the Commissioners for
 the Exhibition of 1862, for the Purposes of being exhibited at
 the said Exhibition, the Pictures, Prints, and other Works of Art
 belonging to the said Museum, or any of them.

Power to
 Trustees to
 lend Works
 of Art for
 Exhibition.

C A P. X.

An Act for continuing for a further limited Time, and for
 extending the Operation of Orders made under, “ The
 Industrial Schools Act, 1861,” and “ The Industrial
 Schools (*Scotland*) Act, 1861.” [11th April 1862.]

‘ **W**HEREAS by “ The Industrial Schools Act, 1861,” and
 ‘ “ The Industrial Schools (*Scotland*) Act, 1861,” Powers
 ‘ are given to Justices in *England* and to Magistrates in *Scot-*
 ‘ *land* to send destitute and refractory Children to Industrial
 ‘ Schools for such Periods as they may think necessary, for their
 ‘ Education and Training ; but Doubts are entertained how far
 ‘ such Acts can be carried into operation, by reason of their
 ‘ Duration being limited : And whereas it is expedient that the
 ‘ Duration of the said Acts should be extended, and Effect should
 ‘ be given to Orders made for sending Children to School during
 ‘ the Subsistence of the Powers for that Purpose given by the
 ‘ said Acts :’ 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 Parlia-
 ment assembled, and by the Authority of the same, as follows :

24 & 25 Vict.
 cc. 113. and
 132.

L “ The Industrial Schools Act, 1861,” and “ The Industrial
 Schools (*Scotland*) Act, 1861,” shall respectively continue in
 force until the First Day of *January* One thousand eight hundred
 and sixty-seven, and no longer : Provided that all Orders made
 or to be made under either of the said Acts before the First Day
 of *January* One thousand eight hundred and sixty-seven, and all
 the Provisions of the said Acts, so far as is necessary for giving
 complete Effect to such Orders, shall continue in force after the
 First Day of *January* One thousand eight hundred and sixty-
 seven, in the same Manner in all respects as if the Duration of
 the said Acts were not limited to the First Day of *January* One
 thousand eight hundred and sixty-seven.

Continuance of
 recited Acts
 and of Orders
 made under
 the same.

Australian Colonies Government Act Amendment.

C A P. XI.

An Act to explain an Act, intituled *An Act for the better Government of Her Majesty's Australian Colonies.*

[11th April 1862.]

13 & 14 Vict.
c. 59.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, intituled *An Act for the better Government of Her Majesty's Australian Colonies*, it was enacted, that it should be lawful for the Governors and Legislative Councils of the Colonies of *New South Wales, Victoria, Van Diemen's Land, and South Australia* respectively, by any Act or Acts to establish in the said Colonies respectively, instead of the Legislative Council, a Council and House of Representatives or other separate Legislative Houses, to consist respectively of such Members to be appointed or elected respectively by such Persons and in such Manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives or other Legislative Houses the Powers and Functions of the Legislative Council for which the same might be substituted; provided always, that every Bill which should be passed by the Council in any of the said Colonies for any of such Purposes should be reserved for the Signification of Her Majesty's Pleasure thereon, and that a Copy of such Bill should be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereupon should be signified: And whereas Acts have been passed for the above Purposes in each of the said Colonies as well by the said first-mentioned Legislative Councils as by the Councils and Houses of Representatives or other separate Legislative Houses established instead of such Legislative Councils: And whereas Doubts have been entertained whether some Acts so passed may not be invalid by reason that the same were not reserved for the Signification of Her Majesty's Pleasure, or laid before both Houses of Parliament, as herein-before mentioned: And whereas Provision is made in some of the said Acts passed in the said Colonies respectively for subsequent Changes in the Constitution or Mode of Election or Appointment of the several Bodies composing the Colonial Legislature, subject to Provisions requiring that any Acts or Act for that Purpose should be reserved for the Signification of Her Majesty's Pleasure thereon, and under such Powers certain Acts have been passed by the said Colonial Legislatures, or some of them, as to the Validity of which Doubts have arisen by reason that the same were not reserved for the Signification of Her Majesty's Pleasure thereon:’ 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:

Acts passed by certain Legisla- 1. Every Act passed for the Purposes mentioned in the said first-recited Act, or any of them, by the Legislative Council of

Protection of Inventions and Designs, 1862.

any of the said Colonies, and assented to in Her Majesty's Name by the Governor of such Colony, shall be deemed to be and to have been from the Date of such Assent as valid and effectual for all Purposes whatever as if the same Act had been reserved for the Signification of Her Majesty's Pleasure, and as if the same had been duly laid before both Houses of Parliament, and as if Her Majesty's Assent had been duly given to the same, and signified in the Colony at the Date aforesaid.

2. And be it further declared and enacted, The Term Council in the above-recited Proviso of the said first-recited Act shall be deemed to apply only to the Legislative Councils herein-before first mentioned.

3. And be it further enacted, That every Act passed by any Colonial Legislature established under any such Acts or Act as aforesaid, for altering the Constitution or Mode of Election or Appointment of any or either of the Legislative Bodies composing such Legislature, which may have been at any Time heretofore assented to in Her Majesty's Name by the Governor of the Colony in which the same shall have been passed, shall be deemed to be and to have been from the Date of such Assent as valid and effectual for all Purposes whatever as if the same Act had been reserved for the Signification of Her Majesty's Pleasure thereon, and as if Her Majesty's Assent had been duly given to the same, and signified in the Colony at the Date last aforesaid.

tive Councils, and assented to by Governors, to be as effectual as if reserved for Her Majesty's Assent.

The Term "Council" to apply only to such Legislative Councils. Acts passed for altering Constitution of Legislative Bodies, so assented to, deemed valid.

C A P. XII.

An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two. [29th April 1862.]

WHEREAS it is expedient that such Protection as is herein-after mentioned should be afforded to Persons desirous of exhibiting new Inventions or new Designs at the International Exhibition of Industry and Art to be held in the present Year, under the Direction of "The Commissioners for the Exhibition of 1862 :—" 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 :

1. This Act may be cited for all Purposes as "The Protection of Inventions and Designs Amendment Act, 1862."

Short Title.

Protection of New Inventions.

2. The Exhibition of any new Invention at the said International Exhibition shall not, nor shall the Publication, during the Period of the holding of such Exhibition, of any Description of such Invention, nor shall the User of such Invention, under the Direction of the said Commissioners, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent that may be granted for such Invention.

Exhibition of new Inventions not to prejudice Patent Rights.

*Crown Suits (Isle of Man).**Protection of Designs.*

Exhibition of
Designs not
to prejudice
Provisional
Registration.

3. The Exhibition at the International Exhibition of any new Design capable of being registered provisionally under the Designs Act, 1850, or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register provisionally or otherwise such Design, or invalidate any Provisional or other Registration that may be granted for such Design.

C A P. XIII.

An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-two. [16th May 1862.]

C A P. XIV.

An Act to extend to the *Isle of Man* the Provisions of the Act Eighteenth and Nineteenth *Victoria*, Chapter Ninety, as to the Payment of Costs to and by the Crown. [16th May 1862.]

18 & 19 Vict.
c. 90.

‘ **W**HEREAS by the First and Second Sections of an Act passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Ninety, it was enacted that in all Informations, Actions, Suits, and other legal Proceedings to be thereafter instituted before any Court or Tribunal whatever in the United Kingdom of *Great Britain and Ireland*, by or on behalf of the Crown, against any Corporation or Person or Persons, in respect of any Lands, Tenements, or Hereditaments, or of any Goods or Chattels belonging or accruing to the Crown, the Proceeds whereof, or the Rents or Profits of which said Lands, Tenements, or Hereditaments by any Act then in force or thereafter to be passed were to be carried to the Consolidated Fund of *Great Britain and Ireland*, or in respect of any Sum or Sums of Money due and owing to Her Majesty by virtue of any Vote of Parliament for the Service of the Crown, or of any Act of Parliament relating to the Public Revenue, Her Majesty’s Attorney General, or in *Scotland* the Lord Advocate, should be entitled to recover Costs for and on behalf of Her Majesty, where Judgment shall be given for the Crown, in the same Manner and under the same Rules, Regulations, and Provisions as were or might be in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and that such Costs should be paid into the Exchequer, and should become Part of the Consolidated Fund; and it was also enacted, that if in any such Information, Action, Suit, or other Proceeding Judgment should be given against the Crown, the Defendant or Defendants should be entitled to recover Costs in like Manner and subject to the same Rules and Provisions as though such Pro-

Crown Suits (Isle of Man). College of Physicians (Ireland).

'ceeding had been had between Subject and Subject; and that it should be lawful for the Commissioners of Her Majesty's Treasury and they were thereby required to pay such Costs out of any Monies which might be thereafter voted by Parliament for that Purpose: And whereas it is expedient that the Provisions of the said Act should be extended to the *Isle of Man*: 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 First and Second Sections of the said recited Act shall extend and apply to the *Isle of Man*; and the Words "Her Majesty's Attorney General" contained in the same Act shall, as regards Informations, Actions, Suits, and other Legal Proceedings in the *Isle of Man*, be construed to mean Her Majesty's Attorney General for the *Isle of Man*.

Sects. 1. and 2. of Act 18 & 19 Vict. c. 90. to apply to the Isle of Man,

2. Provided always, That nothing contained in the recited Act or in this Act shall apply to any Information, Action, Suit, or other Proceeding filed or commenced before the passing of this Act.

except in regard to existing Suits.

C A P. XV.

An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in *Ireland* with respect to the Election of its Fellows.

[16th May 1862.]

'WHEREAS by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-four, it is amongst other things enacted, in the Forty-second Section thereof, that no Person shall be capable of being elected a Fellow of the College of Physicians (incorporated by the Name of the President and Fellows of the King and Queen's College of Physicians in *Ireland*) who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities in *Dublin, Oxford, or Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor of Physic may be dispensed with respectively: And whereas under the Charter which had been granted to the said College of Physicians in the Fourth Year of the Reign of King William and Queen Mary, the said College was empowered to elect to the Fellowship thereof without Restriction such of its Licentiates as it deemed deserving of such Distinction: And whereas the said Restriction imposed by the said recited Act is unjust to Universities and Colleges other than those of *Dublin, Oxford, or Cambridge*, and it is expedient that the same should be repealed, and that the said President and Fellows of the said College should be enabled to elect to the Fellowship thereof

40 G. 3. c. 64. (1.)

College of Physicians (Ireland). Netley Hospital Estate.

‘ such of its Licentiates as are Graduates in Arts of any University of the United Kingdom of *Great Britain* and *Ireland*, ‘ and also such of its Licentiates as may appear to them to merit ‘ such Distinction by reason of their personal and professional ‘ Attainments.’ 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 :

Commencement of Act.

1. This Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and sixty-two.

From Commencement of Act, Part of 40 G. 3. c. 84. s. 42. (I.) repealed.

2. From and after the Commencement of this Act, so much of the said recited Act as provides that no Person shall be capable of being elected a Fellow of the said College of Physicians in *Ireland* who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities of *Dublin*, *Oxford*, or *Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor in Physic may be dispensed with respectively, shall be repealed.

Defining Powers of College with respect to Admissions to its Fellowships.

3. From and after the Commencement of this Act it shall be lawful for the President and Fellows of the King and Queen’s College of Physicians in *Ireland* to elect to the Fellowship of the said College such of its Licentiates as are Graduates in Arts or Doctors in Physic of any University of the United Kingdom of *Great Britain* and *Ireland*, or of any Foreign University, and also such of its Licentiates, not being such Graduates in Arts or Doctors in Physic, as, under such Limitations as to them may seem fit, may appear to the said President and Fellows to merit such Distinction.

C A P. XVI.

An Act for extinguishing certain Rights of Way through the *Netley Hospital Estate* in the Parish of *Hound* in the County of *Southampton*. [16th May 1862.]

‘ **W**HEREAS the *Netley Hospital Estate* in the Parish of ‘ *Hound* in the County of *Southampton* was purchased ‘ under the “Defence Act, 1842,” and the “Ordnance Board ‘ Transfer Act, 1855,” and is now vested in Her Majesty’s Principal Secretary of State for the War Department in trust for ‘ Her Majesty, and a Hospital has since been erected thereon ‘ for the Reception of wounded or sick Soldiers of Her Majesty’s ‘ Army: And whereas the said Estate is subject to certain ‘ Rights of Way for Foot Passengers, which, if they were ‘ suffered to remain, would very much interfere with and impede ‘ the useful Purposes intended to be effected by the Purchase of ‘ the Estate and the Erection of the Hospital thereon, and it is ‘ therefore expedient that all such Rights of Way should be extinguished:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the

Charitable Uses Act (1861) Amendment.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same :

L. That from and after the passing of this Act all Rights of Way through or over the said Estate shall cease, and the said Principal Secretary shall stop up or cause to be stopped up the said Ways, and thereupon public Notice shall be given of the stopping up thereof, by Advertisement in the *London Gazette* and in some local Newspaper published or circulating in the County of *Southampton*, and shall be affixed on the outer Door of the Church of the said Parish, or some other public Place in the said Parish.

Certain Rights of Way over Netley Hospital Estate extinguished.

C A P. XVII.

An Act to extend the Time for making Enrolments under the Act passed in the last Session of Parliament, intituled *An Act to amend the Law relating to the Conveyance of Land for Charitable Uses*, and to explain and amend the said Act. [16th May 1862.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to amend the Law relating to the Conveyance of Land for Charitable Uses*, Time was given for enrolling certain Deeds, Assurances, and Instruments therein referred to until the Expiration of Twelve Calendar Months next after the passing of the said Act : And whereas the said Act received the Royal Assent on the Seventeenth Day of *May* One thousand eight hundred and sixty-one, so that the Time thereby given for making such Enrolments will expire at the End of Twelve Calendar Months from that Day : And whereas from the great Number of Deeds, Assurances, and Instruments to be enrolled under the Provisions aforesaid it is reasonable to allow an Extension of Time for that Purpose : 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 :

24 & 25 Vict. c. 9.

1. The Enrolment of every Deed, Assurance, and Instrument which shall be enrolled before the Seventeenth Day of *May* One thousand eight hundred and sixty-four shall, for the Purposes of the said Act, have the same Force and Effect which it would have had if such Enrolment had been within Twelve Calendar Months next after the passing of the said Act.

Extension of Time for Enrolment of Deeds and Assurances.

2. And whereas by the said Act it is enacted that certain Assurances to be thereafter made *bonâ fide* on a Sale for a full and valuable Consideration should not be deemed null and void by reason of the Consideration consisting wholly or partly of a Rent, Rentcharge, or other annual Payment reserved as therein mentioned, and Doubts have arisen whether the said Enactment refers to any Hereditaments not of Copyhold or Customary Tenure : Be it therefore declared and enacted, That the said Enactment comprises and extends to all Hereditaments whether

Recited Act comprises all Lands whether of Freehold or of Customary or Copyhold Tenure.

*Charitable Uses Act (1861) Amendment.**Whipping.*

of Freehold or of Customary or Copyhold Tenure, and to every Estate and Interest therein.

As to Deeds, &c. executed prior to passing of recited Act.

3. No Deed, Assurance, or Instrument executed previously to the passing of the said Act shall, for the Purposes thereof, require Acknowledgment prior to Enrolment.

Acts to apply to Cases where separate Deed executed as well after as before passing of recited Act.

4. ' And whereas it is by the Fourth Section of the said Act enacted, that where the Charitable Uses of any such Deed or Assurance for Conveyance as is therein mentioned had been declared by any separate Deed or Instrument, then, if neither of the said Deeds or Instruments had been enrolled, it should not be necessary to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance should be void, unless such other separate Deed or Instrument should be enrolled within such Time as therein mentioned : And whereas it may happen that such Deed or Assurance of Conveyance may have been executed before the passing of the said Act, but the separate Deed or Instrument declaring the Charitable Uses may not have been executed until after the passing of the said Act : ' Be it therefore enacted, That the said Act and this Act shall be taken to apply as well to Cases where such separate Deed or Instrument shall be or shall have been executed after as to Cases where it may have been executed before the passing of the said Act ; provided only that, if not already executed, it be executed within Six Months next after the passing of this Act.

Provision as to Money expended before passing of Act in permanent Improvements.

5. In all Cases in which Money shall have been really and *bonâ fide* expended before the passing of this Act, in the substantial and permanent Improvement, by building or otherwise, for any Charitable Use, of Land of any Tenure whatsoever, of which Possession is now held by virtue of any Deed or Assurance conveying or purporting to convey the same, or declaring any Trusts or Trust thereof for such Charitable Use, all Money so expended shall be deemed, for the Purposes of the said Act, equivalent to Money actually paid by way of Consideration for the Purchase of the said Land.

Act not to invalidate any Deed.

6. Nothing in this Act contained shall extend to render null and void any Deed or Assurance already good and valid.

C A P. XVIII.

An Act to amend the Law as to the whipping of Juvenile and other Offenders. [16th May 1862.]

' WHEREAS it is expedient to amend the Law relating to the whipping of Offenders : ' 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 :

Regulation as to the whipping of Juvenile Offenders.

1. Where the Punishment of Whipping is awarded for any Offence by Order of One or more Justice or Justices made in exercise of his or their Power of summary Conviction, or in *Scotland* by the Court of Justiciary, or by any Sheriff or Magistrate,

*Whipping.**Pier and Harbour Act Amendment.*

the Order, Sentence, or Conviction awarding such Punishment shall specify the Number of Strokes to be inflicted and the Instrument to be used in the Infliction of them, and in the Case of an Offender whose Age does not exceed Fourteen Years, the Number of Strokes inflicted shall not exceed Twelve, and the Instrument used shall be a Birch Rod.

2. No Offender shall be whipped more than once for the same Offence, and in *Scotland* no Offender above Sixteen Years of Age shall be whipped for Theft, or for Crime committed against Person or Property.

Restriction as to Whippings in *Scotland*, &c.

C A P. XIX.

An Act to amend the General Pier and Harbour Act, 1861. [16th May 1862.]

‘ WHEREAS it is expedient to amend The General Pier and Harbour Act, 1861, herein-after called the Principal ‘ Act:’ 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 :

Preliminary.

1. This Act shall be read (as far as may be) together with the Principal Act as One Act, and may be cited as The General Pier and Harbour Act, 1861, Amendment Act.

Construction of Act. Short Title.

I.—FUTURE APPLICATIONS FOR PROVISIONAL ORDERS.

2. The Provisions of the Principal Act described in Schedule (A.) to this Act shall be repealed with respect to any Application to be made to the Board of Trade for a Provisional Order after the passing of this Act.

Repeal of Parts of Principal Act described in Schedule (A.) Notice by Advertisement as in Schedule (B.) Part I.

3. Any Persons intending to make Application to the Board of Trade for a Provisional Order relative to a Pier or Harbour, which Persons are herein-after called the Promoters, shall in the Months of *October* and *November*, or either of them, immediately preceding the Application for the Provisional Order, publish Notice of their Intention by Advertisement according to the Regulations contained in Schedule (B.) Part I. to this Act.

4. On or before the Thirtieth Day of *November* immediately preceding the Application for the Provisional Order, the Promoters shall deposit the Documents described in Schedule (B.) Part II. to this Act, according to the Regulations therein contained.

Deposit of Documents, in Schedule (B.) Part II.

5. On or before the Twenty-third Day of *December* in the same Year, the Promoters shall deposit the Documents mentioned in Schedule (B.) Part III. to this Act, according to the Regulations therein contained.

Subsequent Deposit of Documents, in Schedule (B.) Part III.

II.—FUTURE OR PENDING APPLICATIONS FOR PROVISIONAL ORDERS.

6. The Provisions of this Part of this Act shall apply to every Provisional Order of the Board of Trade on any Application already made or to be hereafter made.

Extent of Part II. of Act.

Pier and Harbour Act Amendment.

Works.

Approval of
Works by
Admiralty.

7. Before commencing the Construction of any Part of the Works authorized by a Provisional Order, the Undertakers shall deposit at the Admiralty Office Working Drawings of the whole Works for the Approval of the Lords of the Admiralty: The Works shall not be constructed otherwise than in accordance with such Approval. After the same are commenced or constructed the Undertakers shall not alter or extend the same without first obtaining the like Approval. If any Work be commenced, constructed, altered, or extended contrary to this Provision, the Lords of the Admiralty may, at the Expense of the Undertakers, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Abandonment,
Disuse, &c. of
Works.

8. If any Work authorized by any Provisional Order be abandoned or suffered to fall into Disuse or Decay, the Lords of the Admiralty may, if and as they think fit, at the Expense of the Undertakers, either repair and restore such Work or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Power to Ad-
miralty to cause
Local Survey
to be made.

9. The Lords of the Admiralty may at any Time, at the Expense of the Undertakers, cause to be made a Local Survey and Examination of the Works authorized by any Provisional Order, or of the Site thereof.

Recovery of
Expenses from
Undertakers.

10. Whenever the Lords of the Admiralty, under the Authority of this Act, do any Act or Thing in relation to any Works authorized by any Provisional Order, which they are by this Act authorized to do at the Expense of the Undertakers, the Amount of such Expense shall be a Debt due to the Crown from the Undertakers, and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is or may be recoverable from the Undertakers.

Lights to be
exhibited at
Night during
Construction
of Works.

11. During the Construction of the Works the Undertakers shall, at their own Expense, exhibit and keep burning every Night from Sunset to Sunrise such Lights for the Guidance of Vessels as the Lords of the Admiralty shall from Time to Time require or approve of: If the Undertakers refuse or neglect to comply with this Provision, they shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Limitation of
Time for
Completion
of Works.

12. The Works authorized by any Provisional Order shall be completed within Five Years after the passing of an Act confirming the Provisional Order, or within such other Time as the Provisional Order may direct; and on the Expiration of that Period the Powers by the Order given to the Undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Rates.

Pier, &c. open
to Public on
Payment of
Rates.

13. On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to

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all Persons for the shipping and unshipping of Goods, and the embarking and lauding of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

14. Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten *per Centum per Annum* on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten *per Centum per Annum* the Company may, with the Sanction of the Board of Trade, again raise the said Rates to an Amount not exceeding the Amount authorized by the Provisional Order.

Power to Board of Trade to revise Rates.

15. Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: If the Company refuse or neglect to comply with this Provision, they shall for every such Refusal or Neglect be liable to a Penalty not exceeding Twenty Pounds.

Company to send Copy of annual Account in abstract as to Rates, &c. to Board of Trade.

16. If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

As to Audit of Accounts on Complaint to Board of Trade.

- (1.) The Board of Trade may appoint an Auditor to audit and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters:
- (2.) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same:
- (3.) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company:
- (4.) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:

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(5.) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be
equally levied.

17. All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

Mode of Re-
covery of Rates.

18. Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction.

General Provisions.

10 & 11 Vict.
c. 27. incor-
porated.

19. Subject to the Provisions of the Principal Act and this Act and any Provisional Order, The Harbours, Docks, and Piers Clauses Act, 1847, shall be deemed to be incorporated with every Provisional Order.

Water Pipes.

20. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable.

Application of
Merchant
Shipping Act,
&c.

21. The Undertaking authorized by any Provisional Order shall be subject to the Provisions of The Merchant Shipping Act, 1854, and of every General Act relating to Harbours or Dues on Shipping or on Goods carried in Ships, now in force or hereafter to be passed, and to any future Revision or Alteration under the Authority of Parliament of the Rates authorized by the Order.

Costs of the
Order.

22. The Costs of and connected with the preparation and making of each Provisional Order shall be paid by the Promoters.

III.—PENDING APPLICATIONS FOR PROVISIONAL ORDERS.

Proceedings
under Section 9
of Principal
Act for fixing
Schedule of
Rates.

23. ' And whereas it was by the Principal Act (Section Nine) enacted, that in case the Promoters, or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, should be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they should prepare a Schedule of such Rates which they might think reasonable and proper to be levied at such Works, and should publish such Schedule in a Newspaper as therein specified, and should also deposit a printed Copy of such Schedule at such Office as therein specified, and also

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‘ transmit a Copy of such Schedule to the Board of Trade with such other Documents as therein specified, and that after such Proceedings and the Lapse of such Time as therein specified the Board of Trade should finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and that thereupon the Board of Trade might by Provisional Order empower any of the Persons in the Section now in recital mentioned to levy Rates according to such Schedule :

‘ And whereas under the said recited Provision, Persons within the Description therein contained have prepared Schedules of Rates which they thought reasonable and proper to be levied, and have published, deposited, and transmitted the same in manner by the said recited Provision required, but the Board of Trade on proceeding to finally adjust and fix Schedules of Rates have in certain Cases found that the Schedules so prepared, published, deposited, and transmitted comprise Rates in some Instances exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and in other Instances leviable in respect of Subjects not specified in the last-mentioned Schedule :

‘ And whereas in the several Cases aforesaid it is represented to the Board of Trade by the Promoters, and the Board of Trade have no Reason to doubt, that it is essential to the Success of the several Undertakings that an Opportunity should be given to the Promoters of obtaining the Sanction of Parliament to the several Schedules of Rates so prepared, published, deposited, and transmitted as aforesaid, without reference to the Conformity of such Schedules with the Schedule to The Burgh Harbours (*Scotland*) Act, 1853 :’ Be it therefore enacted as follows :

Where any Schedule of Rates has been prepared, published, deposited, and transmitted as aforesaid, and it appears to the Board of Trade to be expedient that the same, or the same as modified on any Objection taken under the Principal Act, should be authorized by a Provisional Order, it shall be lawful for the Board of Trade to finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule so prepared, published, deposited, and transmitted, or so modified, and thereupon by Provisional Order to authorize the Levying and Recovery of Rates according to the Schedule so finally adjusted and fixed, notwithstanding that the same may in any respect differ from the Schedule to The Burgh Harbours (*Scotland*) Act, 1853 : Provided, that it shall be lawful for the Board of Trade, if in any Case they think fit, before finally adjusting and fixing any such Schedule, to require the Promoters to publish any further or other Notice relative to the proposed Schedule as the Board of Trade may direct.

24. The Provisions of the Principal Act described in Schedule (C.) to this Act shall be repealed with respect to any Application already made to the Board of Trade for a Provisional Order.

Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act.

Provisions of Principal Act as in Schedule (C.) to this Act repealed.

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IV.—GENERAL PROVISIONS.

Order not to be made affecting Powers under Local Acts without Consent.

25. The Board of Trade shall not make any Provisional Order taking away or abridging any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Person or Corporation by any Local or Special Act of Parliament, without the Consent in Writing of such Person or Corporation; but, subject to this Restriction, and to the Provisions of the Principal Act and of this Act, every Provisional Order when duly confirmed by Parliament shall be of full Force and Effect, any Local or Special Act to the contrary notwithstanding.

Power to Board of Trade to impose Terms, &c.

26. Every Provisional Order of the Board of Trade on any Application already made or to be hereafter made shall take effect subject and according to such Restrictions and Provisions and on such Terms and Conditions as may be therein specified, not being inconsistent with the Provisions of the Principal Act or this Act.

Application of 7 W. 4. & 1 Vict. c. 83. to Act.

27. The Provisions of the Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three, "to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them" under the Standing Orders of either House of Parliament, shall (as far as may be) apply to all Cases of Deposit of Documents made or to be made with any Person under the Principal Act or this Act.

SCHEDULES.

SCHEDULE (A.)

Parts of General Pier and Harbour Act, 1861, repealed as to future Applications to the Board of Trade for Provisional Orders.

- (1.) Sections Five, Nine.
- (2.) In Section Six, so much as requires any Deposit to be made at the Admiralty Office.
- (3.) In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette.

SCHEDULE (B.)

PART I.

Advertisement in October or November of intended Application.

- (1.) Every Advertisement is to state—
 1. The Objects of the intended Application, specifying any of the following Objects, when comprised among the Objects of the Application :
 - (a.) Extension of Time for the Completion of any Works already authorized :
 - (b.) Power for a Company to amalgamate with another :
 - (c.) Power to sell, purchase, lease, or take on Lease an Undertaking :

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(d.) Amendment or Repeal of any Local or Special Act of Parliament, or of any former Provisional Order :

(e.) Power to levy any Tolls, Rates, or Duties, or to alter any existing Tolls, Rates, or Duties :

(f.) The conferring, varying, or extinguishing of any Exemption from Tolls, Rates, or Duties, or of any other Right or Privilege :

(g.) Constitution or Alteration of Constitution of any Harbour Authority.

2. A general Description of the Nature of the proposed new Works, if any.
3. The Names of the Parishes, Townlands, Townships, and Extra-parochial Places in which the proposed new Works, if any, will be made.
4. The Times and Places at which the Deposit under Part II. of this Schedule will be made.
5. An Office, either in London, or at the Place to which the intended Application relates, at which printed Copies of the Draft Provisional Order, when deposited, will be purchasable as herein-after provided.

(2.) The whole Notice is to be included in One Advertisement, which is to be headed with a short Title descriptive of the Undertaking or Application.

(3.) The Advertisement is to be inserted once at least in each of Two successive Weeks in some One and the same Newspaper published in the City, Town, or Place where the proposed Works will be made, or where the Pier or Harbour to which the intended Application relates is situate ; or if there be no such Newspaper, then in some One and the same Newspaper published in the County in which such City, Town, or Place, or some Part thereof, is situate ; or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

(4.) The Advertisement is also in every Case to be inserted once at least in the London Gazette if the Place to which the intended Application relates is situate in England or Wales, in the Edinburgh Gazette if such Place is situate in Scotland, or in the Dublin Gazette if such Place is situate in Ireland.

PART II.

Deposit on or before 30th November.

- (1.) The Promoters are to deposit—
 1. A Copy of the Advertisement published by them.
 2. A proper Plan and Section of the proposed new Works, if any ; such Plan and Section to be prepared according to such Regulations as may from Time to Time be made by the Board of Trade in that Behalf.
- (2.) The Documents aforesaid are to be deposited for public Inspection—

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1. In England or Ireland, in the Office of the Clerk of the Peace for every County, Riding, or Division; in Scotland, in the Office of the Principal Sheriff Clerk for every County, District, or Division,—in which any proposed new Work will be made, or in which the Pier or Harbour to which the intended Application relates, or any Part thereof, is situate.
2. At the Custom House, if any, of the Port, Sub-Port, or Creek to which the intended Application relates.
- (3.) The Documents aforesaid are also to be deposited in the Offices of the Admiralty and of the Board of Trade.

PART III.

Deposit on or before 23d December.

- (1.) The Promoters are to deposit at the Office of the Board of Trade—
 1. A Memorial of the Promoters, signed by them or One of them, headed with a short Title descriptive of the Undertaking or Application (corresponding with that at the Head of the Advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
 2. A printed Draft of the Provisional Order as proposed by the Promoters.
 3. An Estimate of the Expense of the proposed new Works, if any, signed by the Person making the same.
- (2.) They are also to deposit printed Copies of the Draft Provisional Order for public Inspection at the Custom House (if any) of the Port, Sub-Port, or Creek to which the Application relates.
- (3.) They are also to deposit a sufficient Number of such Printed Copies at the Office named in that Behalf in the Advertisement; such Copies to be there furnished to all Persons applying for them at the Price of not more than One Shilling each.

SCHEDULE (C.)

Parts of General Pier and Harbour Act, 1861, repealed as to Applications already made to the Board of Trade for Provisional Orders.

In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette; and also so much as restricts the Time for the Introduction of a Bill into Parliament for the Confirmation of a Provisional Order.

C A P. XX.

An Act respecting the Issue of Writs of Habeas Corpus out of *England* into Her Majesty's Possessions Abroad.

[16th May 1862.]

‘ **W**HEREAS it is expedient that Writs of Habeas Corpus should not issue out of *England* into any Colony or Foreign Dominion of the Crown where Her Majesty has a

Writs of Habeas Corpus into Her Majesty's Possessions Abroad.

‘lawfully established Court or Courts of Justice having Authority to grant and issue the said Writ, and to ensure the due Execution thereof throughout such Colony or Foreign Dominion:’ 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 :

L. No Writ of Habeas Corpus shall issue out of *England*, by Authority of any Judge or Court of Justice therein, into any Colony or Foreign Dominion of the Crown where Her Majesty has a lawfully established Court or Courts of Justice having Authority to grant and issue the said Writ, and to ensure the due Execution thereof throughout such Colony or Dominion.

Writ not to issue into Colony, &c. having Court authorized to grant same.

2. Provided, That nothing in this Act contained shall affect or interfere with any Right of Appeal to Her Majesty in Council now by Law existing.

Not to affect Right of Appeal.

C A P. XXI.

An Act to amend the Law relating to the Transfer of Stocks and Annuities transferable at the Bank of *Ireland*.

[16th May 1862.]

‘**W**HEREAS by the Act of the Twenty-fourth and Twentieth *Victoria*, Chapter Thirty-five, intituled *An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively*, it was enacted, that it should be lawful for the Governor and Company of the Bank of *Ireland* to close the Books for the Transfer of Government Stocks, Funds, and Annuities on any Day not exceeding Fifteen Days prior to that on which the Dividends thereon respectively should by Law be payable: And whereas it is expedient to amend the said Act as regards the Time for closing said Books prior to the Days for Payment of the Dividends thereon, and to make further Provision in respect thereof:’ 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 :

24 & 25 Vict. c. 35.

L. That the First Section of the said Act be and the same is hereby repealed; and in lieu and stead thereof it shall be lawful for the said Governor and Company of the Bank of *Ireland* to close the Books for the Transfer of the several Government Stocks, Funds, and Annuities now by Law transferable at the Bank of *Ireland* on any Day in the Month preceding that in which the Dividends thereon respectively shall by Law be payable; and the Person or Persons who on the Day of the closing of such Books was or were inscribed as the Proprietor or Proprietors of any Share or Shares of and in such Stocks, Funds, and Annuities respectively shall, as between him, her, or them

Sect. 1. of 24 & 25 Vict. c. 35. repealed, and other Provision as to the Time of closing the Books for the Transfer of Stocks, &c. at the Bank of *Ireland* prior to the Payment of Dividends made.

Transfer of Stocks (Ireland). Customs and Inland Revenue.

and the Transferee or Transferees thereof, be the Person or Persons entitled to the then current Half Year's Dividend thereon, and the Person or Persons to whom any Transfer shall be made after the Day of the closing of such Books, shall not be entitled to the then current Half Year's Dividend on such Stocks, Funds, and Annuities, but shall take and accept the same exclusive of the Right to the said Half Year's Dividend; provided that the Period for which such Books of Transfer shall be closed shall not exceed Fifteen Days.

C A P. XXII.

An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to grant, alter, and repeal certain other Duties. [3d June 1862.]

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech 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:

Grant of Duties specified in Schedules annexed.

1. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, Stamps, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), (C.), and (D.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedules (A.) and (B.); and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in this Act or in the said Schedules; and where no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where no Period is so specified or limited for the Duration thereof, the same shall continue to be charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time

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of the passing of this Act and not hereby expressly repealed, or as regards the Income Tax in force on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates, Duties, and Drawbacks by this Act granted respectively.

3. All Licences to Brewers of Beer to be granted under this Act shall expire on the Tenth Day of *October* in every Year, and shall be renewed yearly on Payment of the Duties chargeable for or in respect of such Licences respectively, according to the Provisions of this Act.

Licences to
Brewers to
expire on 10th
October.

4. Before any Licence shall be granted to any Brewer of Beer for Sale (other than a First Licence), such Brewer or his principal Servant under whose Direction or Inspection the Malt or Sugar herein-after mentioned shall have been brewed, shall make before a Justice of the Peace, or before the proper Collector of Excise, or any other Officer of Excise empowered to grant Licences (who are hereby respectively authorized to receive the same), a Declaration in Writing under the Provisions of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two, setting forth a true and just Account of the Number of Bushels of Malt and of the Number of Pounds Weight Avoirdupois of Sugar respectively used by such Brewer in the brewing of Beer within the previous Year ending on the Tenth Day of *October* immediately preceding the Application for such Licence; and if such Declaration shall be false or untrue in any Particular, the Person making the same shall be subject to the Pains and Punishment prescribed by the said last-mentioned Act: Provided always, that in no Case shall a Licence be granted to any such Brewer of Beer upon Payment of any less Amount of Duty than shall appear to be due according to the Entries made in the Book or Paper delivered to such Brewer by the Officer of Excise for that Purpose.

Brewer of Beer
for Sale, before
obtaining Li-
cense, to make
Declaration
under Pro-
visions of
5 & 6 W. 4.
c. 62. of the
Quantity of
Malt and Sugar
brewed during
the previous
Year.

5. Where the Amount of Duty chargeable upon any Licence to brew Beer for Sale shall exceed the Sum of Ten Pounds, such Licence may, if required, be granted upon Payment only of a Moiety of the Duty so chargeable, and in such Case the other Moiety of such Duty shall be paid on the First Day of *March* next after the Commencement of the Year for which such Licence shall have been granted, or in default thereof the Licence shall thereupon cease and determine, and be no longer in force.

When Licence
of Brewer of
Beer for Sale
exceeds 10l. it
may be paid in
Moieties.

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On the Death of a Brewer, or on the Business being discontinued before Expiration of Licence, a proportionate Part of the Duty may be returned.

6. If any Brewer of Beer for Sale shall die or become bankrupt, or shall discontinue the Trade and Business of a Brewer of Beer for Sale at any Time before the Expiration of his current Licence, it shall be lawful for the Commissioners of Inland Revenue to ascertain by such Means as they shall think fit, the Quantity of Malt and Sugar which such Brewer shall have used in the brewing of Beer in the Portion of the Year during which he shall have carried on Business under such Licence, and the Amount of Duty which would be payable for a Licence in respect of the Number of Barrels of Beer brewed from such Malt and Sugar, according to the Provisions of this Act; and if the Amount of Duty so ascertained shall be less than the Sum paid by such Brewer for his current Licence, the Commissioners shall cause the Difference to be repaid to such Brewer, or to the Executors or Assignees of any Brewer who shall die or become bankrupt.

When the Quantity of Beer brewed in any Year shall be less than the Quantity for which the Licence was granted, the Difference shall be repaid to the Brewer; if the Quantity be greater he shall be surcharged.

7. If upon the Termination of any Licence granted to a Brewer of Beer for Sale it shall appear that the Number of Barrels of Beer brewed by such Brewer during the Existence of such Licence, computed according to the Provisions in the Seventh Section of the Act passed in the First Year of the Reign of King *William* the Fourth, Chapter Fifty-one, is less than the Number of Barrels in respect of which the Duty upon such Licence was charged, the Difference between the Amount of Duty that would have been payable for a Licence for the lesser Number of Barrels of Beer brewed and the Amount actually paid for the Licence shall be repaid to the Brewer, his Executors or Administrators; and if it shall appear that the Number of Barrels of Beer, computed as aforesaid, brewed during such Period, shall be greater than the Number in respect of which the Licence was granted, the Brewer, or his Executors or Administrators, shall be surcharged with such additional Amount of Duty as, with the Sum actually paid for such Licence, shall amount to the Sum payable according to the Rates of Duty imposed by this Act upon the Number of Barrels of Beer brewed as aforesaid by such Brewer; and such additional Amount of Duty shall be paid by such Brewer, his Executors or Administrators, within Seven Days after he or they shall have had Notice to pay the same.

Surcharge upon a Brewer's First Licence to become payable immediately upon Death or Bankruptcy of the Brewer.

8. If any Person who shall have taken out a Licence as a Brewer of Beer for Sale for the First Time shall die, or become bankrupt, or discontinue the Business of a Brewer of Beer at any Time before the Expiration of such Licence, the further additional Sum which shall be chargeable under this Act in respect of such Licence shall become due and payable immediately thereupon, and shall be a Debt due to Her Majesty, Her Heirs and Successors, and be recoverable accordingly; and in the Case of any such Brewer who shall discontinue Business as aforesaid, Payment of such additional Sum may be demanded either verbally of such Brewer, or by Writing left at the Brewery, by the Supervisor of Excise of the District in which the Brewery shall be situated; and if the same shall not be paid within Three Days next after such Demand shall have been made, the Brewer shall

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forfeit a Penalty of double the Amount thereof; and in all the foregoing Cases the Stock of Beer, Malt, and Hops, and the Utensils and Machinery upon the Brewery Premises at the Time of such Death, Bankruptcy, or Discontinuance of Business, shall be and remain liable for the Payment of the said Sum of Money or Penalty, and are hereby made chargeable therewith, notwithstanding any Title or Conveyance by which they may be claimed.

9. Provided always, That Brewers of Beer known as Spruce or Black Beer, for Sale, shall continue to pay for their Licences only the same Rates of Duty as are imposed by the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, on Brewers of Beer other than Table Beer only, for Sale; provided that any such Brewer shall not brew on the same Premises Beer of any other Description than Spruce or Black Beer, nor use in the brewing of the same, or add thereto, any Hops or other Bitter, or any Yeast or other Matter to produce Fermentation, and shall not brew, or sell or send out, any of such Beer of a less Specific Gravity than One thousand one hundred and eighty Degrees.

Brewers of Black Beer to continue to pay the Duties imposed by 6 G. 4. c. 81.

10. If any Brewer of Beer for Sale shall omit to take out a proper Licence in that Behalf under this Act, he shall nevertheless be chargeable with the full Amount of the Duty payable or which would become payable under this Act for or in respect of the Licence which he ought to have taken out, and such Duty shall be a Debt to Her Majesty, Her Heirs and Successors, and shall be recoverable accordingly.

Brewers omitting to take out Licence liable to Duty.

11. If any Person shall brew any Beer for the Use of any other Person at any Place other than the Premises of the Person for whose Use the Beer shall be brewed, the Person brewing such Beer shall be deemed to be a Brewer of Beer for Sale, and shall be liable to take out a Licence accordingly.

Persons brewing for others deemed Brewers for Sale.

12. So much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence shall be and the same is hereby repealed.

As to Sale of Beer at Fairs, &c.

13. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it conducive to Public Convenience, Comfort, and Order, and with the Consents in Writing of Two Justices of the Peace usually acting at the Petty Sessions for the Petty Sessional Division within which the Place of Sale is situate, to authorize any Officer of Excise to grant to any Person who shall be duly authorized to keep a common Inn, Alehouse, or Victualling House, and who shall have taken out the proper Excise Licences to sell therein Beer, Spirits, Wine, or Tobacco, an occasional Licence under this Act empowering him to sell the like Articles for which he shall have taken out such Licences as aforesaid at any such other Place, and for and during such Space or Period of Time, not exceeding Three consecutive Days at any one Time, as the said Commissioners shall approve, and as shall be specified in such occasional Licence; and any Person who shall have taken out such occasional Licence shall not be liable to any Penalty or Forfeiture whatever by reason or on account of his selling the Articles mentioned in the

Occasional Licence may be granted to Victuallers to sell Beer, Spirits, &c., at such Time and Place as the Commissioners of Inland Revenue shall approve.

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said Licence during the Time and at the Place specified therein ; provided that no such occasional Licence shall authorize the Sale of any Beer, Spirits, or Wine, except during the Hours after Sunrise and before Sunset ; and provided that the said Licence shall not protect any such Person in the Sale of any of the Articles herein mentioned, unless he shall at the Time of such Sale produce such Licence when requested to do so by any Officer of Excise, or by any Constable or Police Officer ; nor shall any such Licence be granted for the Sale of any of the Articles herein mentioned on any *Sunday, Christmas Day, or Good Friday*, or on any Day appointed for a Public Fast or Thanksgiving ; provided also, that the Provisions of this Clause shall not extend to *Scotland*.

Charging of Excise Duty on Sugar used in brewing deferred until 1st July 1863.

14. 'And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-two, and it is expedient further to defer the same : ' Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-three.

Licences granted under 23 Vict. c. 27. and 23 & 24 Vict. c. 107. may be transferred as other Excise Licences in case of the Removal of the licensed Person.

15. The Provisions contained in the Twenty-first Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, relating to the Transfer of Excise Licences in the Case of the Removal of any Person from the House or Premises at which he shall be licensed under that Act, shall be and the same are hereby extended to Licences granted under the Act passed in the Twenty-third Year of the Reign of Her present Majesty, Chapter Twenty-seven, and the Act passed in the Twenty-third and Twenty-fourth Years of Her said Majesty's Reign, Chapter One hundred and seven respectively : Provided that no Licence granted under either of the Two last-mentioned Acts for the Sale of Foreign Wine by Retail to be consumed upon the Premises where the same shall be sold shall be transferred by the Officers of Excise, unless the Assignee of such Licence shall be duly licensed to keep a Refreshment House, nor unless he shall produce to such Officers a Certificate from a Justice of the Peace acting for the City, Borough, Town, or Place in which the House and Premises are situated, that such Justice does not object to such Transfer being made, and provided that no such Licence so transferred shall authorize the Assignee to carry on the Business mentioned therein for a longer Period than Five Weeks from the Date of such Transfer, unless he shall in the meantime have qualified himself to become the Holder of a Licence of the like Kind according to the Provisions of the said respective Acts.

For Removal of Doubts as to the Privilege of the Free

16. 'Whereas Doubts have arisen as to the Extent of the Privilege of the Master, Warden, Freemen, and Commonalty of the Vintners of the City of *London* to sell Wine without taking

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‘out an Excise Licence for that Purpose :’ Be it enacted, That no Freeman of the said Company shall be entitled to sell Wine in more than One separate and distinct House or Premises at the same Time without taking out the proper Excise Licence in that Behalf, nor shall any Freeman be entitled to exercise the said Privilege unless he shall have previously made an Entry of the House or Premises in which he intends to sell Wine with the proper Officer of Excise, in the Manner directed in the Fifth Section of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-one.

Vintners of the City of London to sell Wine without Licence.

17. The Duties of Excise now chargeable on Hops growing or to grow in the United Kingdom, which shall be cured and made fit for Use after the passing of this Act, shall cease, and are hereby repealed; and all Allowances and Drawbacks of the Duties of Excise on the Exportation of such Hops shall also cease, and be no longer payable.

Excise Duties, &c. on Hops cured after the passing of this Act repealed.

18. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two the Duty of Customs now payable on the Importation of Hops into *Great Britain* and *Ireland* shall cease and determine.

Repeal of Customs Duty on Hops on 16th Sept. 1862.

19. All Allowances and Drawbacks of Excise on the Exportation of Hops grown in the United Kingdom, and cured and made fit for Sale before the passing of this Act, shall cease and be repealed as to all or any of such Hops which shall be exported on or after the Sixteenth Day of *September* One thousand eight hundred and sixty-two.

When Drawbacks on Exportation of Hops to cease.

20. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two so much of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, and of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, and of any other Act relating to the Revenue of Excise, as imposes any Excise Penalty upon any Brewer of, or Dealer in, or Retailer of Beer, for receiving into, or having in his Possession, or using or mixing with any Worts or Beer any Article for or as a Substitute for Hops, or as prohibits the Sale of any such Article to the said Persons, shall be and is hereby repealed: Provided always, that nothing herein contained shall be construed to extend to repeal any such Penalty or Prohibition so far as regards any Article which may be used as a Substitute for Malt, notwithstanding that it may be also a Substitute for Hops.

Excise Penalties imposed upon the Use of Substitutes for Hops repealed.

21. *British* Hops re-imported or brought back into *Great Britain* or *Ireland* on or at any Time within Six Months after the Sixteenth Day of *September* One thousand eight hundred and sixty-two shall be charged with the Duty now payable on the Importation of Hops; and no *British* Hops which shall have been re-imported or brought back into *Great Britain* or *Ireland*, and warehoused for Security of Duties of Customs previously to the said Sixteenth Day of *September*, shall be delivered on or

British Hops re-imported chargeable with Duty for Six Months after 16th Sept. 1862.

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within Six Months after that Day without Payment of the Duty of Customs now chargeable on the Importation of Hops.

Prohibition on
Extract of Hops
repealed.

22. The Prohibition of the Importation of Extracts and Essences of Hops and other Concentrations thereof, contained in the Third Section of the Customs Duties Consolidation Act, 1860, shall, on and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two, cease.

Allowance of
7s. per Cwt.
on British
Hops in Stock
on 15th Sep-
tember 1862.

23. Provided always, That any Person who shall have in his Stock or Possession on the Fifteenth Day of *September* One thousand eight hundred and sixty-two not less than Half a Ton Weight of *British* Hops of a marketable Quality, on which the Duties of Excise have been fully charged and paid, and shall produce the same to the proper Officer of Excise authorized by the Commissioners of Inland Revenue to take an Account thereof in the original Bags or Pockets (whole and unopened) in which the same were charged with Duty, such Person being the *bonâ fide* Owner of such Hops, or a known Hop Factor, shall be entitled to claim and be paid an Allowance at the Rate of Seven Shillings for every Hundredweight thereof, subject to a Deduction of Ten *per Centum* for the Tare of the Bags or Pockets in which the Hops are contained.

Mode of
claiming the
Allowance on
Hops in Stock.

24. Every Person intending to claim any such Allowance shall, Seven Days previously to the Fifteenth Day of *September* One thousand eight hundred and sixty-two, give Notice to the proper Officer of Excise of the Division in which the Hops upon which he intends to claim such Allowance are stored, specifying his Name and Place of Abode, and the particular Warehouse or Building in which such Hops are stored, and the Number of Bags or Pockets of such Hops, with the Weight and Marks upon each Bag or Pocket, and the total Weight of such Hops, and also the Amount of the Allowance claimed; and every Person claiming such Allowance shall provide requisite Scales and Weights to enable the Officer of Excise conveniently to take an Account of such Hops, and shall also, with his Servants and Workmen, whenever thereto required, aid and assist the said Officer in taking such Account; and in default thereof the Claimant shall not be entitled to any Allowance in respect of any Hops in his Stock or Possession.

Officers of
Excise to
attend to ex-
amine Claims
and Stocks and
grant Certifi-
cates.

25. The proper Officer of Excise authorized in that Behalf shall on the said Fifteenth Day of *September*, or within Three Days thereafter, attend at the Place mentioned in such Notice as aforesaid as the Place where any such Hops are deposited, and examine, weigh, and take an Account of the same, and shall mark each Bag or Pocket with such Marks and Figures as he shall think fit to denote such Examination; and such Officer shall ascertain and compute the Amount of the Allowance to which the Claimant may be entitled in respect of such Hops, and shall give to him a Certificate expressing the true Quantity and net Weight of the Hops in respect of which such Claimant shall be entitled to the Allowance, and specifying the Amount of the Allowance, and the Name and Place of Abode of the Person entitled thereto.

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26. On the Production of such Certificate by the Claimant or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Claimant before a Justice of the Peace, or such Collector, that the whole Quantity of the Hops mentioned in such Certificate was, at the Time therein specified, the sole Property of such Claimant, or of him and his Copartner in Trade (as the Case may be), or that he is a Hop Factor, and that the same, or any Part thereof, hath not been taken account of for the Purpose of obtaining the said Allowance more than once, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of the said Hops, or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, the said Collector being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the said Claimant or his Agent the Sum of Money specified in such Certificate at the next Sitting Day which shall be held for the Collection or Receipt of Excise Duties next after the Expiration of One Week from the Production of such Certificate and the Making of such Declaration as aforesaid.

Declaration to be made of the Truth of the Certificate, and Collector to pay the Amount of the Allowance.

27. From and after the First Day of *September* One thousand eight hundred and sixty-two the Act passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Eighteen, for repealing the Stamp Duties on Cards and Dice made in the United Kingdom, and granting other Duties in lieu thereof, and amending and consolidating the Acts relating to Cards and Dice and the Exportation thereof, shall be and the same is hereby repealed, save and except as to any Duties granted by the said Act and which shall be then unpaid and any Penalty which may have been incurred, which Duties and Penalties shall be recoverable as if this Act had not been made, and also save and except so far as relates to any Bond given in pursuance of the said Act, which Bond shall, notwithstanding this Act, continue in force until the Condition thereof shall have been performed and fulfilled; and from and after the said First Day of *September* One thousand eight hundred and sixty-two the Duty by this Act charged for and in respect of Playing Cards, and all the Clauses and Provisions relating thereto, shall commence and take effect.

9 G. 4. c. 18. granting Duties on Cards and Dice repealed.

28. The Term "Cards," wherever the same shall be used in this Act, shall mean Playing Cards by this Act charged with Stamp Duty; the Term "Wrapper" shall mean a Paper Wrapper, Label, or Enclosure provided by the said Commissioners of Inland Revenue for containing, enclosing, or covering a Pack of Cards and denoting the Duty in respect thereof; and the Term "Pack of Cards" shall mean any Quantity or Number of Cards not exceeding Fifty-two.

Interpretation of Terms.

29. The said Duty of Threepence by this Act chargeable on a Pack of Cards shall be denoted on the Wrapper of every Pack, which Wrapper the Commissioners of Inland Revenue shall provide with such Stamp or Device or Devices thereon for denoting the said Duty as they shall think fit; and the said Commissioners shall

The Duty to be denoted on the Wrapper.

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Cards to be sold in separate Packs enclosed in Wrappers.

shall supply to any Person who shall be a Maker of Cards, and shall as such have a Licence in force for selling Cards, with any Quantities of such Wrappers on Payment of the Duties for the same, or at their Discretion shall stamp, to denote the said Duty, the Wrappers of licensed Makers of Cards, which when so stamped shall be deemed to be Wrappers provided by the said Commissioners in pursuance of this Act; and no Cards shall be sold otherwise than in separate Packs, each Pack being enclosed in a Wrapper, the Stamp on which shall be at all Times uncovered and open to view, and which shall be securely fastened round or over the same by means of Wheat Flour Paste, or some other firmly adhesive Substance to be approved by the said Commissioners, and so and in such Manner that the Wrapper cannot be opened, or the Cards taken out without the Wrapper being destroyed; and if the Wrapper used by any Maker of Cards for enclosing any Cards sold by him shall not be fastened with proper and sufficient adhesive Substance as aforesaid, or *bonâ fide* in a secure Manner, and with the Stamp thereon open to view, according to the true Intent and Meaning of this Act, such Cards shall be deemed to be not enclosed in a Wrapper provided by the said Commissioners under this Act; and such Maker, and also any other Person selling such Cards, shall be subject and liable to the Penalties imposed by this Act for selling Cards not enclosed in Wrappers.

Licences to sell Cards to be granted.

30. The Commissioners of Inland Revenue, or any of their Officers authorized by them, shall grant to any Person who shall apply for it a Licence to sell Cards at any House to be specified therein, on Payment of the Duty for the same; every such Licence shall continue in force from the Day on which the same shall be granted until and upon the First Day of *September* then next following, and no longer.

Selling Cards without Licence, Penalty 20*l.*

31. If any Person shall sell or offer for Sale any Cards without having a Licence in force for the same granted under this Act he shall forfeit Twenty Pounds; and any Person who shall sell Cards at any House or Place not specified in a Licence granted to him shall be deemed to be a Person selling Cards without having a Licence; and any Person who shall be found hawking or carrying about for Sale any Cards, whether enclosed in a stamped Wrapper or not, and who shall sell the same or offer the same for Sale at any Place for which he shall have no Licence, may be apprehended by any Constable or Officer of Inland Revenue, and taken before any Justice of the Peace, who shall hear and determine the Matter, and if upon Conviction of such Offence the Offender shall not immediately pay the Penalty in which he shall be convicted, he shall be committed to Prison for any Period not exceeding Three Months nor less than One Month, unless the Penalty shall be sooner paid; and all Cards which he shall be found trading with or carrying about shall be forfeited, and delivered up to the Commissioners to be dealt with as Cards forfeited under this Act.

Hawkers of Cards may be apprehended and taken before a Justice.

Penalty on selling Cards without

32. If any Maker of Cards shall remove or send or deliver out any Cards from his House or Premises, or the House or Place in which they were made or completed (except for Exportation

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as allowed by this Act), the same not being in Packs enclosed in Wrappers in manner aforesaid, or if any Person, whether a Maker of Cards or not, and whether licensed or not, shall sell any Cards, not being a Pack of Cards enclosed in a Wrapper as by this Act is required, he shall forfeit, if he be a Maker of Cards, the Sum of One hundred Pounds, and if he be not a Maker of Cards, the Sum of Twenty Pounds; and moreover, for every Pack of Cards which any such Person shall sell or send or deliver out not enclosed in a Wrapper as aforesaid, he shall forfeit the further Sum of Five Pounds; and all Cards found in any House or Place whatever (except on the Premises of a licensed Maker specified in his Licence) which shall be kept or intended for Sale, or which shall be found on the Premises or in the Possession of any Person who shall sell Cards, and which shall not be in separate Packs enclosed in Wrappers as aforesaid, shall be forfeited; and the same, and also all Wrappers found in any House or Place whatsoever which shall have been used for enclosing Cards, and removed or got off therefrom, may be taken and carried away by any Officer of Inland Revenue, and be destroyed or otherwise disposed of as the Commissioners shall direct; and for the Purposes of such Seizure it shall be lawful for any such Officer, under the Authority of a Warrant for that Purpose specially granted by any Two of the Commissioners or any Justice of the Peace, to enter in the Daytime any House or Place in which there shall be Reason to suspect that any Cards not enclosed in stamped Wrappers, or any Wrappers that have been used as aforesaid, are deposited or kept, and to search for the same; and if necessary, such Officer may break open the Door of any Room or Closet, or any Box, Trunk, or Case in which any such Cards or Wrappers are suspected to be contained; and all Cards so found shall be deemed to be kept and intended for Sale, unless the contrary shall be proved.

stamped Wrappers.

Unstamped Cards to be forfeited.

33. Upon the Wrapper of every Pack of Cards sold or sent or delivered out by any Maker of Cards there shall be printed his Name and the Place at which he shall be licensed to sell Cards in manner to be approved by the said Commissioners, but, except as is provided by the next succeeding Section, no Cards shall be sold or sent or delivered out by any Maker the Stamp upon the Wrapper of which shall be cancelled or defaced, or in any way damaged or injured; and for every Pack of Cards sold or sent or delivered out by any Maker of Cards, on the Wrapper of which shall not be printed as hereby required such Name and Place, or, except as aforesaid, the Stamp on which Wrapper shall be cancelled or in any way defaced, damaged, or injured, he shall forfeit the Sum of Five Pounds; and Cards enclosed in a Wrapper having the Name of a Maker thereon, or otherwise purporting to be made by him, shall be deemed to have been made by him, unless the contrary shall appear.

Name of Maker, &c. to be printed on the Wrapper.

34. Every Person who shall sell Cards, other than a Maker of or Dealer in Cards selling by Wholesale to Persons who buy to sell again, shall, before he shall deliver or send out a Pack of Cards on the Sale thereof, cancel the Stamp on the Wrapper denoting

The Seller of Cards to cancel the Stamp on the Wrapper.

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denoting the Duty by this Act charged on a Pack of Cards by writing or impressing in Ink his Name upon such Stamp, or in default thereof he shall forfeit the Sum of Five Pounds.

Frauds relating to Wrappers, &c.
Penalty 20l.

35. If any Person shall remove or get off or aid or assist in removing or getting off from any Pack of Cards any Wrapper which shall have been used for enclosing the same, with Intent that such Wrapper shall be again used for enclosing any other Cards; or shall use any Wrapper so removed or got off for enclosing any such other Cards; or shall sell or utter any such last-mentioned Wrapper, or any Cards enclosed therein, knowing the said Wrapper to have been so removed or got off as aforesaid; or shall knowingly have in his Possession or on his Premises any Wrapper which shall have been so removed or got off, with Intent that the same might be used for enclosing other Cards; or shall be guilty of any fraudulent Act, Contrivance, or Device whatever relating to the Duty by this Act chargeable in respect of Cards, he shall forfeit the Sum of Twenty Pounds; and it shall be lawful for the said Commissioners to refuse to grant Licence to sell Cards to any Person who shall have been convicted of any such Offence.

What Cards may be sold without Wrappers.

36. Provided, That Cards in Packs, each Pack containing an Ace of Spades duly stamped under the said Act of the Ninth Year of King *George* the Fourth, and also Cards duly imported, enclosed in Wrappers according to the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and seven, may lawfully be sold as if this Act had not been made; and provided that it shall be lawful for any Person possessed of Cards previously sold and opened, used and played with, to sell the same to any licensed Maker of Cards without having a Licence for selling Cards, and without such Cards being enclosed in a Wrapper provided under this Act; and if any such Cards shall be afterwards sold or sent or delivered out by the said Maker, they shall be subject to all the Provisions of this Act, and for the Purposes of this Act such Maker shall be deemed to be the Maker of such Cards; and provided that this Act shall not extend to charge with Stamp Duty *bonâ fide* Toy Cards not exceeding in Length One Inch and Three Quarters, or in Width One Inch and a Quarter.

Second-hand Cards.

Unstamped Cards may be exported.

37. Provided also, That any licensed Maker of Cards who shall have given Security as herein-after required may export Cards, made by him on the Premises specified in his Licence, to the *Isle of Man* or to Foreign Parts without being enclosed in Wrappers provided under this Act, under the Conditions and Provisions herein-after mentioned; that is to say, before any Cards intended for Exportation shall be removed from the Premises of the licensed Maker, Notice of the Intention to export them shall be given by the Maker to the said Commissioners, or to some Officer of Inland Revenue authorized to receive the same, at the Chief Office in *London*, or at the Place at which the Maker shall be licensed, specifying the Quantity of Packs and the Description of the Cards to be exported, the Ports or Places from and to which respectively, and the Name of the Ship or Vessel in which the Cards are to be exported; and the said Commis-

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sioners or Officer shall issue to the Maker a Certificate, in such Form as the Commissioners shall approve, authorizing the Removal and Exportation of the Cards in conformity with the Notice, and thereupon the Cards may be removed from the Premises of the Maker, and shall be deposited on board the said Ship or Vessel within a certain Period to be specified in the Certificate, not exceeding in any Case Seven Days from the Date thereof; and if the said Cards or any of them shall be found at any Place whatever within the United Kingdom after the Expiration of such Period, or at any Place other than the Port or Place of Exportation, or in Transit thereto, before the Expiration thereof, or at any Place and at any Time not accompanied by such Certificate, the same shall be forfeited, and may be seized by any Officer of Inland Revenue, and disposed of as by this Act is provided as to Cards forfeited: Provided, that before any Maker of Cards shall be permitted to export Cards not enclosed in Wrappers under this Act, he shall give Bond to Her Majesty in the Penalty of Five hundred Pounds, with One or more Sureties to the Satisfaction of the Commissioners, conditioned for the due Exportation, in conformity with the Provisions of this Act, of all Cards which he shall be authorized to export, which Bond, and the Condition thereof, shall be in such Form and Terms as the Commissioners shall require.

38. If any Person shall make, issue, deliver, assign, transfer, or negotiate in the United Kingdom, any Bond, Debenture, or other Security by this Act chargeable with Stamp Duty, or shall pay any Interest or Dividend accrued due in respect of any such Instrument, before the same shall be duly stamped for denoting the said Duty, he shall forfeit the Sum of Twenty Pounds.

Penalty for making un-stamped Bonds.

39. For the Purposes of the Stamp Duties on Probates of Wills and Letters of Administration, Debts and Sums of Money due and owing from Persons in the United Kingdom to any deceased Person at the Time of his Death on Obligation or other Specialty, shall be Estate and Effects of the Deceased, within the Jurisdiction of Her Majesty's Court of Probate in *England* or *Ireland*, as the Case may be, in which the same would be if they were Debts owing to the Deceased upon Simple Contract, without regard to the Place where the Obligation or Specialty shall be at the Time of the Death of the Deceased.

For Probate Duty, Bond Debts to be Assets, as if they were Simple Contract Debts.

40. The Stamp Duty of Eight Pounds now payable for a yearly Licence to be taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain*, to travel and trade with One Horse only, exceeding in Height Thirteen Hands, shall be and the same is hereby reduced to the Sum of Four Pounds; and any Licence to be hereafter taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain* may be granted for a Period not exceeding Six Months on Payment only of One Half the Amount payable for a yearly Licence for the same Purpose: Provided that any such Licence shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

Licences to Hawkers with One Horse reduced.

All Licences to Hawkers may be half-yearly.

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Recovery of Penalties.

The Sums assessed under Schedules (A.) and (B.) for Year 1861 to be taken as assessed for 1862.

41. All Penalties imposed by this Act relating to Stamp Duty may be proceeded for and recovered for the Use of Her Majesty in the same Manner, and in the Case of Summary Proceedings with the like Power of Appeal, as any Penalty may be proceeded for and recovered under any Act relating to the Excise Revenue.

42. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments made in pursuance of the Act passed in the Twenty-fourth Year of Her Majesty's Reign, Chapter Twenty, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, and the Duty charged in respect of such annual Value or Amount by the said Assessments for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall (except as to Railways and otherwise as provided by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains, and as the Duty payable in respect thereof respectively for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the respective Assessments made under the said Schedules respectively for the said Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, except as aforesaid, shall, for the Purposes of this Act, be deemed and taken to be Assessments made for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the said Assessments so made payable for the said last-mentioned Year to be made out and delivered, together with Warrants for collecting the same, and in *England* the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit, to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under the Acts now in force; and such Duties shall be collected, levied, and paid for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, subject nevertheless to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, and subject also to be abated or discharged at the End of the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, for any Cause allowed by the said Acts: Provided that whenever it shall appear that any Property, Profits, or Gains chargeable under this Act have not been charged by the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two such Property, Profits, and Gains shall be assessed to the Duties granted by this Act under the Provisions of the said several Acts applicable thereto.

Persons intrusted with

43. 'And whereas, since the Fifth Day of *April* now last past, and before the passing of this Act, divers Dividends, 'Annuities,

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‘ Annuities, and Shares of Annuities, and Interest on Loans and
‘ on Bonds, Debentures, and other Securities directed by the
‘ Acts relating to the Income Tax in force on the said last-men-
‘ tioned Day to be assessed under Schedules (C.) and (D.) re-
‘ spectively of the said Acts, have become due and payable, and
‘ by reason of the Expiration of the said Acts before the passing
‘ of this Act have not been assessed and charged with the said
‘ Tax ; and it is expedient to provide for the Assessment thereof
‘ with the Rates and Duties of Income Tax granted by this Act,
‘ and for the Collection of the Sums assessed from the Persons
‘ respectively to whom such Dividends, Annuities, Shares, and In-
‘ terest have been paid, or who are entitled thereto, or otherwise,
‘ as herein-after mentioned :’ Be it enacted, That all Persons re-
‘ spectively intrusted with the Payment of any such Dividends,
‘ Annuities, Shares, or Interest as aforesaid, or who have paid the
‘ same, either as Agent or otherwise, shall, within One Calendar
‘ Month next after the passing of this Act, deliver or cause to be
‘ delivered to the Commissioners for Special Purposes, at the Head
‘ Office of Inland Revenue at *Somerset House* in the City of *West-*
‘ *minster*, an Account in Writing, duly authenticated and signed
‘ by such Persons respectively, containing a Description of all such
‘ Dividends, Annuities, Shares, and Interest intrusted to them for
‘ Payment, which have become due or payable since the Fifth Day
‘ of *April* last, and also a true and perfect Account of the Names
‘ and Residences of the several Persons to whom the same have
‘ become due or payable, and the several Sums which have been
‘ so paid to them, or to which they have become entitled respec-
‘ tively, specifying in such Account the Sums (if any) deducted or
‘ retained by the Persons intrusted with such Payment as aforesaid
‘ in respect of Income Tax, to become chargeable thereon by the
‘ Authority of Parliament in this present Session ; and the said
‘ Commissioners for Special Purposes shall make Assessments
‘ thereon respectively, under Schedules (C.) and (D.) respectively
‘ of the Acts relating to the Income Tax, of the Rates and Duties
‘ of Income Tax granted by this Act ; that is to say, they shall
‘ make Assessments in respect of so much of such Dividends,
‘ Annuities, Shares, or Interest as may not have been actually
‘ paid to the Persons entitled thereto, and also in respect of so
‘ much thereof as shall have been paid to such Persons, but in re-
‘ spect whereof the Duty chargeable by this Act shall have been
‘ retained as aforesaid, in like Manner as if this Act had been in
‘ force on the Sixth Day of *April* One thousand eight hundred
‘ and sixty-two, and the Duty so assessed shall be paid into the
‘ Bank of *England* in manner directed by the said Acts in such
‘ Cases ; and in respect of so much of the said Dividends, Annu-
‘ ities, Shares, or Interest as shall have been paid to the Persons
‘ entitled thereto, the Duty whereon shall not have been deducted,
‘ they shall make Assessments on such Persons, and the Duty so
‘ assessed as last aforesaid shall be paid to the Receiver General of
‘ Inland Revenue by the several Persons who shall have received
‘ or are entitled to such Dividends, Annuities, Shares, and Interest

the Payment of
‘ Dividends, &c.
‘ since 5th April
‘ 1862, and be-
‘ fore the passing
‘ of this Act, to
‘ make Returns
‘ thereof.

Dividends, &c.
‘ due since 5th
‘ April 1862 to
‘ be assessed by
‘ Special Com-
‘ missioners. .

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respectively; and in default of such Payment the Sums so assessed shall be recoverable from the said last-mentioned Persons, and shall be collected and levied in like Manner as any other Assessments made by the said Commissioners are or may be by Law directed or authorized to be recovered, collected, or levied: Provided always, that if any Sum so assessed shall not be so paid, recovered, or collected by or from any Person chargeable therewith, and such Person shall at any Time hereafter become entitled to any further Payment of the like Dividends, Annuities, Shares, or Interest, the Person intrusted with the Payment thereof as aforesaid shall, on Notice and Requisition from the said Commissioners in that Behalf, deduct and retain from and out of such further Payment any such Sum assessed and remaining unpaid as aforesaid, as well as any further Assessment chargeable in respect of such further Payment of the said Dividends, Shares, Annuities, or Interest; and the Person deducting and retaining any such Sum of Money assessed as aforesaid shall pay the same into the Bank of *England* to the Account of the said Receiver General in like Manner as he is by any Act relating to the Income Tax required or directed to pay over any other Sums of Money deducted or retained by him for Income Tax; and if any Person intrusted with the Payment of, or who hath paid any such Dividends, Annuities, Shares, or Interest as aforesaid, either as Agent or otherwise, shall neglect or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the Sum of One hundred Pounds.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

44. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.) of the said Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four: Provided that the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and as regards the Duties which shall be collected under the said Schedules (A.) and (B.) in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors, there shall be paid a Poundage of Three Halfpence to the Collectors.

Power to appoint more than Two Collectors of Income Tax and Assessed Taxes for each Parish.

45. 'And whereas, owing to the Increase of Population and in the Value of Property in divers Parishes and Places in *England*, it is necessary for the due and proper Collection of the Income Tax and Assessed Taxes respectively that more than Two Collectors of the said respective Taxes should be appointed for each of such Parishes or Places: Be it enacted, That it shall be lawful for the Commissioners executing the Acts relating to the said respective Taxes in their respective Districts, and they are hereby authorized and required, to appoint such Number of Persons to be Collectors of the several and respective Taxes or any of them in each such Parish or Place as the said Commissioners may deem necessary for the due and proper Collection of the said Taxes respectively, and all such Collectors shall

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shall have the same Powers and Authorities, and shall be subject to the like Rules, Regulations, and Penalties, as any Collectors appointed under the Provisions of the Acts now in force.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed on the following ARTICLES, by this ACT.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of July One thousand eight hundred and sixty-three, on Importation into Great Britain and Ireland; that is to say,

Duties now charged on Tea, Sugar, &c. continued until 1st July 1863.

	£	s.	d.
Tea (without any Allowance for Draft) - the lb.	0	1	5
SUGAR, and Articles composed thereof, or sweetened therewith; viz:—			
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - - - the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - the Cwt.	0	12	8
Cane Juice - - - - - the Cwt.	0	10	4
Molasses - - - - - the Cwt.	0	5	0
Almonds, Paste of - - - - -			
Cherries, dried - - - - -			
Comfits, dry - - - - -			
Confectionery - - - - -			
Ginger, preserved - - - - -			
Marmalade - - - - -			
Plums, preserved in Sugar - - - - -			
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - - - - -			
	0	0	2

The following Drawbacks on the several Descriptions of Refined Sugar herein-after mentioned shall continue to be allowed on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of July One thousand eight hundred and sixty-three, on Exportation from Great Britain and Ireland to Foreign Parts, or on Removal to the Isle of Man for Consumption therein, or on Deposit thereof in any approved Warehouse, upon such Terms and subject to such Regulations as

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the Commissioners of Customs may direct, for Delivery from such Warehouse as Ship's Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

Upon Refined Sugar, in Loaf, complete or whole, £ s. d. or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3 approved by the Lords of the Treasury, for every Cwt.	0 17 2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters - for every Cwt.	0 17 2
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain, if thoroughly dried in the Stove - - - - for every Cwt.	0 16 4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2, approved by the Lords of the Treasury - - - - for every Cwt.	0 15 1
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2. - - - - for every Cwt.	0 12 8

In lieu of the Duties of Customs now charged on the Articles under-mentioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain and Ireland on and after the Fourth Day of April One thousand eight hundred and sixty-two :

	Containing less than the following Rates of Proof Spirit, verified by Sykes' Hydrometer, viz.,		If imported in Bottles and containing less than 42 Degrees.
	26 Degrees.	42 Degrees	
	s. d.	s. d.	s. d.
Wine, Red - - - the Gallon	1 0	2 6	2 6
Ditto, White - - - - - "	1 0	2 6	2 6
Lees of such Wine - - - - - "	1 0	2 6	2 6

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And for every Degree of Strength beyond the highest above specified, an additional Duty of Threepence per Gallon.

No more than Ten per Cent. of Proof Spirit shall be used in the fortifying of any Wine in Bond ; nor shall any Wine be fortified in Bond to a greater Degree of Strength than Forty per Cent. of such Proof Spirit.

In lieu of the Duties of Customs now charged on the Articles under-mentioned, the following Duties of Customs shall be charged thereon on Importation into Great Britain and Ireland, from and after the First Day of September One thousand eight hundred and sixty-two, viz. :—

Cards, viz. :	£	s.	d.
Playing Cards, the Dozen Packs -	0	3	9

SCHEDULE (B.)

Containing the DUTIES and DRAWBACK of EXCISE granted and allowed respectively by this Act.

Duties on Licences to Brewers of Beer for Sale, to be taken out on and after the Eleventh Day of October One thousand eight hundred and sixty-two.

For and upon every Licence to be taken out yearly by any Brewer of Beer for Sale—

If the Quantity of Beer brewed by such Brewer within the Year ending the Tenth Day of October next preceding the taking out of such Licence, shall not exceed Twenty Barrels, the Duty of - - - - - 0 12 6

And if the same shall exceed Twenty Barrels and not exceed Fifty Barrels, the Duty of - 1 7 6

And if the same shall exceed Fifty Barrels - 2 0 0

And if the same shall exceed One hundred Barrels and shall not exceed One thousand Barrels then for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above the First One hundred Barrels, the additional Duty of 0 15 0

And if the same shall exceed One thousand Barrels, and shall not exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of One thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above One thousand Barrels, the further Duty of - 0 14 0

And if the same shall exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of Fifty thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels over and above Fifty thousand Barrels, the further Duty of - 0 12 6

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And for and upon every Licence to be taken out £ s. d.
 by any Person who shall first become a Brewer
 of Beer for Sale, the Duty of - - - 0 12 6

And there shall be charged upon and payable by the said last-mentioned Person in respect of such Licence such further additional Sum as, with the said Duty of Twelve Shillings and Sixpence, shall amount to the Duty chargeable on a Licence in respect of the like Number of Barrels of Beer brewed by him during the Existence of the Licence granted to him; and the said additional Charge shall be paid within Ten Days next after the Expiration of the said Licence.

The Duties aforesaid to be in lieu of the Duties now chargeable on Licences to be taken out by Brewers of Beer for Sale.

On a Victualler's occasional Licence; that is to say,
 £ s. d.

For and upon every occasional Licence to be granted to any Person who shall be duly authorized to keep a common Inn, Alehouse, or Victualling House, and licensed to sell therein Beer, Spirits, Wine, or Tobacco, to sell the like Articles for which he shall be so licensed at any such other Place, and for and during such Space or Period of Time not exceeding Three Days as shall be specified in such occasional Licence, the Sum of - 0 5 0

Drawback on Beer exported; that is to say,

For and in respect of every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, which, on or after the Eleventh Day of October One thousand eight hundred and sixty-two shall be exported to Foreign Parts as Merchandise, the Sum of Three pence, in addition to any Drawback now payable by Law on Beer exported.

SCHEDULE (C.)

Containing the STAMP DUTIES imposed by this Act.

	£	s.	d.
For and in respect of every Pack of Playing Cards made fit for Sale or Use in the United Kingdom, the Duty of - - - -	0	0	3
For and upon every Licence to be taken out annually by any Person who shall sell Playing Cards in the United Kingdom,			
If he be a Maker of Playing Cards, the Duty of - - - -	1	0	0
If he be not a Maker of Playing Cards, the Duty of - - - -	0	2	6

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Upon and in respect of any Bond, Debenture, or other Security for Money, by whatever Name it shall be called, made in the United Kingdom or elsewhere, by or on behalf of any Foreign or Colonial Government, State, or Company, and bearing Date or signed after the passing of this Act (not being a Bill of Exchange or Promissory Note chargeable as such with Stamp Duty, nor being an Instrument already chargeable with the same Duty as a Bond, or for which a Composition in lieu thereof is payable) which shall be issued, delivered, assigned, transferred, or negotiated within the United Kingdom

The same Stamp Duty as is chargeable on a Bond made in the United Kingdom, for securing the Payment of the like Amount of Money.

Provided that this shall not extend to charge with Stamp Duty any Instrument *bonâ fide* made and issued at any Place out of the United Kingdom as a Security for the Repayment of Money raised or procured on Loan in Foreign Parts, and not lent or advanced by any Person resident in the United Kingdom, and the Interest whereon shall not be paid within the United Kingdom.

SCHEDULE (D.)

Containing the RATES and DUTIES of INCOME TAX granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-two, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; that is to say,

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Ninepence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof,—

In England, the Rate or Duty of Fourpence Halfpenny:

And in Scotland and Ireland respectively, the Rate or Duty of Threepence:

Subject to the Provision contained in the said Act, Sixteenth and Seventeenth Victoria, Chapter Thirty-four, Section Twenty-eight, for the Relief of Persons whose Incomes are under One hundred and fifty Pounds a Year respectively, from so much of the said Duties as shall exceed the Rate of Sixpence for every

Bills of Exchange (Ireland) Act (1861) Amendment.

Twenty Shillings of their respective Profits and Gains, computed as in the said Enactment is mentioned, and subject also to the Provision therein contained for the Exemption of Persons whose Incomes from every Source shall be less than One hundred Pounds a Year respectively.

C A P. XXIII.

An Act to amend "The Summary Procedure on Bills of Exchange (*Ireland*) Act (1861)." [3d June 1862.]

24 & 25 Vict.
c. 43.

‘ WHEREAS it is, amongst other things, enacted by the Sixth Section of "The Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861," that the Provisions of "The Common Law Procedure Amendment (*Ireland*) Act, 1853," shall, as far as the same are or may be made applicable, extend and apply to all Proceedings to be had or taken under the said "Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861," and it is expedient to amend the said Sixth Section as herein-after provided:’ 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 :

In Actions upon Bills of Exchange, &c. the Days for appearing, &c. to run in Vacation.

1. In all Actions upon Bills of Exchange or Promissory Notes commenced pursuant to the Provisions of "The Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861," the Days for appearing and filing a Defence to the Writ of Summons and Plaintiff shall run in Vacation as well as in Term Time, without excepting the Days from the First Day of *August* to the Twentieth Day of *October* inclusive, notwithstanding the Provisions of "The Common Law Procedure (*Ireland*) Act, 1853."

As to filing Summons between 1st Aug. and 20th Oct.

2. In all such Actions the Days from and including the First Day of *August* to the Twentieth Day of *October* inclusive in each Year shall be reckoned Days within which the Summons and Plaintiff and Defence should be filed, and on such Days such Summons and Plaintiff, or Defence, shall be filed and received, notwithstanding the Provisions of "The Common Law Procedure (*Ireland*) Act, 1853."

This and recited Act to be as One.

3. This Act and the Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861, shall be incorporated and construed together as One Act.

Short Title.

4. This Act may be cited for all Purposes as "The Summary Procedure on Bills of Exchange (*Ireland*) Act, 1862."

C A P. XXIV.

An Act to continue The Peace Preservation (*Ireland*) Act, 1856, as amended by the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter One hundred and thirty-eight. [30th June 1862.]

19 & 20 Vict.
c. 36.

‘ WHEREAS an Act was passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Thirty-six, under the Name or Short Title of "The Peace Preservation (*Ireland*) Act,

Peace Preservation (Ireland). Local Government Supplemental.

‘ Act, 1856 :’ And whereas by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and Thirty-eight, the said recited Act was amended and further continued until the First Day of *July* One thousand eight hundred and sixty-two, and it is expedient that the said first-recited Act, as so amended, should be further continued for a limited Time :’ 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 :

L. “The Peace Preservation (*Ireland*) Act, 1856,” as the same is amended by the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and thirty-eight, shall continue in force until the First Day of *July* One thousand eight hundred and sixty-four, and until the End of the then next Session of Parliament.

23 & 24 Vict.
c. 138.

19 & 20 Vict.
c. 36., as
amended by
23 & 24 Vict.
c. 138., further
continued.

C A P. XXV.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of *Hanley, Stroud, Ilfracombe, Longton, Halifax, Ipswich, and Sandown.* [30th June 1862.]

‘ **W**HEREAS the Secretary of State for the Home Department, being One of Her Majesty’s Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament ; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto :’ 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 :

L. The Provisional Orders contained in the Schedule hereto annexed shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Provisional
Orders in
Schedule con-
firmed.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

This Act incor-
porated with
21 & 22 Vict.
c. 98.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures, “The Local Government Supplemental Act, 1862.”

Short Title.

Local Government Supplemental.

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. HANLEY.—Transferring the Powers and Property of the Hanley Market Trustees to the Hanley Local Board.
2. STROUD.—Extending the Borrowing Powers of the Stroud Local Board of Health.
3. ILFRACOMBE.—Extending the Borrowing Powers of the Ilfracombe Local Board of Health.
4. LONGTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement for Market Improvements.
5. HALIFAX.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Halifax Local Board of Health for Street Improvements.
6. IPSWICH.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Ipswich Local Board of Health for Street Improvements.
7. SANDOWN.—Repealing a Local Act in force within the District of the Sandown Local Board.

HANLEY.

Provisional Order for the Transfer of the Powers and Property of the Hanley Market Trustees to the Hanley Local Board.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Mayor, Aldermen, and Burgesses of the Borough of Hanley, in the County of Stafford, and whereas the said Mayor, Aldermen, and Burgesses, acting as the Local Board within such Borough, under the provisions of the 77th section of the said Act, presented a Petition to the Right Honourable Sir George Cornewall Lewis, as one of Her Majesty's Principal Secretaries of State, praying that such provision may be made for the future execution, by the aforesaid Local Board, of a certain Local Act of Parliament in force within the District of such Borough, and intituled "An Act for establishing and regulating the Market, and for enlarging and improving the Market Place at Hanley, in the County of Stafford" (53 Geo. 3. c. cxv.), that the powers and property now held and possessed by the Trustees under the aforesaid Local Market Act may be transferred to, and vested in, the said Mayor, Aldermen, and Burgesses, acting as such Local Board under the herein-before recited Local Government Act, 1858.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition, and report has been made thereon to me, as one of Her Majesty's Principal Secretaries of State as aforesaid, by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

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Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

- 1.—The powers, rights, authorities, duties, and liabilities of the Trustees for the time being, acting in execution of the aforesaid Local Market Act of the 53 Geo. 3. c. cxv. (“for establishing and regulating the Market, and for enlarging and improving the Market Place at Hanley, in the County of Stafford”) shall cease; and the said powers, rights, authorities, duties, and liabilities shall be transferred to the said Mayor, Aldermen, and Burgesses acting as such Local Board for the said Borough of Hanley, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Local Government Act, 1858.
- 2.—All property and estate of the Trustees acting in the execution of the said Local Act shall be transferred to and become vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board, except as herein-after provided, upon the same trusts, and for the same purposes, and with the same rights, powers, and privileges, as by such Trustees.
- 3.—All debts, monies, and securities for money contracted or payable or to become payable by such Trustees, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith, if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Trustees.
- 4.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, within the district of the said Local Board.
- 5.—Provided also, that if such property and estate be more than sufficient, any surplus that may accrue shall be primarily applicable in or towards a Cattle Market and Slaughterhouses, if deemed expedient, and such increased Market Accommodation as may from Time to Time appear advisable. Provided also, that no part of the said surplus shall be applicable in or towards Expenses of Sewerage, or of ordinary Highway Repairs, except within the limits of the Market Place, or the approaches adjacent thereto.
- 6.—All expenses which shall be incurred by the said Local Board under the said Local Act, and which shall not be defrayed out of monies arising under such Local Act,

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Act, shall be deemed to be expenses incurred by such Board under the Local Government Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Local Government Act.

Given under my hand this Twenty-sixth day of April 1862.

(Signed) G. GREY.

STROUD.

Provisional Order for extending the Borrowing Powers of the Stroud Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the area comprised within the boundaries of the Town of Stroud, in the County of Gloucester, as defined in the second section of the Local Act of 6 Geo. 4. c. 6.; and, under the provisions of the Public Health Supplemental Act, 1857, 20 Vict. cap. 3., the Commissioners for the time being acting in execution of the said Local Act "for paving, lighting, watching, cleansing, regulating, and improving the Town of Stroud, in the county of Gloucester," were appointed the Local Board of Health under the said Public Health Act.

And whereas the powers, authorities, and duties of the said Commissioners ceased from and after the passing of the aforesaid Public Health Supplemental Act, 1857, and were transferred to the said Local Board of Health, to be exercised as if they had been granted or imposed by the said Public Health Act; and all property and estate of the Commissioners acting in the execution of the said Local Act were also transferred to the said Local Board of Health, and all debts, monies, and securities for money contracted or payable, or to become payable by such Commissioners, were thenceforth to be satisfied by the said Local Board.

And whereas the said Commissioners had duly raised under the authority of their Local Act, sums of which Two thousand nine hundred pounds still remain due and payable; and the said Local Board of Health have since the passing of the aforesaid Public Health Supplemental Act, 1857, received sanction under the Local Government Act, 1858, and the Public Health Act, 1848, to borrow upon security of the rates of the aforesaid District of Stroud, sums amounting in the whole to thirteen thousand five hundred pounds to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts; and whereas a further sum of One thousand six hundred pounds will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sums, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned

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me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum not exceeding One thousand six hundred pounds beyond the sums herein-before mentioned, and making altogether an amount not exceeding Eighteen thousand pounds.

And whereas after due inquiry and report by Robert Rawlinson, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

- 1.—The Local Board of Health for the District of Stroud in the county of Gloucester shall have power and authority to borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, any sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole the sum of Eighteen thousand pounds; and to reborrow on mortgage of the said rates the whole or any part of the several aforesaid sums amounting in the whole to not more than Eighteen thousand pounds, the said sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing or reborrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. GREY.

ILFRACOMBE.

Provisional Order for extending the Borrowing Powers of the Ilfracombe Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the Parish of Ilfracombe in the County of Devon.

And whereas the Local Board of Health for the District of Ilfracombe so constituted have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Thirteen thousand Pounds, to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts; and whereas a further sum will

Local Government Supplemental.

be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sum, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which, with the amount already borrowed, shall not exceed in the whole one and a half years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

- 1.—The Local Board of Health for the District of Ilfracombe in the county of Devon shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole one and a half years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. GREY.

LONGTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Longton Local Board, for the Purchase of Land by the said Board for Market Improvements.— Local Government Act, 1858.

Whereas portions of the Local Government Act, 1858, have been duly adopted by the Longton Board of Commissioners,

Local Government Supplemental.

acting under and by virtue of an Act intituled "An Act for establishing an effective Police in Places within or adjoining to the District called the Staffordshire Potteries, and for improving and cleansing the same, and better lighting Parts thereof;" and whereas the said portions of the aforesaid Local Government Act, 1858, have now the force of law within the district of Longton aforesaid; and whereas the said Longton Board of Commissioners as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase a certain piece of land and certain buildings for the purpose of improving the market-place situate within their District.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owner, lessee, and occupier of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The Longton Board of Commissioners aforesaid, being the Local Board for the District of Longton, in the Parish of Stoke-upon-Trent, in the County of Stafford, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-fourth day of
March 1862.

(Signed). G. GREY.

Local Government Supplemental.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following :—

Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Freehold messuage or tenement and premises in Market Lane, Longton, and used as a retail beer house, adjoining the Longton Market.	Felix Pratt Ford, of the Lawn, Stoke-upon-Trent.	Late in the occupation of Ralph Adams, but now unoccupied.

HALIFAX.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Halifax Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.—Local Government Act, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Halifax, in the County of York, by the Council of the said Borough, being the Local Board of Health in and for the District of the said Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by "The Public Health Supplemental Act, 1851," (No. 3), have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of widening, opening, enlarging, and improving certain streets and highways, in the said Borough, such land and buildings being all situate within the District of the said Local Board of Health.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the

Local Government Supplemental.

receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the district aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order,

- 1.—The Mayor, Aldermen, and Burgesses of the Borough of Halifax, by the Council of the said Borough, being the Local Board of Health for the District of that Borough, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the Powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-eighth day of March 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

[*Lands and Buildings proposed to be taken.*]

IPSWICH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Local Board of Health for the Borough of Ipswich, in the County of Suffolk, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under their Common Seal, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve the street called King's Street in the said Borough.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with

Local Government Supplemental.

reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health for the said Borough, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Second day of April 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property to be taken.	Owner.	Lessee.	Occupier.
A house, shop, yard, and hereditaments, with the appurtenances.	Richard Stinton Cole.	- - -	Richard Stinton Cole.
A house, workshop, and hereditaments, with the appurtenances.	The same	William Cudding, junior.	William Cudding, junior.

SANDOWN.

Provisional Order repealing a Local Act in force within the District of the Sandown Local Board.—Local Government Act, 1858.

Whereas the Local Board for the District of Sandown, in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying

for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of Sandown, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-third year of the reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of Sandown.

Given under my Hand this Twenty-ninth day of April 1862.

(Signed) G. GREY.

C A P. XXVI.

An Act to extend the Power of making Statutes possessed by the University of *Oxford*, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University. [30th June 1862.]

WHEREAS it is expedient to extend the Powers of making Statutes possessed by the University of *Oxford*, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University: 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 University of *Oxford* may make Statutes for the Regulation of the Professorships specified in the Schedule annexed hereto in respect of the following Matters; that is to say,

1. The Functions and Duties of each of the Professors holding the said Professorships:
2. The Fees, if any, to be charged for Admittance to the Lectures of each Professor:
3. The Determination of the Periods during which each Professor is to reside in the University; the Authority in whom a Power of granting Leave of Absence is to be vested, and the Mode of enforcing the required Residence:

Power to University to make Regulations as to Professorships named in Schedule.

Oxford University.

4. The Appointment of a temporary Substitute for each Professor, in case of his Illness or temporary Absence with Leave, and of a permanent Substitute in case of his being permanently incapacitated by old Age or Infirmity :
5. The Remuneration of any such temporary or permanent Substitute out of the Income of the Professor in whose Place he is substituted :
6. The Constitution of a Court or other Authority empowered to admonish and, if necessary, remove a Professor guilty of notable Negligence or Inefficiency in conducting the Duties of his Office, or of Immorality.

Power of University as to Professorships in Schedule.

2. The University may by Statute determine in respect of each of the Professorships specified in the said Schedule (other than the Professorship of Political Economy and the *Sherard* Professorship of Botany) how and by whom upon the Occasion of the next or any subsequent Avoidance of such Professorship the Professor is to be elected, and in the Case of the *Sherard* Professorship of Botany therein named the Professor shall be appointed by the President and Council for the Time being of the Royal College of Physicians of *London*; and the said University may, with Consent of the said President and Council of the College of Physicians, vary and define the Qualifications of Candidates for Election to the said *Sherard* Professorship.

Suppression of certain Professorships.

3. If at any Time hereafter a new Professorship of Political Economy, Chemistry, Geology, or Mineralogy is established in the University of *Oxford*, it shall be lawful for the University by Statute to suppress the existing Professorship of that Science for which Provision is made by a new Professorship, and after the Suppression of any Professorship authorized to be suppressed by this Section the annual Sum now payable by the University as a Salary to the Professor holding the suppressed Professorship shall be applied in promoting and assisting, by the Purchase of Materials or Apparatus, by the Support of Assistant Teachers, or by such other Means as the University may by Statute determine, the Study and Cultivation in the University of the Science which forms the Subject Matter of the suppressed Professorship : Provided that if the Professorship of Mineralogy is suppressed the annual Sum thereby rendered disposable may, if it be thought fit, be applied in manner aforesaid to the Promotion of the Study of Geology or any Branch thereof, and if the Professorship of Geology be suppressed the annual Sum may, if it be thought fit, be applied to the Promotion of the Study of Mineralogy or any Branch thereof.

Extension of Power of suppressing Professorships.

4. The Power hereby given to the University of suppressing any of the said Professorships of Political Economy, Chemistry, Geology, or Mineralogy may be exercised although the new Professorship substituted for any suppressed Professorship is a Professorship attached to a College, and established under a Statute of such College now in force, if the Functions and Duties of such new Professorship are subject to Regulation by the University, and are not confined to the Instruction of Members of the College.

Oxford University.

5. The Election or Appointment of any Person who may be hereafter elected or appointed to any of the said Professorships of Political Economy, Chemistry, Geology, and Mineralogy may, if it be thought fit, be declared by Statute of the University to be subject to the Operation of any Statute for the Suppression of the Professorship that may afterwards be made or come into operation.

Conditions may be annexed to certain Professorships.

6. The University may vary by Statute the Directions, Trusts, or Regulations relating to the *Kennicott* Scholarships, and to the *Johnson* Scholarships, and to the *Denyer* Theological Prizes, with a view of promoting the Study of Theology, Hebrew, and Mathematics respectively, and may for that Purpose, if it be deemed advisable, convert the *Denyer* Theological Prizes into a Theological Scholarship or Scholarships.

Variation of the Trusts of certain Scholarships.

7. Every Statute passed by the University by virtue of this Act shall with all convenient Speed after the passing thereof be laid before Her Majesty in Council, and forthwith published in the *London Gazette*, and any Person or Body Corporate affected thereby may within a Month after the Publication thereof petition Her Majesty in Council against the same or any Part thereof, and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner to be heard by Counsel in support of his Petition; and if, no such Petition having been presented, or if after any Petition so presented has been referred and considered, such Five Members of the Privy Council, or the major Part thereof, shall report to Her Majesty their Opinion that such Statute should be approved with or without Modifications, the said Statute or modified Statute shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, or if not, then within Three Weeks after the Commencement of the then next ensuing Session of Parliament, and unless an Address be within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statute or modified Statute, or any Part thereof, it shall be lawful for Her Majesty, if She think fit, to declare by Order in Council Her Approbation of the Statute or modified Statute, and the same shall thereupon become a Statute of the University of *Oxford*, notwithstanding any Act of Parliament, Decree or Order, Decree or Instrument of Foundation or Endowment; and if the Statute or any Part thereof is not so approved by Her Majesty, the University may frame and pass another Statute in the Matter, and so on from Time to Time as often as Occasion requires.

Approbation of Statutes by Her Majesty in Council.

8. Every Statute made by the University by virtue of this Act shall be subject to Alteration or Repeal by the University, with the Approval of Her Majesty in Council.

Power of altering Statutes.

9. Every Statute of the University made in pursuance of the said Act of the Seventeenth and Eighteenth Years of Her present Majesty Queen *Victoria*, Chapter Eighty-one, and intitled *An Act*
25 & 26 VICT.

Repeal of University Statutes.

Oxford University. Retiring Pay, &c., British Forces (India).

Act to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester, which has been approved by Her Majesty in Council, shall from and after the passing of this Act be subject to Alteration and Repeal by the University, with the Approval of Her Majesty in Council.

Saving of Rights.

10. This Act shall not be construed to take away or affect any Power of making Statutes or Regulations now possessed by the University or by any College therein, nor shall it prejudice or affect any Interest vested in any Member of the University previously to the passing of this Act.

Interpretation of Terms.

11. In the Construction of this Act the Words "Professor" and "Professorship" respectively shall include Public Readers and Prælectors, and their several Offices.

Power to Vice Chancellor to make Rules for Regulation of his Court.

12. Section Forty-five of the said Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty shall be repealed, and in lieu thereof be it enacted, That the Vice Chancellor of the said University may from Time to Time, with the Approval of any Three of the Judges of Her Majesty's Superior Courts, make Rules for regulating the Practice and Forms of Procedure in all Proceedings within the Jurisdiction of the Court of the Chancellor of the said University commonly called the Vice Chancellor's Court, and may from Time to Time, with the like Approval, annul, alter, or add to any such Rules.

Short Title.

13. This Act may be cited for all Purposes as "*The Oxford University Act, 1862.*"

SCHEDULE.

The Professorship of Political Economy.
 The Readership in Experimental Philosophy.
 The Sherard Professorship of Botany.
 The Aldrich Professorship of Chemistry.
 The Readership in Geology.
 The Readership in Mineralogy.

C A P. XXVII.

An Act to authorize Payments for a further Period out of the Revenues of *India* in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's *British Forces* serving in *India*.

[30th June 1862.]

‘ WHEREAS by an Act passed in the Session holden in the
 ‘ Twenty-fourth and Twenty-fifth Years of the Reign of
 ‘ Her present Majesty, Chapter Eighty-nine, intituled *An Act*
 ‘ *to increase the Amount payable out of the Revenues of India*
 ‘ *in respect of the Retiring Pay, Pensions, and other Expenses of*
 ‘ *that Nature of Her Majesty's British Forces serving in India,*
 ‘ after reciting that the Sum of Sixty thousand Pounds therein
 ‘ mentioned to have been hitherto paid annually into the Receipt
 ‘ of Her Majesty's Exchequer out of the Territorial Revenues of

24 & 25 Vict.
 c. 89.

Universities (Scotland) Act Amendment.

' the *East Indies*, in order to provide for the Charge incurred
' for Retiring Pay and Pensions and other Expenses of that
' Nature was insufficient, and that it was expedient that it should
' be increased, it was enacted, that from the Thirty-first Day of
' *March* One thousand eight hundred and sixty-one until the
' Thirty-first Day of *March* One thousand eight hundred and
' sixty-two there should be paid out of the Revenues of *India* to
' the Account of Her Majesty's Exchequer such Sum as therein
' mentioned, being the same as is herein required to be paid for a
' further limited Period: And whereas it is expedient that the
' Payment so made should be continued as herein-after men-
' tioned: 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:

L From the Thirty-first Day of *March* One thousand eight
hundred and sixty-two until the Thirty-first Day of *March* One
thousand eight hundred and sixty-seven there shall be paid an-
nually out of the Revenues of *India*, to the Account of Her
Majesty's Exchequer at the Bank of *England*, in respect of the
above-mentioned Charge, a Sum calculated at the Rate of Three
Pounds Ten Shillings *per Head per Annum* upon the Number
of Her Majesty's *British Forces* chargeable upon the said Re-
venues of *India*, exclusive of the Number at the Depôts or on
Passage, as shown by the Monthly Muster Rolls, the Payment
to be made monthly, and to be calculated upon the Number
shown in the last Monthly Muster Rolls received in *England*
before each Month for which Payment is to be made.

Future Charge
on Revenues of
India.

C A P. XXVIII.

An Act to alter and amend the Universities (*Scotland*) Act
in so far as relates to the Bequest of the late Doctor
Alexander Murray in the University of *Aberdeen*.

[30th June 1862.]

' WHEREAS Difficulties have arisen as to the Powers of the
' Commissioners under an Act of the Twenty-first and
' Twenty-second Years of the Reign of Her present Majesty,
' Chapter Eighty-three, intituled *An Act to make Provision for*
' *the better Government and Discipline of the Universities of*
' *Scotland, and improving and regulating the Course of Study*
' *therein; and for the Union of the Two Universities and Col-*
' *leges of Aberdeen*, to alter or modify, under the Provisions
' of the said Act, the Conditions and Directions affecting the
' Bequest of the late Doctor *Alexander Murray* of *Philadelphia*,
' in the United States of *America*, of Date the Sixth Day of
' *September* One thousand seven hundred and ninety-three,
' whereby he gave and bequeathed certain Property to the
' Regents and Professors of the *King's College of Aberdeen*,
' now united with *Marischal College* as the University of
' *Aberdeen*, for certain Purposes in the said Bequest mentioned:
' And whereas it is expedient that the Powers of the said Com-

21 & 22 Vict.
c. 83.

Landed Property Improvement (Ireland) Acts Amendment.

'missioners in relation to the said Bequest should be clearly defined :' Be it therefore enacted and declared 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 :

Power to Commissioners to alter Conditions of Dr. Murray's Bequest.

1. It shall be lawful for the Commissioners under the said Act, at any Time prior to the First Day of *January* One thousand eight hundred and sixty-three, to alter or modify the Conditions and Directions affecting the Bequest of the said Doctor *Alexander Murray* in the University of *Aberdeen*, notwithstanding that the same may not have taken effect more than Fifty Years before the Date of the said Act.

C A P. XXIX.

An Act to amend and enlarge the Acts for the Improvement of Landed Property in *Ireland*. [30th June 1862.]

10 & 11 Vict.
c. 32.

'WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in Ireland* ; and a further Act of the

12 & 13 Vict.
c. 23.

'Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-three, was passed "to authorize further Advances of Money for the Improvement of Landed Property, and the

13 & 14 Vict.
c. 31.

"Extension and Promotion of Drainage and other Works of Public Utility in *Ireland* ;" and a further Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-

13 & 14 Vict.
c. 113.

one, was passed "to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the

15 & 16 Vict.
c. 34.

"United Kingdom, and to amend the Acts relating to such Advances ;" and a further Act was passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred

23 & 24 Vict.
c. 19.

and thirteen, "to authorize the Transfer of Loans for the Improvement of Land in *Ireland* to other Land ;" and a further Act was passed in the Fifteenth and Sixteenth Years

24 & 25 Vict.
c. 34.

of Her Majesty, Chapter Thirty-four, "to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Scutch Mills for Flax in *Ireland* ;" and a further Act was passed in

the Twenty-third Year of Her Majesty, Chapter Nineteen, "to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the

Erection of Dwellings for the Labouring Classes in *Ireland* ;" and a further Act was passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-four, "to extend

the Provisions of the Acts to facilitate the Improvement of Landed Property in *Ireland*, and to further provide for the Erection of Dwellings for the Labouring Poor in *Ireland* :"

And whereas it is expedient to amend and enlarge the Provisions of the said recited Acts in the Manner herein-after mentioned : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

Landed Property Improvement (Ireland) Acts Amendment.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That notwithstanding anything in the said Act of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-one, to the contrary, it shall be lawful for the Commissioners of Public Works, with the Sanction of the Commissioners of Her Majesty's Treasury, to make Loans to any Owner of Land in *Ireland* under the Provisions and for the Purposes of the said recited Acts or any of them, of any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand Pounds to any One Owner, in addition to and over and above any Sum or Sums of Money which the said Commissioners of Public Works may have heretofore advanced or are authorized to advance under the Powers and Provisions of the said recited Acts or any of them.

Power to Commissioners of Public Works to make additional Loans.

2. Provided that nothing in this Act contained shall affect, lessen, or abridge the Power of the said Commissioners of Public Works to advance Money for the Erection of Dwellings for the Labouring Classes in *Ireland*, to the Amount specified in and by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-four, as if this Act had not passed.

Power of Commissioners to make Loans by 24 & 25 Vict. c. 34. not affected.

3. It shall be lawful for the said Commissioners of Public Works to fix for the Completion of any Works for which Loans may be made under the said recited Acts and this Act such Period, and from Time to Time such further Period within Seven Years from the Date of the first Advance of any Loan under the said recited Acts or this Act, as the said Commissioners may think fit.

Time for Completion of Works extended.

4. This Act and the said recited Acts shall be construed together as One Act.

Recited Acts and this Act to be as One.

5. The Powers conferred by the First Section of this Act upon the Commissioners of Public Works shall be in force until the First Day of *January* One thousand eight hundred and sixty-four.

Duration of Powers of Commissioners.

C A P. XXX.

An Act to amend an Act of the last Session for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes.

[30th *June* 1862.]

WHEREAS by an Act of the Twenty-fourth and Twenty-fifth Years of Her present Majesty, Chapter Eighty, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* are empowered to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, for the Purposes therein mentioned, a Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* during

24 & 25 Vict. c. 80.

Public Works and Harbours Act Amendment.

‘ during the Five Years next ensuing the Fourth Day of *April*
 ‘ One thousand eight hundred and sixty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per*
 ‘ Quarter, as therein mentioned, and for the Purpose of Loans
 ‘ under “The Harbours and Passing Tolls, &c. Act, 1861,” a
 ‘ further Sum not exceeding Three hundred and fifty thousand
 ‘ Pounds *per Annum* during the Five Years next ensuing the
 ‘ passing of that Act, by quarterly Instalments or Issues not
 ‘ exceeding Eighty-seven thousand five hundred Pounds *per*
 ‘ Quarter, as therein mentioned: And whereas it is expedient
 ‘ to amend the said Act, and to provide that instead of making
 ‘ such Issues quarterly the same may be issued from Time to
 ‘ Time when and as the same or any Part thereof shall be
 ‘ actually required for the Purposes of Loans authorized by the
 ‘ said Act:’ 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 :

Instalments may be issued when required for Purposes of Loans under recited Act, instead of quarterly.

1. In case any or either of the said Instalments authorized by the said Act to be issued shall not be required by the Commissioners for carrying into execution the said Act to be issued quarterly, and shall not have been issued, it shall be lawful for the Commissioners of Her Majesty’s Treasury from Time to Time, or at any Time after the Expiration of any such Quarter, to issue out of the growing Produce of the Consolidated Fund for the Purposes of the said Act all or such Part or Parts of the said respective quarterly Instalments which shall not have been previously issued as shall from Time to Time be required by the Commissioners for carrying into execution the said Act: Provided always, that nothing in this Act contained shall authorize the Issue of any larger Sum or Sums of Money in the whole than the aggregate Amount of the quarterly Instalments or Issues which under the Terms of the said recited Act may then have become due or issuable.

C A P. XXXI.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two. [7th July 1862.]

C A P. XXXII.

An Act to continue the Act of the Second and Third Years of *Victoria*, Chapter Seventy-four, for preventing the administering of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of *Victoria*. [7th July 1862.]

50 G. 3. c. 102.

‘ **W**HEREAS an Act was passed in the Fiftieth Year of His Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in Ireland; and for the Protection of Magistrates*

Unlawful Oaths (Ireland) Act Continuance.

trates and Witnesses in Criminal Cases: And whereas the
 said Act was amended by an Act passed in the Fourth Year of 4 G. 4. c. 87.
 His Majesty King *George* the Fourth, Chapter Eighty-seven:
 And whereas the Provisions of the said last-mentioned Act
 were extended and rendered more effectual by an Act passed in
 the Session of Parliament holden in the Second and Third 2 & 3 Vict.
 Years of Her Majesty, Chapter Seventy-four: And whereas by c. 74.
 an Act passed in the Session of Parliament holden in the
 Seventh and Eighth Years of Her Majesty, Chapter Seventy- 7 & 8 Vict.
 eight, the said last-recited Act was continued for the further c. 78.
 Period of One Year from the First Day of *September* in the
 Year One thousand eight hundred and forty-four: And whereas
 by an Act passed in the Session of Parliament holden in the
 Eighth and Ninth Years of Her Majesty, Chapter Fifty-five, 8 & 9 Vict.
 the said Act of the Second and Third Years of Her Majesty c. 55.
 (subject to an Amendment in the said Act of the Eighth and
 Ninth Years of Her Majesty contained) was continued in force
 for the further Period of Two Years from the First Day of
September One thousand eight hundred and forty-five, and
 until the End of the then next Session of Parliament: And
 whereas by an Act of the Eleventh and Twelfth Years of Her 11 & 12 Vict.
 Majesty, Chapter Eighty-nine, the said last-mentioned Act was c. 89.
 amended, and further continued, as so amended, for Two Years
 from the Thirty-first Day of *August* One thousand eight
 hundred and forty-eight, and until the End of the then next
 Session of Parliament: And whereas by an Act of the Four-
 teenth and Fifteenth Years of Her Majesty, Chapter Forty- 14 & 15 Vict.
 eight, the said Act of the Second and Third Years of Her c. 48.
 Majesty, as amended by the said Act of the Eighth and Ninth
 Years of Her Majesty, and by the said Act of the Eleventh
 and Twelfth Years of Her Majesty, was further continued for
 Five Years from the First Day of *August* One thousand eight
 hundred and fifty-one, and until the End of the then next
 Session of Parliament: And whereas by an Act of the Nine- 19 & 20 Vict.
 teenth and Twentieth Years of Her Majesty, Chapter Seventy- c. 78.
 eight, the said Act of the Eighth and Ninth Years of Her
 Majesty, Chapter Fifty-five, was repealed, and certain Pro-
 visions of the said Act of the Second and Third Years of Her
 Majesty, which had been repealed by the said Act of the Eighth
 and Ninth Years of Her Majesty, were revived, and the said
 Act of the Second and Third Years of Her Majesty, as amended
 by the said Act of the Eleventh and Twelfth Years of Her
 Majesty, was continued for the further Period of Five Years
 from the passing of that Act, and until the End of the present
 Session of Parliament: And whereas it is expedient that the
 said Act of the Second and Third Years of Her Majesty, as
 amended by the said Act of the Eleventh and Twelfth Years
 of Her Majesty, should be further continued for a limited
 Time: 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 Parlia-
 ment assembled, and by the Authority of the same, as follows:

Sandhurst Vesting.

2 & 3 Vict.
c. 74. as
amended by
11 & 12 Vict.
c. 89. further
continued.

The said recited Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, shall be and continue in force for the further Period of Five Years from the passing of this Act, and until the End of the then next Session of Parliament.

C A P. XXXIII.

An Act for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at *Sandhurst*, and for completing certain Exchanges of Lands now or late of the said College.

[7th July 1862.]

‘ **W**HEREAS the Royal Military College at *Sandhurst* in
 ‘ the County of *Berks* is regulated by a Warrant under
 ‘ the Sign Manual of King *George* the Third, dated the Twenty-
 ‘ seventh Day of *May* One thousand eight hundred and eight,
 ‘ and it is provided by the Regulations established by such War-
 ‘ rant that the Lands and Property belonging to the said College
 ‘ shall be under the Care of the Governor and the Collegiate
 ‘ Board thereby constituted, subject to the Directions of the
 ‘ Board of Commissioners thereby also constituted: And whereas
 ‘ Parts of the Lands belonging to the said College, and situate
 ‘ respectively in the Parish of *Sandhurst* in the County of *Berks*,
 ‘ and the Parish of *Ash* in the County of *Surrey*, are vested in
 ‘ Her Majesty, and other Parts thereof were, on the Acquisition
 ‘ thereof for the Purposes of the said College, conveyed in trust
 ‘ for Her Majesty to certain of the Commissioners of the said
 ‘ College, or otherwise to Persons having no corporate Capacity,
 ‘ and have devolved upon the Heir-at-Law of the Person to whom
 ‘ such Lands were conveyed, or of the last Survivor of such
 ‘ Persons (where more than One), and it is impossible or difficult
 ‘ to ascertain who is such Heir-at-Law in each Case: And
 ‘ whereas Portions of the Lands formerly belonging to the said
 ‘ College were respectively in or about the Years One thousand
 ‘ eight hundred and seventeen and One thousand eight hundred
 ‘ and twenty exchanged for Lands belonging to the Crown as
 ‘ Part of the Hereditary Possessions thereof, but the Exchanges
 ‘ of such Lands have not been duly completed, and it is ex-
 ‘ pedient that the same should be confirmed and made effectual:
 ‘ And whereas it is expedient that all Lands belonging to the
 ‘ said College should be vested in Her Majesty's Principal
 ‘ Secretary of State for the War Department, subject neverthe-
 ‘ less to the said Royal Warrant or such other Royal Warrant
 ‘ as for the Time being may be in force in relation thereto: And
 ‘ whereas a Map or Plan of all the said Lands has been made and
 ‘ signed in duplicate by the Governor of the said College and by
 ‘ One of the Commissioners of Her Majesty's Woods, Forests,
 ‘ and Land Revenues, and upon such Map or Plan are distin-
 ‘ guished by a Red Edging the Lands now holden by or belonging
 ‘ to the said College, and by a Yellow Edging the Lands now
 ‘ holden by or belonging to the Crown, respectively, under the

Sandhurst Vesting.

‘ said Exchanges : And whereas One of the Duplicates of the
 ‘ said Map or Plan has been or is about to be deposited with
 ‘ Her Majesty’s Principal Secretary of State for the War De-
 ‘ partment, and the other Duplicate has been or is about to be
 ‘ deposited in the Office of Land Revenue Records and Enrol-
 ‘ ments :’ 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 Parlia-
 ment assembled, and by the Authority of the same, as follows :

1. The Lands described or delineated on the said Map or Plan, and surrounded thereon by a Red Edging, shall, upon the passing of this Act, become and be vested in Her Majesty’s Principal Secretary of State for the War Department on behalf of Her Majesty for all the Estate and Interest now vested in Her Majesty, or any Person or Persons in trust for Her Majesty, subject nevertheless to the said Royal Warrant, or such other Royal Warrant (if any) as for the Time being may be in force in relation thereto.

Upon passing of this Act Lands of the Royal Military College to vest in Secretary for War.

2. The Lands described or delineated on the said Map or Plan, and surrounded thereon by a Yellow Edging, shall, upon the passing of this Act, become and be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions of the Crown.

Certain Lands on passing of this Act to vest in the Crown.

3. ‘ And whereas the Lands coloured Green and Brown respectively on the said Map or Plan, were in or about the Years
 ‘ One thousand eight hundred and forty-eight and One thousand
 ‘ eight hundred and fifty-three conveyed or expressed to be
 ‘ conveyed to Her Majesty’s Commissioners for building new
 ‘ Churches by the Persons therein named and therein described
 ‘ as the Principal Officers of the said College, with the Consent
 ‘ and Approbation of Three of the Commissioners of Her Majesty’s
 ‘ Treasury : And whereas it is expedient that such Conveyances
 ‘ should be confirmed :’

Conveyances of certain Land to the Church Building Commissioners confirmed.

The said Conveyances shall be deemed to have been valid and effectual to vest the Lands thereby expressed to be conveyed in the said Commissioners and their Successors, according to the Intent thereof.

4. Nothing in this Act shall affect or prejudice any Estates, Rights, or Interests of any Person or Persons whomsoever other than the Estates, Rights, and Interests of or to which Her Majesty, Her Heirs and Successors, or any of them, are or but for the passing of this Act might be seised, possessed, or entitled, or of or to which any other Person or Persons are or but for the passing of this Act might be seised, possessed, or entitled in trust for Her Majesty, Her Heirs and Successors, or any of them.

Saving of Rights to those herein named.

5. In the Construction of this Act, the Style or Title “ Her Majesty’s Principal Secretary of State for the War Department ” shall mean Her Majesty’s Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department, and the Word “ Person ” shall include a “ Corporation.”

Interpretation of Terms.

*Sandhurst Vesting.**Portsmouth Fair Discontinuance.*

Short Title.

6. In citing this Act in any Act of Parliament, Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The *Sandhurst Vesting Act, 1862.*"

C A P. XXXIV.

An Act for the Discontinuance of *Portsmouth Fair* in the County of *Southampton*. [7th July 1862.]

Charter dated
29th June
1716.

WHEREAS under a Charter dated the Twenty-ninth Day of June One thousand seven hundred and sixteen, a Fair for selling Cattle and Merchandise, known as *Portsmouth Fair*, has for many Years past been annually held in the Month of July on certain Land within the Manor of *Widley* in the County of *Southampton* belonging to *Thomas Thistlethwayte* Esquire, of *Southwick House* in the said County, who is, in accordance with the said Charter, entitled to the Franchise of holding the said Fair and of receiving Tolls in respect thereof: And whereas in pursuance of "The Defence Act, 1860," Her Majesty's Principal Secretary of State for the War Department (with the Consent of the said *Thomas Thistlethwayte*) entered into possession of the Land on which the said Fair was holden, and is using the same for the Construction of the Works authorized by the said Act: And whereas Compensation has been or is about to be awarded to the said *Thomas Thistlethwayte* in respect of the said Land and of the Franchise of holding the said Fair and receiving the said Tolls: And whereas Doubts are entertained whether the said Fair is abolished by the said Defence Act, and it is expedient (the said *Thomas Thistlethwayte* assenting thereto) that such Doubts should be removed: 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:

On passing of this Act *Portsmouth Fair*, and the Right to receive Tolls, to cease.

1. From and after the passing of this Act, the Fair called *Portsmouth Fair*, held under the said Charter in the Manor of *Widley* in the County of *Southampton*, for the selling of all and all Manner of Beasts and Cattle, and of all Manner of Goods, Wares, and Merchandises commonly in Fairs bought and sold, and the Franchise of holding the same and of receiving Tolls in respect thereof, shall absolutely cease, and no Persons shall have any Right to resort to or continue on the Land on which the same Fair has hitherto been held for any Purpose connected with the said Fair, or in pursuance of any Charter, Custom, or Right relating to such Fair.

Notice of this Act to be given by Advertisement.

2. The said Principal Secretary shall cause due Notice of this Act to be given by Advertisement in the *London Gazette* and in One or more local Newspaper or Newspapers circulating in the said County of *Southampton*, and by causing a Notice thereof to be placed on the outer Door of the Town Hall within the Borough of *Portsmouth*.

Nothing to affect Right of Thos. Thistle-

3. Nothing herein contained shall be construed to prejudice or affect the Right of the said *Thomas Thistlethwayte* to receive Compensation

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Compensation in respect of the Franchise of holding the said Fair and receiving the said Tolls or otherwise payable to him under the Defence Act, 1860. thwayte to Compensation in respect of the said Fair.

C A P. XXXV.

An Act to amend the Acts for the Regulation of Public Houses in *Scotland*. [7th July 1862.]

‘ **W**HEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to regulate the granting of Certificates by Justices of the Peace and Magistrates, authorizing Persons to keep Common Inns, Alehouses, and Victualling Houses in Scotland, in which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may be sold by Retail under Excise Licences, and for the better Regulation of such Houses, and for the Prevention of such Houses being kept without such Certificate*; and another Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Public Houses in Scotland*: And whereas it is expedient to amend the said Acts, and to make Provision for more effectually preventing the Sale of Exciseable Liquors without Certificate and Licence, and for other Purposes relating thereto: 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 Magistrates of Burghs shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within the Bounds of such Burghs upon the Second *Tuesday of April* and the Third *Tuesday in October* in each Year, and the Justices of the Peace for the several Counties or Districts shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within such several Counties or Districts on the Third *Tuesday of April* and the last *Tuesday of October* in each Year; and it shall be lawful for such Magistrates and Justices respectively to adjourn such Meetings from Time to Time, as they shall think fit, during the Period of One Month next after the Day of their First Meeting, but no longer.

2. The Forms of Certificates contained in Schedule (A.) to this Act annexed shall come in place of the Forms of Certificates provided by the recited Acts or either of them; and it shall be lawful for the Justices of the Peace for any County or District, or the Magistrates of any Burgh, where they shall deem it inexpedient to grant to any Person a Certificate in the Form applied for, to grant him a Certificate in any other of the Forms contained in the said Schedule: Provided always, that in any particular Locality within any County or District or Burgh requiring other Hours for opening and closing Inns and Hotels and Public Houses than those specified in the Forms of Certificates in said Schedule applicable thereto, it shall be lawful for such Justices or Magistrates respectively to insert in such Certificates such other Hours,

9 G. 4. c. 58.

16 & 17 Vict. c. 67.

Regulating Period for granting Certificates.

Forms of Certificates.

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not being earlier than Six of the Clock or later than Eight of the Clock in the Morning for opening, or earlier than Nine of the Clock or later than Eleven of the Clock in the Evening for closing the same, as they shall think fit : And the Penalties and Forfeitures provided by the recited Acts, or either of them, for Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates, shall apply to Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates granted under this Act.

Penalties for Breaches of Certificate.

Certificates for the Sale of Spirits and Wine, to include Authority to sell Porter, Ale, Beer, &c.

3. Every Certificate to be hereafter granted for the Sale by Retail in any House or Premises of Spirits or Wine shall include an Authority for the Sale by Retail in such House or Premises of Porter, Ale, Beer, Cyder, and Perry, and such Certificate shall have the Effect of enabling the Party in favour of whom the same shall have been granted to obtain any Licence or Licences for such Purposes : Provided always, that nothing herein contained shall be held to prevent the Justices or Magistrates from granting a Certificate in any of the Forms in the said Schedule contained for the Sale by Retail of Wine, Porter, Ale, Beer, Cyder, or Perry, or of Porter, Ale, Beer, Cyder, or Perry only.

Certificates granted contrary to this Act void.

4. If any Certificate shall be granted contrary to the Terms and Provisions of this Act the same shall be null and void to all Intents and Purposes.

Licences not to be granted without a Certificate obtained under this Act.

5. No Licence for the Sale of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises of the Person licensed or not, shall be granted by the Commissioners of Inland Revenue, or by any Officer of Inland Revenue, to any Person in *Scotland* who shall not produce to the said Commissioners or Officer a Certificate granted in Terms of this Act, enabling the Party to obtain such Licence, and every Licence which shall be granted contrary to the Terms of this Act shall be null and void to all Intents and Purposes.

Chief Magistrate or Justices on special Occasions may grant Permission to keep Houses, &c. open during particular Times.

6. On a Representation being made to the Chief Magistrate, or failing him the Two Senior Acting Magistrates of any Burgh, or to any Two Justices of the Peace of any County respectively by any Person holding a Certificate for keeping an Inn and Hotel or Public House, and duly licensed to sell Exciseable Liquors to be consumed on the Premises, that it is intended that any public or special Entertainment shall take place therein, or in any other Place or Premises situated within the respective Jurisdictions of such Chief Magistrate or Magistrates or Justices, during any particular Time, such Chief Magistrate or Magistrates or Justices, as the Case may be, may, if he or they shall think fit, and on being satisfied that such Inn and Hotel, or Public House, Place, or Premises possesses the necessary Accommodation, and that the Entertainment is for a public or special Occasion of a legitimate and proper Character, and not originating directly or indirectly with the Person holding such Certificate, grant such Person a special Permission in Writing to keep such Inn and Hotel, or Public House, Place, or Premises open, and to sell therein, on such public or special Occasion, and for that Purpose only, such

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Exciseable Liquors as he may be duly licensed to sell as aforesaid during such Time, and beyond the Hour prescribed by his Certificate for closing, *Sunday* excepted, and under such Regulations as such Chief Magistrate or Magistrates or Justices of the Peace shall think fit to appoint: Provided always, that such Magistrate or Magistrates or Justices are entitled to grant Certificates, and that such Justices are also Heritors of or resident in the Parish in which such Inn and Hotel, Public House, Place, or Premises shall be situated, or, where there shall be no such Justices Heritors of or resident in such Parish, Heritors of or resident in some next adjacent Parish; and it shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, to make such general Regulations touching such Permissions as they shall think fit, and such special Permissions shall be subject to such general Regulations: And provided further, that the Person obtaining such special Permission shall lodge the same with the Superintendent or other Chief Officer of Police of the District at least Twenty-four Hours before the Commencement of such public or special Entertainment, and such Superintendent or Chief Officer of Police shall furnish such Person with a certified Copy thereof, which shall be shown to any Officer of Police or Constable requiring to see the same: And provided also, that the Party holding such special Permission shall also have obtained an occasional Excise Licence in that Behalf.

7. 'Whereas by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty certain Duties of Excise and Stamps*, it is enacted, "that it shall be
 'lawful for any Person to take out a Licence for the Sale in
 'any House or Shop of Table Beer at a Price not exceeding
 'One Penny Halfpenny the Quart, and not to be drunk or
 'consumed on the Premises where sold, and that it shall not
 'be necessary to the obtaining of such Licence that the said
 'House or Shop shall be rated to the Relief of the Poor to any
 'Amount, or that the Person applying for such Licence shall
 'produce any Certificate or enter into any Bond required by
 'any Act relating to the Sale of Beer by Retail:" And
 'whereas it is expedient that Provision should by this Act be
 'made for the proper and orderly Regulation of the Houses,
 'Shops, and Premises kept by such Persons: Be it therefore
 enacted, That every such Licence shall be held by the Person
 who shall have obtained the same on the Terms, Provisions, and
 Conditions following, *viz.*, that he shall not knowingly permit
 any Breach of the Peace or riotous or disorderly Conduct within
 his Premises, or supply Liquors to Persons in a State of Intoxi-
 cation, and shall not sell or give any such Table Beer to be drunk
 or consumed on the said Premises; and shall not sell or give out
 therefrom any such Table Beer before Eight of the Clock in the
 Morning or after Eleven of the Clock at Night of any Day; and
 shall not open his Premises for the Sale of any Table Beer, or
 any Goods or Commodities whatsoever, or sell or give out the

Persons holding Licences for the Sale of Table Beer to be subject to the same Conditions as Persons holding Certificates.

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same on *Sunday*; and lastly, shall maintain good Order and Rule within his Premises; and in case any Person holding any such Licence shall offend against any of the said Terms, Provisions, and Conditions, every Person so offending shall for every such Offence forfeit and undergo the several Penalties provided by the Twenty-first Section of the herein first-recited Act for the Punishment of Offences against the Terms and Conditions of Certificates; and in addition to such Penalties the Licence granted to such Person may be declared to be forfeited and to become null and void; and every such Offence shall be prosecuted, tried, and determined in the same Manner, and before the same Courts, and subject to the same Conditions, as Breaches of Certificate or Offences against the Terms and Conditions thereof may be prosecuted, tried, and determined.

8. If any Person shall be desirous of keeping an Inn and Hotel, Public House, Shop, or Premises for the Sale therein of Spirits, Wine, Beer, or other Exciseable Liquors, whether to be consumed on the Premises or not, he shall, previous to the granting to him of a Certificate for that Purpose, or the Renewal of any such Certificate already granted, truly fill up an Application for such Certificate, in the Form contained in the First Part of Schedule (B.) to this Act annexed, and shall truly answer the several Queries therein contained; and printed Forms for such Application shall be supplied to the Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House, Shop, or Premises shall be situate, upon Payment to him of a Fee of Sixpence for each Copy thereof, and every such Application shall be filled up in a fair and legible Hand, and shall be signed by the Applicant or his Agent thereunto authorized, and shall be lodged by the Applicant with such Clerk of the Peace or Town Clerk, as the Case may be, Fourteen Days at least before the General Meeting of the Justices of the Peace or Magistrates for granting and renewing Certificates: Provided always, that it shall not be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, to entertain any Application for any Certificate for the Sale of Exciseable Liquors with respect to any House or Premises not licensed, and for which there is no Certificate at the Time of making such Application, until a Report shall have been made and subscribed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh respectively, such Justice or Magistrate being entitled to grant Certificates, stating that the same are of suitable Construction and Accommodation for the Purpose applied for, and accompanied with a Certificate as to the Applicant's Character and Qualification, signed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh, and which said Report and Certificate respectively shall be in the Form, or as nearly as may be in the Form, contained in the Second Part of Schedule (B.) to this Act annexed: Provided also, that the Justices in Quarter Sessions, to whom any Appeal shall be made from a Deliverance, granting or refusing any Application for a Certificate,

Form of Applications for Certificates.

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cate, may by themselves, or any One or more of their Number, inspect the Premises for which a Certificate is applied, and review the said Report.

9. Where any Person shall be desirous of obtaining a Renewal of any subsisting Certificate, granted to him in Terms of this Act, which has not been transferred during the current Half Year, it shall not be necessary that he produce along with his Application any Recommendation or Certificate of Character and Qualification: Provided always, that such Exemption shall not be held to interfere with the Powers of Justices and Magistrates under the said recited Acts or this Act to deal with such Application.

Certificate of Character, &c. not necessary with Application for Renewal of Certificate.

10. The Clerk of the Peace of every County or District and the Town Clerk of every Burgh shall, at least Ten Days before the General Meeting of the Justices of the Peace, or the Magistrates, as the Case may be, for the granting and Renewal of Certificates for the Sale of Exciseable Liquors, make out and advertise, at least twice in One or more Newspapers printed or generally circulated in the District, a complete List, in the Form, or as nearly as may be in the Form, set forth in Schedule (C.) to this Act annexed, of all Applications for Certificates within their respective Bounds for Premises not at the Time certificated; and of all Applications by new Tenants or Occupants of Premises at the Time certificated; and also of all Applications for Renewal of Certificates which have been transferred during the Currency of the previous Half Year; and such Clerks of the Peace shall also, within the said Time, transmit by Post, with Postage prepaid, to the Registrar or Registrars of every Parish within their respective Counties or Districts, a Copy of the List of such Applications in so far as applicable to the Parish of such Registrar or Registrars, who are hereby required to preserve the same, and to give Access thereto to any Party applying for Inspection thereof upon Payment of a Fee of One Shilling for such Inspection: And it shall be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, at any April Half-yearly Meeting for the granting and Renewal of Certificates, if they shall think fit, to cause a descriptive List of Persons to whom Certificates shall have been granted for the Year next ensuing, with the Premises to which such Certificates apply, within their respective Jurisdictions, to be made up and printed, in such Form as they shall direct, for the Use of themselves and others concerned in the Execution of the said recited Acts and this Act, the Expense whereof shall be paid out of the respective Funds in this Act specified into which Penalties and Expenses shall be paid.

List of new Applications for Certificates to be published.

Power to Justices, &c. to cause descriptive Lists to be printed of Persons to whom Certificates have been granted.

11. Any Person or the Agent of any Person owning or occupying Property in the Neighbourhood of the House or Premises, in respect of which any Certificate or Renewal of any Certificate shall be applied for, may object to the granting or Renewal of such Certificate by lodging at any Time, not less than Five Days before the General Meeting of the Justices of the Peace or Magistrates of the County, District, or Burgh, for the granting

Certain Parties may object to the granting or Renewal of Certificates.

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and Renewal of Certificates, where such House or Premises shall be situated, with the Clerk of the Peace or Town Clerk, as the Case may be, a Notice in Writing to that Effect, signed by such Person or his Agent, specifying the Grounds of such Objection, which Objection shall be heard at the then ensuing General Meeting; and if such Objection shall be considered of sufficient Importance by the Justices of the Peace or Magistrates in such General Meeting, and shall be proved to their Satisfaction, the said Certificate shall not be granted or renewed: Provided always, that no such Objection shall be entertained unless it shall be proved or admitted that the Person so objecting or his Agent did, at least Five Days before such General Meeting, deliver or cause to be delivered to the Person applying for such Certificate a Copy of the aforesaid Notice, or did forward to him by Post, with Postage prepaid, or did leave for him a Copy thereof, addressed to him at his Place of Abode mentioned in his Application, or in the Case of an Application for the Renewal of any Certificate at the licensed Premises for which the Application is made; and it shall be lawful for the Justices of the Peace or Magistrates respectively, in the event of their considering the Allegations and Objections against a Renewal of a Certificate contained in any such Notice frivolous or vexatious, or unauthorized, to find the Person or Agent, as the Case may be, making the same liable in such Expenses as they shall deem proper, and the Amount of the Expenses so found due shall be recoverable in the Sheriffs or Justices of the Peace Small Debt Court having Jurisdiction in the District; and a certified Copy of the aforesaid finding shall be sufficient Evidence and Authority for decerning for the Amount thereof with Expenses.

Justices or Magistrates at General Meetings may hear Objections to granting Certificates.

12. It shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any General Meeting for the granting and Renewal of Certificates held within their respective Jurisdictions, to hear and determine as at present, and without the Notice required by Section Eleven, any Objections to be made verbally or in Writing by any Justice of the Peace or Magistrate, or by the Procurator Fiscal, Chief Constable, or Superintendent of Police, against the granting or renewing of any Certificate.

Power to Constables, &c. to enter Eating Houses, &c., if they believe Exciseable Liquors are trafficked in.

13. It shall be lawful for any Chief Constable, Superintendent, Lieutenant, or Inspector of Police at any Time to enter and inspect any Eating House, Toll House, Temperance Hotel, Shop, or other Place, or any Boat or Vessel, where Food or Drink of any Kind is sold to be consumed on the Premises, or in which he shall have Reason to believe that Exciseable Liquors of any Kind are being unlawfully trafficked in; and it shall also be lawful for any Constable of Police having an Authority in Writing from any Justice of the Peace or Magistrate, or from any Chief Constable, Superintendent, Lieutenant, or Inspector of Police, in any County, District, or Burgh, and which they are severally hereby authorized to grant, to enter and inspect any such Eating Houses, Toll Houses, Temperance Hotels, Shops, or Places, or any such Boats or Vessels, within such County, District, or Burgh respectively,

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tively, at any Time or Times within Eight Days from the Date of such Writing, as may be specially mentioned in such Writing ; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into any such Eating House, Temperance Hotel, Shop, or other Place, Boat, or Vessel, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and may be apprehended on a Warrant to that Effect granted by the Sheriff or by any One Justice of the Peace or Magistrate, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment shall be imprisoned for a Period not exceeding Sixty Days : And it shall be lawful for any Officer of Police or Constable of any County, District, or Burgh, without any written Authority, at any Time to enter and inspect any licensed Inn and Hotel or Public House therein situated, and also, where he shall have Reason to believe that a Breach of Certificate is being committed, at any Time without written Authority to enter and inspect the Premises of any Grocer or Provision Dealer trading in Exciseable Liquors ; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into such licensed Inn and Hotel, Public House, or Premises, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment of such Penalty shall be imprisoned for a Period not exceeding Sixty Days.

Penalty for obstructing Officers of Police, &c.

14. The Chief Officer of Police of every County, District, Place, and Burgh in *Scotland* shall, on the First lawful Day of every Week, transmit or cause to be transmitted to the Procurator Fiscal appointed by the Justices of the Peace of such County or District, or Procurator Fiscal appointed by the Magistrates of such Burgh, respectively, a written Report containing the Names of all Persons licensed to sell Exciseable Liquors by Retail, from whose Premises Persons in a State of Intoxication have been frequently seen to issue, and of the Manner in which any special Permission granted in virtue of this Act has been exercised, and such Reports shall be brought by such Procurator Fiscal under the Consideration of the Justices of the Peace and Magistrates of every such County and Burgh respectively when assembled to grant and renew Certificates: Provided always, that within Two Days after such Report shall have been lodged with such Procurator Fiscal Notice in Writing, by Post, with Postage prepaid, shall be sent by him, addressed to each licensed Person at his licensed Premises, of his having been so reported on ; and such Chief Officer of Police shall also, without undue Delay, report to the Procurator Fiscal or other Party by this Act directed to prosecute Offenders all Offences committed against the recited Acts, and this Act, or any of them, coming to his Knowledge, and shall at all Times use the Means within his Control for the Detection, and, when necessary, the Apprehension of all Offenders.

Police to report Persons licensed, from whose Premises Persons in a State of Intoxication have been seen frequently to issue, or against whom there is other Cause of Complaint.

15. If any Person licensed to sell, by Retail, any Exciseable Liquors, not to be consumed on the Premises, shall take or carry,

Permitting drinking Exciseable Liquors

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in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act to be deemed drinking on the Premises.

Persons hawking Exciseable Liquors may be apprehended, and on Conviction to be fined or imprisoned.

Penalty on Persons trafficking in Exciseable Liquors without a Certificate.

Sheriff, Magistrate, or Justice may grant Warrant to summon, and Warrant to apprehend.

or authorize or permit or suffer to be taken or carried, any such Exciseable Liquors out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold or hawked on his Account, or for his Benefit or Profit, or for the Purpose of being drunk or consumed for his Benefit or Profit in any other House, or in any Tent, Shed, or other Premises, of any Kind whatever, belonging to such Person, or hired, used, or occupied by him, or in which he may be interested, such Exciseable Liquors shall be deemed and taken to have been drunk or consumed upon the Premises of the Person so licensed, and such Person shall be deemed guilty of a Breach of his Certificate, and shall be liable in the Penalties and Expenses and Forfeitures for such Offence, as by the recited Acts and this Act provided.

16. Every Person hawking Spirits or other Exciseable Liquors shall thereby be guilty of an Offence, and may be taken into Custody by any Constable or Officer of Police, or, in the Absence of any Constable or Officer of Police, by any Person whomsoever, and may be detained in any Police Office or Station House, or other convenient Place, and not later than in the Course of the First lawful Day after he shall have been so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Sixty Days.

17. Every Person trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf in Terms of this Act shall be guilty of an Offence, and on being convicted thereof shall for each such Offence forfeit and pay the full Penalties provided in the Thirtieth Section of the said first-recited Act, together with the Expenses of Prosecution and Conviction; and in default of immediate Payment thereof shall be imprisoned for the entire Periods respectively, prescribed by the said Thirtieth Section of the said first-recited Act: Provided always, that the Penalty and Term of Imprisonment thereby provided for a Third Offence shall likewise be imposed in the Case of every subsequent Offence.

18. In the Case of any Person complained of for any Offence against the recited Acts or this Act, excepting for Breach of Certificate, it shall be lawful for any Sheriff, or any One Justice or Magistrate to or before whom such Complaint shall have been presented, unless by this Act otherwise provided, to grant Warrant for summoning the Person complained of, upon an Inducias of not less than Forty-eight Hours, to appear to answer to such Complaint at a Time and Place to be therein specified; and in the Case of any Person complained of for trafficking in Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf, it shall be lawful for any Sheriff or any One Justice or Magistrate, if he shall see fit, instead

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of granting Warrant to summon such Offender, to grant Warrant to apprehend such Offender to answer to the Complaint, and to be further dealt with as is provided by said recited Acts and this Act.

19. In order to warrant the Conviction of any Person for trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without a Certificate in that Behalf, it shall be sufficient, in the Absence of contrary Evidence, to prove that some Person other than the Owner or Occupant of such Place or Premises shall at the Time charged have been found in such Place or Premises drunk or drinking, or having had Drink supplied to him therein, and that such Place or Premises is or are by Repute kept as a Shebeen, or at the Time charged contained Drinking Utensils and Fittings usually found in Houses licensed for the Sale of Exciseable Liquors; and every Person found in any Shebeen drunk or drinking shall thereby be guilty of an Offence, and may at the Time be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall be so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Shillings, and in default of immediate Payment thereof shall be imprisoned for a Period not exceeding Ten Days.

Proof of trafficking in any Shebeen.

Persons found in Shebeens drunk or drinking may be taken into Custody.

20. It shall be lawful for any Justice of the Peace of any County or District, or Magistrate of any Burgh, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for believing that Exciseable Liquors are trafficked in within any House or other Premises within such County or Burgh, as the Case may be, not licensed for the Sale thereof, or by any Person not having a Licence to sell Exciseable Liquors in or at such House or Premises, or that such Liquors are illegally kept for Sale or for the Purpose of being trafficked in at such House or Premises, to grant Warrant under his Hand authorizing any Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police, with any Police Officers or Constables to enter such House or Place at all Times and to search for Exciseable Liquors, and if the same be found in such House or Place exceeding One Gallon to seize such Exciseable Liquors, together with the Vessel or Vessels in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police therein named, and their Assistants respectively, to enter into such House or Place and seize all such Liquors as aforesaid and the Vessels containing the same, and to carry away and retain the same until disposed of as herein-after provided: And the Person occupying or using the Premises where such Liquors shall be found as

Warrant may be granted to seize Exciseable Liquors found in unlicensed Premises.

Penalties.

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aforesaid shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay for the First Offence a Penalty not exceeding Five Pounds nor less than Two Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Thirty Days nor less than Ten Days, and for the Second and every subsequent Offence a Penalty not exceeding Ten Pounds nor less than Five Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Sixty Days nor less than Thirty Days: And all such Exciseable Liquors and the Vessels containing the same so seized as aforesaid shall be forfeited and sold, without further Warrant, and the Proceeds of such Sale shall be paid into the Rogue Money Funds of the County or Police Funds of the Burgh, and where there are no Police Funds into the Corporation Funds of the Burgh, as the Case may be, in which the Premises in which such Liquors shall have been found are situate.

Penalty on disorderly Persons refusing to quit licensed Houses on Request.

21. Every Person who shall be riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Spirits, Wine, Porter, Ale, Beer, or other Exciseable Liquors by Retail, whether to be consumed on the Premises or not, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Occupier or Manager thereof, or his Agent or Servant, or by any Constable, and every Person who shall refuse to quit such Shop, Premises, or Place at the Time of closing prescribed by this Act, on being required to do so as aforesaid, shall thereby be guilty of an Offence, and may be taken into Custody by any Officer of Police, or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Sheriff or any One Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Forty Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty Days; and all Constables are hereby authorized and empowered to assist in expelling such riotous, quarrelsome, or disorderly Person refusing to quit the Premises at the Hour of closing from such Shops, Houses, Premises, and Places.

Persons falsely representing themselves to be Travellers, liable to a Penalty.

22. Every Person who by any wilfully false Representation shall induce any Inn and Hotel Keeper, or the Servant of any Inn and Hotel Keeper, to sell or give out to him Exciseable Liquors on any *Sunday*, or to sell or give out to him Exciseable Liquors on any other Day during Hours when the Sale of Exciseable Liquors, excepting to Lodgers or Travellers, is prohibited by the Certificate of such Inn and Hotel Keeper, shall thereby be guilty of an Offence, and on being convicted thereof by any Sheriff or any One Justice of the Peace or Magistrate shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate

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Payment shall be imprisoned for a Period not exceeding Thirty Days.

23. Every Person found in a State of Intoxication, and incapable of taking care of himself, and not under the Care or Protection of some suitable Person, in any Street, Thoroughfare, or Public Place, shall be thereby guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before such a Sheriff, Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty of Five Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty-four Hours.

Penalty to Persons found intoxicated and incapable of taking care of themselves.

24. Every Person licensed to sell Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed Premises wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbances or restoring Order, or otherwise in the Discharge of his Duty, shall be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty for harbouring Constables while on Duty.

25. Every Person who, after the passing of this Act, shall commit any Breach of Certificate, or who shall in any other Manner offend against either of the recited Acts or this Act, shall be prosecuted, and all Penalties, together with the Expenses of Prosecution and Conviction to be ascertained on Conviction, shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff or any Two or more Justices of the Peace of the County or any Magistrate of the Burgh having Jurisdiction in the County or Burgh, as the Case may be, in which such Offender shall reside or such Offence shall have been committed, at the Instance of the Procurator Fiscal, or of such other Party as shall be specially appointed to prosecute such Class of Offences by the Justices of the Peace of the County in General Quarter Sessions assembled, or the Magistrates of the Burgh, as the Case may be, and which Appointment they are hereby specially authorized to make, and such Justices of the Peace in General Quarter Sessions, or Magistrates, as the Case may be, shall from Time to Time fix a reasonable Sum in Name of Salary, or a reasonable Rate of Remuneration by Fees for Prosecutions, and all other Business under this Act, to be paid annually to such Procurator Fiscal or other Party appointed to prosecute as aforesaid; and which Salary, or the Amount of the Account of such Fees, as the same shall be taxed by the Clerk of the Peace of the County

Procurator Fiscal or other Party appointed shall prosecute.

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or District, or the Town Clerk of the Burgh, as the Case may be, together with all necessary and proper Outlays attending such Prosecutions, and also the Execution of the recited Acts and this Act, shall form a proper Charge against, and shall be paid annually out of the Rogue Money, or other Fund of the County out of which the Expenses of Criminal Prosecutions are in use to be paid, and in Burghs out of the Police Funds, or, where there are no Police Funds, out of the Corporation Funds of the Burgh, as the Case may be; and all Penalties and Expenses of Prosecutions and Convictions incurred under and imposed by the recited Acts and this Act shall, when recovered, if adjudged by any Sheriff, or Justice or Justices of the Peace, or Magistrate of any Burgh or Place other than a Royal or Parliamentary Burgh, be wholly paid into the Rogue Money Fund of the County, and, if adjudged by any Magistrate or Police Judge of any Royal or Parliamentary Burgh, be wholly paid into the Police Funds, or, where there shall be no Police Funds, into the Corporation Funds of the Burgh in which such Penalties shall be imposed respectively.

Application of Penalties and Expenses.

Offences how to be tried.

26. Every Offence committed against the recited Acts and this Act, or any of them, may, except where inconsistent with the Provisions and Conditions of this Act, be tried and determined in a summary Manner, without any written Pleadings, or Record, or Notes of Evidence, and before the Courts, and subject to the Provisions and Conditions provided in the said recited Acts or either of them; but in any Prosecution under the recited Acts and this Act, or any of them, the Complaint and Procedure following thereupon shall be in the Form, or as nearly as may be in the Form, provided by Schedule (D.) to this Act annexed; and it shall be lawful for the Sheriff, Justice or Justices, Magistrate or Magistrates, before whom such Prosecution is brought, to proceed in absence of the Accused, upon Proof by the Oath of an Officer or Constable that the Accused has been duly summoned, or to issue his or their Warrant for apprehending and bringing the Accused before him or them, as the Case may be.

Power to Justices or Magistrates to summon Witnesses.

27. It shall be lawful for any Justice of the Peace or Magistrate, in any Application for the granting or renewing of a Certificate under the Provisions of the recited Acts or this Act, or in dealing with any Objection to such Applications, or in any other Matter arising under the Provisions of the said recited Acts and this Act, or any of them, to grant Warrant to summon Witnesses and Havers on behalf of any Party interested; and it shall be lawful for the Justice or Justices of the Peace, Magistrate or Magistrates, before whom respectively any such Application, Objection, or Matter shall be depending, to examine all such Witnesses and Havers on Oath or solemn Affirmation, and to do and perform all Things necessary for the due and proper Hearing and Determination of the Cause or Matter: And any Person summoned as a Witness or as a Haver to appear before any Sheriff, Justice or Justices of the Peace, or Magistrate, touching any Matter arising out of the recited Acts or this Act, either on the Part of the Complainer or of the Person complained against, or of any Person interested in such Matter, who shall neglect or

Punishment of Witnesses refusing to attend or prevaricating.

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refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Sheriff, Justice or Justices, or Magistrate, may, when it shall be proved on Oath that he has been duly summoned at least Twenty-four Hours before the Meeting of the Diet of the Court, be apprehended and committed to Prison under the Warrant of the said Sheriff, Justice or Justices, or Magistrate, till he finds Security to appear and give Evidence; and any Person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on Oath or solemn Affirmation, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay any Sum not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days; and if any Person who, under Examination on Oath or solemn Affirmation before any Sheriff, Justice or Justices, or Magistrate, in any Matter arising under the Provisions of the said recited Acts or this Act, shall prevaricate or wilfully conceal the Truth, it shall be lawful to such Sheriff, Justice or Justices, or Magistrate, in open Court, without any formal Complaint and in a summary Manner, to adjudge the Person so offending to be imprisoned for any Period not exceeding Sixty Days, or to forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment to be imprisoned for a Period not exceeding Thirty Days, and the Sentence awarding such Punishment shall set forth shortly the Nature of the Offence.

28. It shall be lawful for the Justice or Justices of the Peace, Sheriff, or Magistrate before whom any Person may be brought for Trial for any Offence against the recited Acts and this Act, or any of them, to adjourn the hearing of the Complaint from Time to Time as may be deemed necessary, and also, if considered fit, to order the Detention of such Person in Prison, or in any Police Office or Station House, till the next Diet of Court, unless Bail is found, or a Pledge given to an Amount not exceeding the maximum Penalty concluded for.

Power to adjourn Trials and detain Offenders.

29. Nothing contained in the recited Acts or this Act shall prevent anything done which may be an Offence under this Act, but which might have been prosecuted and punished as an Offence at Common Law, or under any other Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Offences may be prosecuted at Common Law.

30. For the Purpose of trying Offences against the recited Acts and this Act, or any of them, except in Cases of Breach of Certificate and of imposing Penalties and declaring Forfeitures under the same, the Expressions "Magistrate of any Burgh," "Magistrate," and "Magistrates," shall include any Judge officiating in any Court for the Trial of Police Offences under the Provisions of any Local or General Police Act; and all such Offences committed within the Jurisdiction of any such Judge may be tried by and before him in any such Court, at the Instance of the Procurator Fiscal or other Party acting as Pro-

Offences may be tried in Police Courts.

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Offences specified in Sects. 16, 19, 21, & 23 of this Act may be tried in Police Courts.

secutor under the Twenty-fifth Section of this Act : And every Person offending against the Sixteenth, Nineteenth, Twenty-first, and Twenty-third Sections of this Act may, if such Procurator Fiscal or Prosecutor shall choose so to do, be prosecuted before the Court, and in the Manner provided for the Trial of Police Offences by any General or Local Police Act in force in the County, District, or Burgh, or Place where the Offender shall reside or the Offence shall have been committed, instead of as herein otherwise provided.

Warrants, &c. may be enforced in other Counties, &c.

31. All Warrants, Orders, Interlocutors, Judgments, Sentences, and Decrets of Sheriffs, Justices, and Magistrates, issued or pronounced under the Authority of the recited Acts or of this Act, may be executed and enforced in any County, District, Burgh, or Jurisdiction other than that in which they were so issued or pronounced, provided the Concurrence of the Sheriff or any One Justice of the Peace or Magistrate of such other County, District, Burgh, or Jurisdiction respectively be endorsed thereon, by any Constable or Officer of Court of the original or of any other County, District, Burgh, or Jurisdiction, and which Concurrence all Sheriffs, Justices of the Peace, and Magistrates are hereby authorized to grant.

Fees to Clerks not to be more than authorized by Schedule (E.) to this Act.

32. It shall not be lawful for the Clerk of the Peace, or Sheriff Clerk of any County or District, or the Town Clerk of any Burgh, to demand or receive any greater or additional Fee or Remuneration for anything done under the recited Acts or this Act than is authorized by the Schedule (E.) to this Act annexed, and the Town Clerks of those Parliamentary Burghs the Magistrates of which are not at present authorized to grant Certificates shall pay to the present Clerks of the Peace in the Counties within which such Burghs are situated One Half of the Fees received by such Town Clerks in respect of Applications for Certificates and Disposal of the same under this Act and the Acts herein recited, during the Time such Clerks of the Peace shall continue to hold Office.

Power to Persons to appeal from Decisions of Sheriffs, &c. to Circuit Courts, &c.

33. It shall be competent to any Person conceiving himself aggrieved by any Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Sheriff, Justice or Justices of the Peace, or Magistrate, in any Cause, Prosecution, or Complaint raised under the Authority of the recited Acts or of this Act, for Breach of Certificate, or for trafficking in Spirits or other Excisable Liquors without a Certificate, to bring the Case by Appeal before the next Circuit Court of Justiciary, or where there are no Circuit Courts before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions which shall from Time to Time be prescribed by the said High Court of Justiciary : Provided always, that such Appeal shall be competent only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, Justice or Justices of the Peace, or Magistrate, as the Case may be, or on such Deviations in point of Form from the statutory Enactments as the Court shall think have prevented substantial Justice from having been done : Pro-

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vided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form : Provided further, that Notice in Writing of such Appeal shall be given to the opposite Party, and to the Clerk of the Court pronouncing such Warrant, Sentence, Order, Decree, Judgment, or Decision, within Eight Days of the Date thereof, and that no Appeal shall be received or entertained unless the Party appealing shall, along with his Appeal, deposit with the Clerk of the Circuit Court or of the High Court of Justiciary, as the Case may be, a Certificate under the Hand of the Sheriff Clerk, Town Clerk, or Clerk of the Peace, or Clerk to the Magistrates, as the Case may be, that he has made Consignation in the Hands of such Clerk of the whole Sum and Expenses, if any, decerned for by the Warrant, Sentence, Order, Decree, Judgment, or Decision appealed from, and unless he shall have found sufficient Security for the whole Expenses which may be incurred and found due under the Appeal : Provided always, that nothing herein contained shall be held to exclude or interfere with the Right of Appeal to Quarter Sessions which at present exists, provided the Appellant shall forthwith deposit with the Clerk of the Peace the Amount of Penalty and Costs awarded against him.

34. No Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Quarter Sessions, Sheriff, Justice or Justices of the Peace, or Magistrate in any Cause, Prosecution, or Complaint, or in any other Matter under the Authority of the said recited Acts or of this Act, shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, on any Ground or for any Reason whatever, other than by this Act provided.

Sentences and Judgments not subject to Review except as provided by this Act.

35. Every Action or Prosecution against any Sheriff, Justice or Justices of the Peace, Magistrate, or Judge acting under any General or Local Police Act, or against any Sheriff Clerk, Clerk of the Peace, or Town Clerk, or any Procurator Fiscal, Superintendent, or other Officer of Police, or Constable, or other Person, on account of anything done in execution of the recited Acts and this Act, or any of them, shall be commenced within Two Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Limitation Actions.

36. Nothing herein contained shall be held to repeal or affect the Provisions of the recited Acts or either of them, except in so far only as shall be necessary to give Effect to the Provisions of this Act ; and the Provisions and Enactments contained in the recited Acts, so far as not repealed, shall extend, and be construed, deemed, and taken to extend, to and form Part of this Act, in the same Manner, and as fully and to all Intents and Purposes, as if the said Provisions and Enactments were herein repeated and set forth at Length.

Nothing to repeal or affect recited Act, except to give Effect to this Act.

37. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; that is to say,

Interpretation of Terms.

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The Expression "Inn and Hotel" shall in Towns and the Suburbs thereof refer to a House containing at least Four Apartments set apart exclusively for the Sleeping Accommodation of Travellers; and in Rural Districts and populous Places not exceeding One thousand Inhabitants, according to the Census last before taken, to a House containing at least Two such Apartments:

The Word "Shebeen" shall mean and include every House, Shop, Room, Premises, or Place in which Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors are trafficked in by Retail without a Certificate and Excise Licence in that Behalf:

The Expression "trafficking" shall mean and include bartering, selling, dealing in, trading in, exposing or offering for Sale by Retail:

The Word "hawking" shall mean and include trafficking in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water:

The Word "Certificate" shall mean any Certificate in Terms of this Act:

The Word "Sheriff" shall mean and include Sheriff Substitute:

The Word "Burgh" shall mean and include any Royal or Parliamentary Burgh, and the Boundaries of such Parliamentary Burghs shall for the Purposes of this and the recited Acts be the same as those within which the Magistrates of such Burghs have Jurisdiction in Matters of Police:

The Word "Constable" shall mean and include Officers of Court, Chief Constable, Superintendent of Police, and every Grade of Constable or Police Officer, or any Person belonging to any Constabulary Force in any Part of *Scotland*, as also any Sheriff Officer or Justice of Peace Constable.

38. This Act shall commence and take effect from and after the First Day of *September* next after the passing thereof.

39. This Act may be cited for all Purposes as "The Public Houses Acts Amendment (*Scotland*) Act, 1862."

Commence-
ment of Act.
Short Title.

SCHEDULE (A.)

No. 1.

FORM OF CERTIFICATE FOR INNS AND HOTELS.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or of the Magistrates of the Burgh, as the Case may be,*] of _____ holden at _____ within the said County [*or Burgh*] on the _____ Day of _____ in the Year One thousand eight hundred and _____ Her Majesty's Justices of the Peace acting in and for said County [*or the Magistrates of the said Burgh*] assembled at the said Meeting did authorize and empower *A.L.*, _____ now

Public Houses (Scotland) Acts Amendment.

now dwelling at _____, to keep an Inn and Hotel at _____ in the Parish of _____ and County aforesaid [or Burgh aforesaid] for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [or of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [or of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not supply Exciseable Liquors to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking on any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises; and do not open his House for the Sale of any Exciseable Liquors, or permit or suffer any Drinking therein or on the Premises belonging thereto, or sell or give out the same, on Sunday, except for the Accommodation of Lodgers and Travellers; and do maintain good Order and Rule within his House and Premises; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the

Day of _____ One thousand eight hundred and _____
 and until the _____ Day of _____ One thousand eight
 hundred and _____ and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 2.

FORM OF CERTIFICATE FOR PUBLIC HOUSES.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Jus-

Public Houses (Scotland) Acts Amendment.

tices of the Peace acting in and for the County [*or of the Magistrates of the Burgh, as the Case may be,*] of _____ holden at _____ within the said County [*or Burgh*] on the _____ Day of _____ in the Year One thousand eight hundred and _____ Her Majesty's Justices of the Peace acting in and for the said County [*or the Magistrates of the said Burgh*] assembled at the said Meeting did authorize and empower [*A. L.*], now dwelling at _____, to keep a Public House at

in the Parish of _____ and County [*or Burgh*] aforesaid for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, and other Exciseable Liquors, [*or of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,*] [*or of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,*] provided that the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which are not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not sell or supply Exciseable Liquor to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking in any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his House for the Sale of any Liquors, or permit or suffer any Drinking therein, or on the Premises thereto belonging, or sell or give out the same, or any other Goods or Commodities, on Sunday; and lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere; and do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the _____ Day of _____ One thousand eight hundred and _____ and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

Public Houses (Scotland) Acts Amendment.

No. 3.

**FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS,
AND GROCERS AND PROVISION DEALERS TRADING IN EX-
CISEABLE LIQUORS.**

At a General Meeting for granting or renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or of the Magistrates of the Burgh, as the Case may be,*] of _____ holden at _____ within the said County [*or Burgh*] on the _____ Day of _____ in the Year One thousand eight hundred and _____ Her Majesty's Justices of the Peace acting in and for the said County [*or the Magistrates of the said Burgh*] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at _____, to keep Premises at _____ in the Parish _____ and County aforesaid [*or Burgh aforesaid*] for the Sale therein, but not elsewhere, of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or of Porter, Ale, Beer, Cyder, or Perry,*] [*or of Wine, Porter, Ale, Beer, Cyder, or Perry,*] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said Premises; and do not sell or supply Exciseable Liquors to Persons who are in a State of Intoxication, or to Girls or Boys apparently under Fourteen Years of Age, and do not traffick in or give any Spirits, Wine, or other Exciseable Liquors, [*or Wine, Porter, Ale, Beer, Cyder, and Perry,*] [*or Porter, Ale, Beer, Cyder, and Perry,*] to be drunk or consumed on the said Premises, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not traffick in or give out therefrom any Liquors before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his Premises for Business, or for the Sale of any Liquors or any Goods or Commodities whatsoever, or sell or give out the same, on Sunday; and lastly, do maintain good Order and Rule within his Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, for One Year from the _____ Day of _____ One thousand eight hundred and _____.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

Public Houses (Scotland) Acts Amendment.

SCHEDULE (B.)

No. 1.

Unto the Honourable Her Majesty's Justices of the Peace
for [or the Magistrates of the Burgh of].
The Application of [*state full Name, Designation,
and present Place of Abode of Applicant*].

Humbly sheweth,

That the Applicant is desirous to obtain a Certificate for
Licence for [an Inn and Hotel, or Public House, or a Dealer in
Groceries and Provisions, *as the Case may be,*] at [*Place or
Street, and Number*] in the Parish [or Burgh] of , and
County of , for the ensuing Year [or Half Year, *as the
Case may be,*] in Terms of the "Public Houses Acts Amend-
ment (Scotland) Act, 1862," and Acts therein recited, and refers
to the Answers which are truly made to the subjoined Queries :

State whether it is a Renewal of a Certificate
at present in Applicant's Name, or in that of
another Party, or Renewal of a transferred
Certificate, or a Certificate for a new House,
that Applicant desires - - -

Whether Applicant has attained Twenty-one
Years of Age - - -

Whether bred to the Trade ; or if not, to what
other Trade or Business - - -

Whether Applicant carries on or intends to
carry on or follow any other Trade or Occu-
pation - - -

Whether Applicant holds a Licence at present ;
and if so, state where the Premises are
situated, and how long he has held the same

Whether Applicant has any Interest in any
other Business in Premises at present licensed,
or for which a Certificate is sought ; and if so,
where those Premises are severally situated -

State the actual Rent of Premises, and the Pro-
prietor's or Factor's Name and Designation -

Signature of Applicant

Date

No. 2.

REPORT BY JUSTICE OR MAGISTRATE.

I,
of [or One of the Magistrates of the Burgh
as the Case may be], hereby report that I
personally examined the Premises described in the foregoing
Application, and that the same are of suitable Construction and
Accommodation for the Purpose applied for, reserving to the
Justices [or Magistrates, *as the Case may be,*] to determine
whether it be meet and convenient to grant the Certificate applied
for.

J. P. or Magistrate.

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CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, _____ One of Her Majesty's Justices of the Peace
for _____ [or One of the Magistrates of the Burgh
of _____ as the Case may be], certify, after careful Inquiry,
that _____, designed in the foregoing Application, is [here
state Result of Inquiry touching Applicant's Character and
Qualification].

J. P. or Magistrate.

SCHEDULE (C.)

LIST of APPLICATIONS for CERTIFICATES for the Sale of Excise-
able Liquors for the County [or _____ of the County]
of _____ or Burgh of _____, for new Premises,
by new Tenants or Occupants, and for Renewal of transferred
Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County) of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
	<i>For new Premises.</i>		
	<i>By new Tenants or Occupants.</i>		
	<i>For Renewal of transferred Certificate.</i>		

SCHEDULE (D.)

No. 1.

COMPLAINT.

Unto the Honourable Her Majesty's Justices of the Peace for
the County of _____, [or Sheriff of the County
of _____ or Magistrates of the Burgh of _____ as
the Case may be].

Humbly complains A.B.

Procurator Fiscal of Court, [or other Party appointed
to prosecute, as the Case may be,] for the Public
Interest:

That C.D. [Designation] [in the Case of a Breach of Certifi-
cate state here "who holds a Certificate for the Sale of Exciseable
Liquors at [name the Place]"] has been guilty of an Offence
against the Laws for the Regulation of Public Houses in Scot-
land, in so far as [here state the Particulars of the Offence,
specifying

Public Houses (Scotland) Acts Amendment.

specifying the Place and Time thereof, and in the Case of a Breach of Certificate, or trafficking without a Certificate, add, such Offence is the "First," "Second," "Third," or "an Offence subsequent to the Third" Offence, as the Case may be.

May it therefore please your Honour [*or Lordship, as the Case may be,*] to grant Warrant to summon the said _____ to appear before you [*or to apprehend the said _____ and bring him before you*] to answer to this Complaint, and to be dealt with in Terms of the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited, [*if the Certificate be declared to be forfeited, add, "and further adjudge his Certificate to be forfeited, and null and void."*]

A.B.

No. 2.

WARRANT TO SUMMON.

[*Place and Date.*]

The Justice [*or Sheriff or Magistrate*] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein named and designed C.D., and to cite him to appear personally to answer thereto at [*here state the Place*] upon the _____ Day of _____ at _____ of the Clock _____ noon, with Certification, and also to cite Witnesses and Havers for both Parties for the same Time and Place.

G.H.,

J. P. *or* Sheriff *or* Magistrate.

No. 3.

WARRANT TO APPREHEND.

[*Place and Date.*]

The Justice [*or Sheriff or Magistrate*] grants Warrant to Officers of Court to search for and apprehend C.D., named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any Shut or Lock-fast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of _____ [*or the Sheriff of the County of _____ or a Magistrate of the Burgh of _____*] to answer thereto at the [*name*] the Place *or* Court House], and also to cite Witnesses and Havers for both Parties for all Diets in the Case.

G.H.,

J. P. *or* Sheriff *or* Magistrate.

No. 4.

CITATION.

To C.D. [*Designation.*]

Take notice, That you will have to appear personally at the Place and Time specified in the foregoing Warrant to answer to the Complaint to which this Notice is attached, with Certification.

This I do this _____ Day of _____

J.K.

Officer of Court.

Public Houses (Scotland) Acts Amendment.

No. 5.

MINUTE OF COURT PROCEDURE.

(When Accused appears.)

At the Day of 18, in the Presence of the of Her Majesty's Justices of the Peace for the County of [or Sheriff or Magistrate], appeared C.D. complained against; and the Complaint being read over to him he answers that he is Guilty [or Not Guilty].

[If Accused pleads Not Guilty.]

The Witness [or Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

And the Witness [or Witnesses] after named was examined upon Oath in Exculpation; viz.,

(When Accused is absent.)

At the Day of 18, in Presence of the of Her Majesty's Justices of the Peace for the County of [or Sheriff or Magistrate], C.D. complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said C.D.:

The Witness [or Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

No. 6.

CONVICTION.

The Justices [or Justice or Sheriff or Magistrate] in respect of the judicial Confession of the said C.D. [or of the Evidence adduced] convict the said C.D. of the Offence charged [being a Offence], and adjudge him to forfeit and pay to the Complainer the Sum of of Penalty, [*if Expenses shall be awarded*] with the Sum of of Expenses; and in default of [immediate] Payment thereof [*or if Time is allowed, state within* Days from this Date,] adjudge him to be committed to the Prison of for the Period of from the Date of his Incarceration, unless said Sum [or Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him, and convey him to said Prison, and to the Keeper thereof to receive and detain him accordingly.

If against a Party holding a Certificate (if the Certificate be declared to be forfeited) add, "and further adjudge his Certificate to be void and null from this Date."

A.B., J.P.,

or

G.H., J.P.,

M.N., J.P.,

or Sheriff or Magistrate.

Public Houses (Scotland) Acts Amendment. Artillery Ranges.

SCHEDULE (E.)

The following FEES, and no others, to be payable to Clerks of the Peace, Sheriff Clerks, and Town Clerks, acting under this Act or the Acts therein recited.

	£	s.	d.
Each printed Copy of Form of Application for Certificate - - - - -	0	0	6
Lodging Application - - - - -	0	2	6
Lodging Objection (under Section 11) - - - - -	0	2	6
Inspection of Register, or Applications, for each Hour or Part of an Hour - - - - -	0	1	0
Warrant on Complaint - - - - -	0	2	0
Each Witness examined in Trials - - - - -	0	1	0
Conviction - - - - -	0	2	6
Deciding Objections (under Section 11) - - - - -	0	1	0
Lodging Appeal and finding Caution - - - - -	0	3	0
Deciding Appeal - - - - -	0	2	6
Extracts or certified Copies of any Proceedings, Warrants, or Conviction, per Sheet, written or printed, of 150 Words - - - - -	0	1	0

C A P. XXXVI.

An Act to appropriate certain Portions of Land lying between High and Low Water Mark, situate in the Parishes of *Shoebury* and *Wakering* in the County of *Essex*, as Ranges for the Use and Practice of Artillery. [17th July 1852.]

‘ WHEREAS certain Lands in the Parish of *Shoebury* in the County of *Essex* have been purchased in Fee, and certain other Lands therein and in the Parish of *Wakering* in the same County have been acquired for certain Terms of Years under the “Defence Act, 1842,” and the “Ordnance Board Transfer Act, 1855,” and are now vested in and possessed by Her Majesty’s Principal Secretary of State for the War Department in trust for Her Majesty, the Particulars of which Premises and of his Estate and Interest therein are mentioned and set forth in the Schedule to this Act, and are shown and delineated on the Map or Plan made thereof and to be deposited with the Lords Commissioners of the Admiralty : And whereas the said Lands and Premises have been used and appropriated for the Establishment of a School of Gunnery and the Practice of Artillery, and large Sums of Money have been expended in the Erection of Barracks and Quarters for Officers and Soldiers at *Shoebury* aforesaid : And whereas it is alleged that Portion of the Lands and Premises which lies between High and Low Water Mark is subject to the Rights of Passage and Anchorage of Vessels in the Water or Sea flowing over the same, and at Low Water to certain other Rights of Grounding thereon : And whereas such alleged Rights, if suffered to continue, would very much interfere with and impede the useful Purposes intended to be effected by the Acquisition of the said Lands

5 & 6 Vict.

c. 94.

18 & 19 Vict.

c. 117.

Artillery Ranges.

‘ and Premises and by the Establishment of the School of Gunnery aforesaid, and would be highly detrimental to the Public Service ; and for the Reasons aforesaid it is expedient that the same should be forthwith partially extinguished and the said Premises be kept free from all the Anchorage or Grounding of Vessels, Barges, and other Craft :’ 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. So long as the Lands and Premises mentioned in the Schedule to this Act shall remain vested in or be possessed by Her Majesty’s Principal Secretary of State for the War Department in trust as aforesaid, he shall from Time to Time, as Occasion may require, cause to be marked out and distinguished by Buoys, or other sufficient Marks to be erected or fixed upon the said Lands and Premises, such Spaces or Distances thereon as he may judge necessary to be kept free from all Anchorage or Grounding of Vessels of any Kind, and to order and direct that the several Spaces or Distances so marked out and distinguished shall be and remain as Ranges for Artillery Practice, freed from all Rights of Anchorage or Grounding thereon.

2. Whenever the said Principal Secretary shall have marked out and appropriated any Spaces or Distances for Ranges as aforesaid, all Rights (if any) of Anchorage and Grounding over or upon the same shall absolutely cease and determine, and a Notification thereof shall be made to the Lords of the Admiralty, and be published in the *London Gazette*, and by Advertisement in some Morning Newspaper and in some local Newspaper circulated in the said County of *Essex*, and by affixing the same on the Church Doors of the said several Parishes aforesaid.

3. If any Vessel, Barge, or other Craft, unless forced to remain thereon by Stress of Weather or other unavoidable Accident, shall anchor or ground upon any Range marked out in pursuance of this Act, then the Owner or Master of such Vessel, Barge, or other Craft, as the Case may be, shall on Conviction thereof before any Justice or Justices of the Peace forfeit and pay such a Sum not less than Forty Shillings and not exceeding Five Pounds for every Offence, as may be awarded against him, and such Penalty, and also the reasonable Costs attending the Prosecution, shall be duly ascertained and awarded, and shall be enforced and recovered as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of Her Majesty, intitled *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.*

4. Nothing in this Act contained shall be construed to prevent the Entry of the Lords or Ladies of the Manors of *South Shoebury* and *Wakering*, their respective Servants or Agents, upon the Beach or Shore for the Purpose of exercising their Manorial or other Rights thereon, and of recovering or removing therefrom all Wrecks of the Sea, Jetsam, Flotsam, and Lagan Goods, Merchandise,

Spaces for the Practice of Artillery to be kept free and open, and to be marked by Buoys, &c.

Rights of Anchorage and Grounding to cease, and Notice to be given to the Admiralty, and advertised, &c.

No Vessel or Person to pass over Ranges marked out pursuant to this Act.

Penalty for Offences to be recovered as in 11 & 12 Vict. c. 43.

Saving Rights of Lords and Ladies of the Manors of South Shoebury and Wakering.

*Artillery Ranges.**Crown Private Estates.*

chandise, or Effects whatsoever, or from exercising any other Rights reserved to the Lords or Ladies or either of them in and by any Lease or Leases granted by or on behalf of them or either of them, or by any Conveyance or Assurance to the Secretary of State for the War Department: Provided always, that no Part of the Lands lying East and North of the Line marked A., B., and C. on the said Map or Plan shall ever be appropriated for any Range under the Provisions of this Act; and that nothing herein contained shall be deemed to repeal or alter any Enactments relating to Wreck, Jetsam, Flotsam, or Derelict contained in the Merchant Shipping Act, 1854, or in any Act amending the same.

Short Title.

5. This Act may be cited for all Purposes as "The Artillery Ranges Act, 1862."

The SCHEDULE.

All the Land and Foreshore situate between High and Low Water Mark in the Parishes of North and South Shoebury and Wakering, in the County of Essex, being the South-western Part of certain Lands called the Maplin Sands, and lying in front of and abutting in Part upon Lands belonging to Her Majesty's Principal Secretary of State for the War Department, in other Part upon Lands belonging to the Lord of the Manor of Shoebury, in other Part upon Lands belonging to G. A. W. Welsh, Esq., and in other Part upon Lands belonging to Sir John Tyssen Tyrell, Bart., which said Lands and Foreshore are shown and delineated on the Map or Plan made thereof and deposited with the Lords Commissioners of the Admiralty by the Colours Red, Black, Green, and Brown respectively; the Lands coloured Red having been purchased by and being now vested in the said Principal Secretary and his Successors in Fee; the Lands coloured Black being held by the said Principal Secretary under a Lease bearing Date the First Day of March One thousand eight hundred and sixty-two, for the Term of Forty Years from the Twenty-fifth Day of March One thousand eight hundred and fifty-two; the Lands coloured Green being held by the said Principal Secretary under a Lease bearing Date the Fifth Day of May One thousand eight hundred and sixty, for the Term of Thirty-one Years from the Fifth Day of April One thousand eight hundred and sixty; and the Lands coloured Brown being held by the said Principal Secretary under a Lease bearing Date the Thirteenth Day of September One thousand eight hundred and fifty-four, for the Term of Fifty Years from the Twenty-fifth Day of March One thousand eight hundred and fifty-one.

C A P. XXXVII.

An Act to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors. [17th July 1862.]

WHEREAS by the Fifth Section of the Act passed in the First Year of the Reign of Her Majesty Queen Anne, Chapter Seven, and intituled *An Act for the better Support of Her*

Crown Private Estates.

‘ *Her Majesty’s Household, and of the Honour and Dignity of*
 ‘ *the Crown*, it was enacted, that every Grant, Lease, or other
 ‘ Assurance which from and after the Twenty-fifth Day of *March*
 ‘ One thousand seven hundred and two should be made or granted
 ‘ by Her said Majesty, Her Heirs or Successors, Kings or Queens
 ‘ of this Realm, under the Great Seal of *England*, Exchequer
 ‘ Seal, Seals of the Duchy and County Palatine of *Lancaster* or
 ‘ any of them, or by Copy of Court Roll, or otherwise howsoever,
 ‘ of any Manors, Messuages, Lands, Tenements, Rents, Tithes,
 ‘ Woods, or other Hereditaments, (Advowsons of Churches and
 ‘ Vicarages only excepted,) within the Kingdom of *England*,
 ‘ Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, or any
 ‘ of them, or any Part thereof, then belonging or thereafter to
 ‘ belong to Her Majesty, Her Heirs or Successors, or to any
 ‘ other Person or Persons in trust for Her Majesty, Her Heirs
 ‘ or Successors, in possession, reversion, remainder, use, or expect-
 ‘ tancy, whether the same were or should be in right of the Crown
 ‘ of *England* or as Part of the Principality of *Wales* or of the
 ‘ Duchy or County Palatine of *Lancaster*, or otherwise howsoever,
 ‘ to any Person or Persons, Body Politic or Corporate whatso-
 ‘ ever, whereby any Estate or Interest whatsoever in Law or in
 ‘ Equity should or might pass from Her Majesty, Her Heirs or
 ‘ Successors, should be utterly void and of none Effect, unless
 ‘ such Grant, Lease, or Assurance should be made for some Term
 ‘ or Estate not exceeding Thirty-one Years or Three Lives, or
 ‘ for some Term of Years determinable on One, Two, or Three
 ‘ Lives, and unless such Grant, Lease, or Assurance respectively
 ‘ should be made to commence from the Date of making thereof,
 ‘ and if such Grant, Lease, or Assurance should be made to take
 ‘ effect in reversion or expectancy, that then the same, together
 ‘ with the Estate or Estates in possession of and in the Premises
 ‘ therein contained, should not exceed Three Lives or the Term
 ‘ of Thirty-one Years in the whole ; and it was by Section Seven 1 Anne, c. 7.
 ‘ of the same Act enacted, that all Gifts, Grants, Alienations, s. 7.
 ‘ Leases, and Assurances whatsoever to be had or made of any
 ‘ the said Manors, Messuages, Lands, Tenements, Rents; Tithes,
 ‘ or other Hereditaments, or of any of the Revenues therein
 ‘ mentioned, or Branches, or any Part thereof, contrary to the
 ‘ Provisions of the now reciting Act, or any of them, should be
 ‘ null and void without any Inquisition, Scire facias, or other
 ‘ Proceeding to determine or make void the same : And whereas
 ‘ by the Act passed in the First Year of the Reign of His Majesty
 ‘ King *George* the Third, Chapter One, and intituled *An Act for* 1 G. 3. c. 1.
 ‘ *the Support of His Majesty’s Household, and the Honour and*
 ‘ *Dignity of the Crown of Great Britain*, it was enacted that the
 ‘ Revenue arising to His Majesty by Rents of Lands or for Fines
 ‘ of Leases of the same, or, any of them, (except the Revenue of
 ‘ the Duchy of *Cornwall*,) should, from and immediately after the
 ‘ Demise of His then late Majesty King *George* the Second, be
 ‘ during His Majesty’s Life carried to and made Part of the Gene-
 ‘ ral Aggregate Fund established by the Act of the First Year of
 ‘ the Reign of His late Majesty King *George* the First, and be
 ‘ during

Crown Private Estates.

- 34 G. 3. c. 75. ' during the said Term issued and applied, in the Manner therein
' after mentioned, to the Uses to which the said Fund was or
' should be made applicable: And whereas by the Act passed in
' the Thirty-fourth Year of the Reign of His Majesty King *George*
' the Third, Chapter Seventy-five, and intituled *An Act for the*
' *better Management of the Land Revenue of the Crown, and for*
' *the Sale of Fee-farm and other unimprovable Rents*, further
' Provisions were made touching Grants, Leases, and other As-
' surances which should be made or granted by His Majesty, His
' Heirs or Successors, under the Great Seal, or Seal of the Ex-
' chequer, or either of them, of any Manors, Messuages, Lands,
' Tenements, or Hereditaments, within the Kingdom of *England*
' and Dominion of *Wales*, or any of them, or any Part thereof
' then belonging or thereafter to belong to His Majesty, His Heirs
' or Successors, and being within the ordering and Survey of the
' Exchequer in *England*: And whereas by the Act passed in the
' Session of Parliament held in the Thirty-ninth and Fortieth
' Years of the Reign of His Majesty King *George* the Third,
' Chapter Eighty-eight, intituled *An Act concerning the Dis-*
' *position of certain Real and Personal Property of His Majesty,*
' *His Heirs and Successors, and also of the Real and Personal*
' *Property of Her Majesty and of the Queen Consort for the Time*
' *being*, it was enacted, that none of the Provisions or Restrictions
' contained in the said Acts of the First Year of Her said Ma-
' jesty Queen *Anne* and the First and Thirty-fourth Years of the
' Reign of His then Majesty, should extend to any Manors,
' Messuages, Lands, Tenements, or Hereditaments, of whatsoever
' Tenure the same might be, which had at any Time theretofore
' been purchased by His Majesty, or should at any Time there-
' after be purchased by His Majesty, His Heirs or Successors, out
' of any Monies issued and applied for the Use of His or Their
' Privy Purse, or with any other Monies not appropriated to any
' Public Service, or to any Manors, Messuages, Lands, Tene-
' ments, or other Hereditaments, of whatsoever Tenure the same
' might be, which had come to His Majesty, or should or might
' come to Him or His Heirs or Successors, by the Gift or Devise
' of, or by Descent or otherwise from any of His, Her, or Their
' Ancestors, or any other Person or Persons not being Kings or
' Queens of this Realm; and it was thereby declared, that the
' Intent of that Enactment was that the same should operate to all
' Intents and Purposes as from the Birth of His then Majesty;
' and by the same Act certain Powers of Disposition were given
' to His Majesty, His Heirs or Successors, over such Manors,
' Messuages, Lands, Tenements, and Hereditaments as are therein
' mentioned as aforesaid, and other Provisions were thereby
' enacted concerning the same: And whereas by the Act passed
' in the Fourth Year of the Reign of His Majesty King *George*
' the Fourth, Chapter Eighteen, intituled *An Act concerning the*
' *Disposition of certain Property of His Majesty, His Heirs and*
' *Successors*, it was enacted that all the Powers given to and
' vested in His Majesty, His Heirs and Successors, by the said
' Act of the Thirty-ninth and Fortieth *George* the Third, Chapter
' Eighty-

39 & 40 G. 3.
c. 88.

4 G. 4. c. 18.

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‘ Eighty-eight, over the Manors, Messuages, Lands, Tenements, and Hereditaments purchased or to be purchased by Him or Them, or coming to Him or Them in manner in the same Act mentioned, and all other the Provisions of the same Act touching and concerning the same, should be and the same Powers and Provisions were by the now reciting Act extended to, and should be deemed, construed, and taken to extend and apply to all Manors, Messuages, Lands, Tenements, and Hereditaments, whether of Freehold or Copyhold or Customary or Leasehold Tenure, whereof His Majesty, or any Person or Persons in trust for Him, at the Time of his Accession to the Crown of this Realm, or whereof His Heirs or Successors, or any Person or Persons in trust for Them, at the Time of Their respective Accessions to the Crown of this Realm, was, were, or should be seised and possessed, and which before such Accession He or They respectively might have legally granted, sold, given, or delivered: And whereas by the Fourth Section of the Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen Victoria, Chapter Ninety-five, intituled *An Act to provide for the Payment of certain Pensions*, after reciting the Seventh Section of the said Act of the First Year of Her Majesty Queen Anne, Chapter Seven, and that it was expedient to extend the said Provision to *Ireland* and *Scotland*, it was enacted, that the said Provision should be deemed and taken to extend to all Parts of the United Kingdom: And whereas it is doubtful whether the Provisions and Restrictions contained in the said Act of the First Year of Her Majesty Queen Anne may not be held to have been by the said Act of the First and Second Years of Her present Majesty Queen Victoria, Chapter Ninety-five, extended to the private Estates of Her Majesty, Her Heirs or Successors: And whereas it is expedient that such Doubts should be removed, and that such Provisions should be made concerning the private Estates of Her Majesty, Her Heirs or Successors, as are herein-after contained:’ 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 & 2 Vict.
c. 95. s. 4.

L. That in the Construction of this Act the Expression “private Estates of Her Majesty, Her Heirs or Successors,” shall mean (unless controlled or confined to a more limited Sense by express Words or the Context) any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty’s Dominions, which have at any Time heretofore been purchased or acquired by Her Majesty, or shall at any Time hereafter be purchased or acquired by Her Majesty, Her Heirs or Successors, out of any Monies issued and applied for the Use of Her or Their Privy Purse, or with any other Monies not appropriated to any Public

Interpretation
of Terms.

Crown Private Estates.

Service, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England, Scotland, or Ireland*, or in any other Part of Her Majesty's Dominions which have come to Her Majesty, or shall or may come to Her Majesty, or Her Heirs or Successors, by the Gift or Devise or Disposition of, or by Descent, Inheritance, or Succession, or otherwise, from any of Her or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, and whether situate or arising in *England, Scotland, or Ireland*, or in any other Part of Her Majesty's Dominions, which did or shall belong to Her Majesty, or Her Heirs or Successors, or to any Person or Persons in trust for Her or Them, at the Time of Her or Their respective Accessions to the Crown of this Realm, and which before such Accession She or They respectively might have legally granted, sold, given, devised, disposed, or conveyed.

Restrictions of 1 Anne, c. 7., and 1 G. 3. c. 1., and 34 G. 3. c. 75. not to extend to the private Estates of the Sovereign.

2. None of the Provisions or Restrictions contained in the said Acts of the First Year of Her Majesty Queen *Anne* and the First and Thirty-fourth Years of His Majesty King *George* the Third, or in any other Act or Acts of Parliament relating to any Manors, Messuages, Lands, Tenements, Leases, or Hereditaments, or other Real or Heritable Property or Estate vested in or belonging to Her Majesty, Her Heirs or Successors, in right of the Crown of this Realm, do or shall extend to the private Estates of Her Majesty, Her Heirs or Successors.

Leasehold Estates (other than in Scotland) to be vested in Trustees.

3. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, as are or shall be of Leasehold Tenure, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs and Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

Private Estates of the Sovereign in Scotland held under a Superior or in Lease to be vested in Trustees.

4. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally directly under the Crown as Superior, may lawfully be held by Her Majesty, Her Heirs or Successors, of and under Herself or Themselves as Sovereign or Sovereigns of this Realm and Feudal Superiors, and the Dominium utile thereof shall not become *ipso facto* consolidated with the Dominium directum; and such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally under a Subject Superior, or as are or shall be held in Lease, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to

Crown Private Estates.

Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs or Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

5. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions (except *Scotland*), may be disposed of by Her Majesty, Her Heirs or Successors, in manner provided by the Fourth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight: Provided always, that a Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of or concerning any such private Estates as aforesaid, shall not require Publication; and every such Will or Testamentary Disposition shall be valid and effectual, if signed by the Testator or Testatrix, or by some other Person in His or Her Presence, and by His or Her Direction, in the Presence of Two Witnesses: Provided also, that every Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of any such private Estates as aforesaid, made under the Authority of this Act and of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or either of them, and whether made before or after the passing of this Act, shall be construed with reference to the Property comprised in such Will or Testamentary Disposition, to speak and take effect as if it had been executed immediately before the Death of the Testator or Testatrix, unless a contrary Intention shall appear by the Will or other Testamentary Disposition.

As to Testamentary Disposition of the private Estates of the Sovereign other than in *Scotland*.

6. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, may be disposed of by Her Majesty, Her Heirs or Successors, by Dispositions or Conveyance, either special or general, granted either *Mortis causâ* or *Inter vivos*; and all Dispositions, Conveyances, Deeds of Appointment, Commissions, Powers of Attorney, Wills, Deeds of Settlement, and other Deeds or Instruments to be made or granted by Her Majesty, Her Heirs or Successors, of or relating to the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, shall be valid and effectual, although not executed according to the Forms of the Law of *Scotland*, if the same shall be under the Sign Manual attested by Two or more Witnesses; and every such Disposition or Conveyance, if granted *Mortis causâ* shall be valid and effectual, whether the same shall be under the Sign Manual as aforesaid, or shall be signed by some other Person in the Presence of the Granter, and by His or Her Direction in the Presence of Two or more Witnesses, who shall attest the same, although the same shall not be executed according to the Forms of the Law of *Scotland*.

As to Disposition of the private Estates of the Sovereign in *Scotland*.

7. On the Demise of Her Majesty, Her Heirs or Successors, the private Estates of Her Majesty, Her Heirs or Successors, shall, subject and without Prejudice to any Disposition which shall

As to Descent of the private Estates of the Sovereign.

Crown Private Estates.

shall have been made thereof under the Authority of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or of this Act, descend or go in manner prescribed by, and (according to the Nature thereof) be subject to, the Provisions and Restrictions respectively referred to in the Fifth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight.

Private Estates of the Sovereign to be subject to Taxes.

8. The private Estates of Her Majesty, Her Heirs or Successors, shall be subject to all such Taxes, Rates, Duties, Assessments, and other Impositions, Parliamentary and Parochial, as the same would have been subject to if the same had been the Property of any Subject of this Realm; and all such Rates, Taxes, Assessments, and Impositions shall, so long as such private Estates shall be vested in Her Majesty, Her Heirs or Successors, or in any Person or Persons in trust for Her Majesty, Her Heirs or Successors as aforesaid, be ascertained, rated, assessed or imposed thereon in the same Manner and Form in all respects as if the same Estates were the absolute and beneficial Estate of any of Her Majesty's Subjects; but nevertheless such Rates, Taxes, Assessments, and Impositions shall be paid and payable in manner herein-after directed, and not otherwise.

Taxes to be paid out of the Privy Purse.

9. So long as the private Estates of Her Majesty, Her Heirs or Successors, shall remain vested in Her Majesty, Her Heirs or Successors, or in any Trustee or Trustees for Her Majesty, Her Heirs or Successors as aforesaid, freed and discharged from the Provisions and Restrictions aforesaid, all Taxes, Rates, Duties, Assessments, Impositions, Rents, and other annual Payments, Fines, and other Outgoings, which shall from Time to Time be charged and chargeable upon or be or become due and payable in respect of all or any of such private Estates, shall be paid and discharged out of the Privy Purse of Her Majesty, Her Heirs or Successors, and Accounts thereof shall from Time to Time be returned to the Person or Persons for the Time being executing the Office of Privy Purse of Her Majesty, Her Heirs or Successors, or to his or their Deputy, who shall by and out of any Monies in his or their Hands applicable for the Use of Her Majesty, Her Heirs or Successors, pay and discharge the same.

Extension of Trustee Act, 1850, to the private Estates (except in Scotland), and to the Personal Estate of the Sovereign.

10. The Trustee Act, 1850, shall extend to a Trustee or Trustees of the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, and to any Trustee or Trustees of any Personal Estate of Her Majesty, Her Heirs or Successors, and any Petition or other Proceeding for obtaining the Benefit of that Act for or on behalf of Her Majesty, Her Heirs or Successors, shall be by and in the Name or Names of any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by any Instrument in Writing under the Sign Manual.

Provision as to legal Proceed-

11. All Suits and Actions, either Real or Personal, respecting the private Estates of Her Majesty, Her Heirs and Successors,

Crown Private Estates.

in *Scotland*, and which may not be vested in a Trustee or Trustees, may be sued, in *Scotland*, on behalf of Her Majesty, Her Heirs and Successors, by and in the Name or Names of any Person or Persons to be from Time to Time for that Purpose appointed by Her Majesty, Her Heirs or Successors, by any Writing under the Sign Manual, every such Appointment to continue only during the Pleasure of Her Majesty, Her Heirs and Successors; and all Suits and Actions in *Scotland* respecting such private Estates at the Instance of other Parties may be sued and carried on by Summons or Process directed against such Person or Persons; and Her Majesty, Her Heirs or Successors, shall at all Times be entitled to require any Trustee or Trustees who may be vested in or possessed of any of the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, to convey and dispense the same to Her Majesty, Her Heirs or Successors, or to any new Trustee or Trustees to be named or appointed by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual; and in the event of the Failure, Delay, or Inability of any such Trustee or Trustees so to convey or dispense the same, or in the event of the said Trustee or Trustees having died, it shall be competent for any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual, to apply by Petition to the Court of Session to declare that the Trust Conveyance subsists for the Benefit of Her Majesty, Her Heirs and Successors, and that Her Majesty, Her Heirs and Successors, are entitled to have the same transferred, and further to adjudge such private Estates in *Scotland* which shall be specified and described in the Petition from such Trustee or Trustees, or his or their Heirs or Heir, and to decern and declare the same to belong to Her Majesty, Her Heirs or Successors, or to such new Trustee or Trustees as may be so named and appointed, as the Case may be; and the Court of Session shall pronounce Decreet in Terms of the Prayer of such Petition, and such Decreet shall be held to be and shall have the Effect of a valid Conveyance and Disposition in due and usual Form of such private Estates as shall be specified and described in the Decreet in favour of Her Majesty, Her Heirs and Successors, or of such Trustee or Trustees, as the Case may be, and it shall be competent to register such Decreet in the General or Particular Register of Sasines in Terms of and to the Effect authorized by the "Titles to Lands (*Scotland*) Act, 1858," and the "Titles to Lands (*Scotland*) Act, 1860."

12. Provided that nothing in this Act contained shall take away or interfere with any Right or Remedy by any Law or Statute competent to Her Majesty, Her Heirs or Successors, in regard to the private Estates of Her Majesty, Her Heirs or Successors, or in regard to any Trusts of such Estates, or against any Trustee or Trustees, his or their Heirs, Executors, Administrators, and Assigns.

13. This Act may be cited for all Purposes as "The Crown Private Estates Act, 1862."

ings and Trust
Estates in
Scotland.

Saving of the
Rights and
Remedies of
the Sovereign.

Short Title.

Sale of Spirits. Red Sea and India Telegraph Company.

C A P. XXXVIII.

An Act to amend the Laws relating to the Sale of Spirits.

[17th July 1862.]

‘ WHEREAS by the Twelfth Section of an Act passed in the
 ‘ Twenty-fourth Year of the Reign of King *George* the
 ‘ Second, Chapter Forty, intituled *An Act for granting to His*
 ‘ *Majesty an additional Duty upon Spirituous Liquors, and upon*
 ‘ *Licences for retailing the same; and for repealing the Act of*
 ‘ *the Twentieth Year of His present Majesty’s Reign, intituled*
 ‘ *“An Act for granting a Duty to His Majesty to be paid by*
 ‘ *“Distillers upon Licences to be taken out by them for retailing*
 ‘ *“Spirituous Liquors,” and for the more effectually restraining*
 ‘ *the retailing of distilled Spirituous Liquors; and for allowing*
 ‘ *a Drawback upon the Exportation of British-made Spirits;*
 ‘ *and that the Parish of St. Mary-le-Bon in the County of*
 ‘ *Middlesex shall be under the Inspection of the Head Office of*
 ‘ *Excise, it is amongst other things enacted, that no Person or*
 ‘ *Persons whatsoever shall be entitled unto, or maintain any*
 ‘ *Cause, Action, or Suit for, or recover either in Law or Equity,*
 ‘ *any Sum or Sums of Money, Debt, or Demands whatsoever for*
 ‘ *or on account of any Spirituous Liquors, unless such Debt*
 ‘ *shall have really been and bond fide contracted at One Time*
 ‘ *to the Amount of Twenty Shillings or upwards, nor shall any*
 ‘ *particular Article or Item in any Account or Demand for dis-*
 ‘ *tilled Spirituous Liquors be allowed or maintained where the*
 ‘ *Liquors delivered at One Time, and mentioned in such Article*
 ‘ *or Item, shall not amount to the full Value of Twenty Shillings*
 ‘ *at the least: And whereas it is expedient that the said recited*
 ‘ *Enactment should be repealed so far as is herein-after men-*
 ‘ *tioned:’ Be it therefore enacted by the Queen’s most Excel-*
 ‘ *lent Majesty, by and with the Advice and Consent of the Lords*
 ‘ *Spiritual and Temporal, and Commons, in this present Parliament*
 ‘ *assembled, and by the Authority of the same, That so much of*
 ‘ *the said Enactment as is herein-before recited shall be and the*
 ‘ *same is hereby repealed, so far only as relates to Spirituous Li-*
 ‘ *quors sold to be consumed elsewhere than on the Premises where*
 ‘ *sold, and delivered at the Residence of the Purchaser thereof in*
 ‘ *Quantities not less at any One Time than a reputed Quart.*

Recital of Sect.
12 of 24 G. 2.
c. 40. enacting
that no Action
should be
brought to
recover any
Debt for
Spirituous Li-
quors, unless
contracted at
One Time to
the Amount of
20s.

Recited Enact-
ment repealed.

C A P. XXXIX.

An Act for enabling the Commissioners of Her Majesty’s
 Treasury to make Arrangements with the *Red Sea* and
India Telegraph Company. [17th July 1862.]

‘ WHEREAS in the Year One thousand eight hundred and
 ‘ fifty-eight a Joint Stock Company was incorporated
 ‘ under the “Joint Stock Companies Act,” 1856, by the Name
 ‘ of “The *Red Sea* and *India* Telegraph Company, Limited,” for
 ‘ the Purpose of establishing Telegraphic Communication between
 ‘ *India* and *England* by the *Red Sea*: And whereas by an
 ‘ Agreement

Red Sea and India Telegraph Company.

‘ Agreement dated the Eighteenth Day of *November* One thousand
‘ eight hundred and fifty-eight, and made between Two of the
‘ Commissioners of Her Majesty’s Treasury of the one Part, and
‘ the said Company of the other Part, it was amongst other things
‘ provided, that the Lords Commissioners of Her Majesty’s Treas-
‘ ury should guarantee to the Company (subject to such Confir-
‘ mation by Act of Parliament as therein-after mentioned) that
‘ during the Period of Fifty Years from the Fourth Day of
‘ *August* One thousand eight hundred and fifty-eight, the net
‘ Receipts available for Dividend upon each Half-yearly State-
‘ ment of Accounts, after Payment of Working Expenses as
‘ therein-after mentioned, should be equal to Interest or Dividend
‘ at the Rate of Four and a Half *per Cent. per Annum* at the
‘ least upon the Amount of the Capital for the Time being *bonâ*
‘ *fide* called and paid up for the Purpose of the Company’s Under-
‘ takings, not exceeding in any Case, except as therein-after
‘ mentioned, the Sum of Eight hundred thousand Pounds, and
‘ should, if and so often as during the said Period of Fifty Years,
‘ upon any Half-yearly Statement of Accounts, the net Receipts
‘ available for Dividend, after the Payment of Working Expenses,
‘ should not be equal to Interest or Dividend at the Rate of
‘ Two and a Quarter *per Cent.* for the Half Year upon the
‘ above-mentioned Amount of Capital, pay and make good such
‘ Deficiency to the Company : Provided always, that in the Cal-
‘ culation of the Amount to which the Company were entitled
‘ upon that Guarantee, all Capital paid up in the Course of the
‘ current Half Year should be taken to be entitled to Interest
‘ or Dividend at the above-mentioned Rate only from the Time
‘ when the same was so paid up : Provided also, that all Amounts
‘ paid by the Lords Commissioners under the Guarantee should
‘ be a Charge on the Company, to be repaid out of the future
‘ surplus Profits as therein-after provided : And whereas the said
‘ Company was afterwards incorporated, and the said Agreement
‘ confirmed by the “*Red Sea and India Telegraph Act, 1859,*”
‘ and by a further Act, intituled *An Act for amending the Red*
‘ *Sea and India Telegraph Act, 1859,* and passed in the Year
‘ One thousand eight hundred and sixty-one, after reciting that
‘ Doubts were entertained whether the said Agreement empow-
‘ ered the said Commissioners to give effect to such Guarantee,
‘ except during such Time as the Line of Telegraph of the Com-
‘ pany was in working Order, and that it was expedient that such
‘ Doubts should be removed, it was declared that the Guarantee
‘ contained in the said Agreement was not intended to be and was
‘ not conditional on the Line of Telegraph of the Company being
‘ in working Order : And whereas the Line of Telegraph laid
‘ down by the said Company, herein-after referred to as the Old
‘ Company, has ceased to transmit Messages : And whereas an
‘ Arrangement of which an Abstract is contained in the Schedule
‘ to this Act annexed has been entered into between the said
‘ Commissioners, the Old Company, and a new Company incor-
‘ porated under the Name of “*The Telegraph to India Company,*
‘ *Limited,*” herein referred to as the New Company, whereby it

Red Sea and India Telegraph Company.

‘ is agreed that on the New Company complying with certain
 ‘ Conditions required by the said Commissioners (and which
 ‘ Conditions have since been complied with), and in consideration
 ‘ of the New Company discharging all the Debts and Liabilities
 ‘ of the Old Company, the Cables, Lines, Stations, Concessions,
 ‘ and all other the Real and Personal Property of the Old Com-
 ‘ pany, including Things in Action, should be transferred to the
 ‘ New Company ; and that in consideration of such Transfer the
 ‘ Old Company should in exchange for the Guarantee given by
 ‘ the said Agreement receive such Compensation by way of An-
 ‘ nuities, but subject to such Powers of Redemption, as is herein
 ‘ mentioned : And whereas the foregoing Arrangement cannot be
 ‘ carried into effect without the Authority of Parliament :’ 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 :

Transfer of
 Property from
 Old Company
 to new.

1. From and after the passing of this Act, the Cables, Lines, Stations, Concessions, and all other the Real and Personal Property of the Old Company, including Things in Action, shall vest in the New Company for all the Estate and Interest of the Old Company therein, and the said Agreement of the Eighteenth Day of *November* One thousand eight hundred and fifty-eight, and all the Covenants and Conditions therein contained, shall be deemed to be at an End, but the new Company shall be bound to fulfil the Agreement contained in the Schedule to this Act.

List of Share-
 holders to be
 made.

2. The Books of Transfer of Shares in the said Old Company shall be closed immediately on the passing of this Act, and within One Month from the Date of the passing of this Act a List of the several Persons then holding Shares or Stock in the Capital of the said Company at the Date of such Closing, duly authenticated under the Corporate Seal and by the Signature of the Secretary of the said Company, shall be delivered to the Governor and Company of the Bank of *England*, and such List shall set forth the Names, Descriptions, and Addresses of all such Persons, and the Amount of the Share or Shares held by each respectively, and the Amount which will be payable to each in respect of such Shares out of the Annuity of Thirty-six thousand Pounds herein-after referred to ; and such List so authenticated shall for the Purposes of this Act be binding on all Persons whatsoever.

Charge upon
 Consolidated
 Fund of Ter-
 minable An-
 nuities.

3. The Governor and Company of the Bank of *England*, as soon as possible after such List shall have been delivered to them, shall certify to the Commissioners of Her Majesty’s Treasury that such List has been so delivered to them, and the said Commissioners are hereby authorized to charge and shall thereupon charge, under the Authority of this Act, upon the Consolidated Fund of the United Kingdom, an Annuity of Thirty-six thousand Pounds for Forty-six Years ending on the Fourth Day of *August* One thousand nine hundred and eight, payable in equal Moieties half-yearly, the First half-yearly Payment to

Red Sea and India Telegraph Company.

become due on the Fourth Day of *August* One thousand eight hundred and sixty-two, and the last half-yearly Payment on the Fourth Day of *August* One thousand nine hundred and eight; and such half-yearly Payments shall be made to the said Governor and Company for and on account of the several Persons in the said Lists mentioned in the several and respective Accounts therein set forth.

4. The proportionate Parts of the said Annuity as certified in such List as being due to the several Persons therein named shall be inscribed in the Names of the several Parties in Books to be provided for the Purpose by the said Governor and Company, and all Payments becoming due from Time to Time thereon shall be payable at the Bank of *England* to the several Persons to whom such Payment shall from Time to Time be due, half-yearly, in equal Moieties on the Fourth Day of *August* and Fourth Day of *February*, and the said proportionate Parts shall be transferable in the Books of the said Governor and Company in like Manner as all other Annuities of like Kind chargeable on the Consolidated Fund of the United Kingdom, and payable by the said Governor and Company, and shall not be liable to Stamp Duty.

Rights of Shareholders to Terminable Annuities.

5. Immediately after the Inscription of the said Annuity in the Books of the said Governor and Company as aforesaid, the Books of Transfer, and other Books of the *Red Sea and India* Telegraph Company relating to the Shares therein, shall be delivered by the said Company into the Custody of the said Governor and Company of the Bank of *England*, to be retained by them.

Delivery of Transfer Books to Bank of England.

6. The Commissioners of the Treasury may at any Time redeem the Annuity hereby granted on Payment of a Capital Sum which will be sufficient to purchase a Government Annuity at the Rate of Four Pounds Ten Shillings *per Annum* on each One hundred Pounds of the Stock or Capital of the said Old Company for the unexpired Residue of the Term.

Redemption of Annuity.

7. There shall be paid out of the Revenues of *India* to the Account of Her Majesty's Exchequer at the Bank of *England* in respect of the Charge hereby created, by Two half-yearly Payments on the Fourth Day of *August* and Fourth Day of *February* in each Year respectively, the annual Sum of Eighteen thousand and twenty-seven Pounds, being One Half of the Amount of the before-mentioned Annuity, and of the Cost of Management, the First of such half-yearly Payments to be made on the Fourth Day of *August* One thousand eight hundred and sixty-two, and the last on the Fourth Day of *August* One thousand nine hundred and eight.

Contribution of Revenues of India.

SCHEDULE.

HEADS OF ARRANGEMENT REFERRED TO IN PREAMBLE OF ACT.

1. That the Old Company be divested of all further Responsibility in respect to the Affairs of the Red Sea and India Telegraph, with a view to transferring the entire Concern to the

Red Sea and India Telegraph Company.

the Hands of a New Company, on suitable Terms and Conditions.

2. That the present Guarantee of $4\frac{1}{2}$ per Cent. on the paid-up Capital of the Old Company be converted into a Government Annuity of like Amount, payable at the Bank of England, as in the Case of other Annuities of like Kind.

3. The Commissioners of the Treasury shall have Power to redeem the said Annuity at any Time, on Payment to the said Company of a Capital Sum which will be sufficient to purchase a Government Annuity at the Rate of 4*l.* 10*s.* per Annum on each Hundred Pounds of the Stock or Capital of the Company for the unexpired Residue of the Term of their original Contract.

As regards the New Company.

1. That the Cables, Land Lines, Instruments, Stations, Concessions, &c. belonging to the Old Company shall be made over to the New Company free from Charge, the New Company discharging all outstanding Debts and Liabilities of the Old Company.

2. That the New Company shall use their best Endeavours to repair and restore the whole Line from Suez to Kurrachee, and to work it when completed, but shall not have Possession until Two Thirds of the Capital is subscribed, and One Third paid up, and a suitable Vessel despatched with not less than 200 Miles of new Cable on board.

3. That the Capital of the New Company shall not be less in the first instance than 100,000*l.*, with Power to increase to 250,000*l.*, if required to complete the Restoration of the Line.

4. That the New Company shall be entitled to a clear Dividend out of the Profits of 25 per Cent. on the Money paid up by them.

5. That any surplus Profits shall be applied to reimburse the Commissioners of the Treasury for the Payments they have made or will have to make annually by way of Interest or Annuity upon the Capital expended by the Old Company, after which any further Profits which may accrue shall be applied to the Creation of a Reserve Fund.

6. After the Restoration of the Line any Outlay of Capital shall be subject to the Approval of the Commissioners of the Treasury; and the Commissioners of the Treasury shall have Power to disallow Working Expenditure as excessive or unreasonable.

7. In the event of the Failure of the Company to restore the Line or maintain it in Working Order, the Commissioners of the Treasury shall have Power to take it into their own Hands again, on repaying the Capital actually expended by the New Company.

Should the Commissioners not exercise this Right, the Company shall be at liberty to dispose of the Property to reimburse their Outlay; the Balance, after defraying the actual Expenditure, to be the Property of the Commissioners of the Treasury.

8. At the Expiration of 30 Years, the Commissioners of the Treasury shall have the Right of re-purchasing the Line and

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Property on the Terms of Repayment of the Capital expended by the Company.

9. The Failure in Clause Seven shall be defined to be the non-working of the Line from End to End, subject to a just Allowance of Time for Restoration.

10. The Accounts shall be audited at the Treasury half-yearly.

11. All Differences between the Commissioners of the Treasury and the Company shall be decided by Arbitration.

C A P. XL.

An Act to carry into effect the Treaty between Her Majesty and the United States of *America* for the Suppression of the *African Slave Trade*. [17th July 1862.]

‘ WHEREAS on the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two a Treaty was concluded and signed at *Washington*, between Her Majesty the Queen of the United Kingdom of *Great Britain and Ireland* and the United States of *America*, for the Suppression of the *African Slave Trade*, whereby it was agreed as follows :

‘ TREATY between Her Majesty and the United States of *America*, for the Suppression of the *African Slave Trade*. Signed at *Washington*, *April 7*, 1862. Ratifications exchanged at *London*, *May 20*, 1862.

‘ Her Majesty the Queen of the United Kingdom of *Great Britain and Ireland* and the United States of *America* being desirous to render more effectual the Means hitherto adopted for the Suppression of the Slave Trade carried on upon the Coast of *Africa*, have deemed it expedient to conclude a Treaty for that Purpose, and have named as their Plenipotentiaries ; that is to say,
 ‘ Her Majesty the Queen of the United Kingdom of *Great Britain and Ireland*, the Right Honourable *Richard Bickerton Pemell Lord Lyons*, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of *America* ;
 ‘ And the President of the United States of *America*, *William H. Seward*, Secretary of State ;
 ‘ Who, after having communicated to each other their respective full Powers, found in good and due Form, have agreed upon and concluded the following Articles.

‘ ARTICLE I.—The Two High Contracting Parties mutually consent that those Ships of their respective Navies which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may, upon reasonable Grounds, be suspected of being engaged in the *African Slave Trade*, or of having been fitted out for that Purpose,

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‘ Purpose, or of having, during the Voyage on which they
 ‘ are met by the said Cruizers, been engaged in the *African*
 ‘ Slave Trade, contrary to the Provisions of this Treaty;
 ‘ and that such Cruizers may detain, and send or carry
 ‘ away, such Vessels, in order that they may be brought
 ‘ to Trial in the Manner herein-after agreed upon.

‘ In order to fix the reciprocal Right of Search in such
 ‘ a Manner as shall be adapted to the Attainment of the
 ‘ Object of this Treaty, and at the same Time avoid Doubts,
 ‘ Disputes, and Complaints, the said Right of Search shall
 ‘ be understood in the Manner and according to the Rules
 ‘ following :—

‘ First.—It shall never be exercised except by Vessels
 ‘ of War, authorized expressly for that Object, according
 ‘ to the Stipulations of this Treaty.

‘ Secondly.—The Right of Search shall in no Case be
 ‘ exercised with respect to a Vessel of the Navy of either
 ‘ of the Two Powers, but shall be exercised only as
 ‘ regards Merchant Vessels; and it shall not be exercised
 ‘ by a Vessel of War of either Contracting Party within
 ‘ the Limits of a Settlement or Port, nor within the
 ‘ territorial Waters, of the other Party.

‘ Thirdly.—Whenever a Merchant Vessel is searched
 ‘ by a Ship of War, the Commander of the said Ship shall,
 ‘ in the Act of so doing, exhibit to the Commander of the
 ‘ Merchant Vessel the special Instructions by which he is
 ‘ duly authorized to search, and shall deliver to such
 ‘ Commander a Certificate, signed by himself, stating his
 ‘ Rank in the Naval Service of his Country, and the
 ‘ Name of the Vessel he commands, and also declaring
 ‘ that the only Object of the Search is to ascertain
 ‘ whether the Vessel is employed in the *African* Slave
 ‘ Trade, or is fitted up for the said Trade. When the
 ‘ Search is made by an Officer of the Cruizer who is not
 ‘ the Commander, such Officer shall exhibit to the Captain
 ‘ of the Merchant Vessel a Copy of the before-mentioned
 ‘ special Instructions, signed by the Commander of the
 ‘ Cruizer, and he shall in like Manner deliver a Certifi-
 ‘ cate, signed by himself, stating his Rank in the Navy,
 ‘ the Name of the Commander by whose Orders he pro-
 ‘ ceeds to make the Search, that of the Cruizer in which
 ‘ he sails, and the Object of the Search, as above described.
 ‘ If it appears from the Search that the Papers of the
 ‘ Vessel are in regular Order, and that it is employed on
 ‘ lawful Objects, the Officer shall enter in the Log Book
 ‘ of the Vessel that the Search has been made in pursuance
 ‘ of the aforesaid special Instructions, and the Vessel shall
 ‘ be left at liberty to pursue its Voyage. The Rank of
 ‘ the Officer who makes the Search must not be less than
 ‘ that of Lieutenant in the Navy, unless the Command,
 ‘ either by reason of Death or other Cause, is at the Time
 ‘ held by an Officer of inferior Rank.

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‘ Fourthly.—The reciprocal Right of Search and Detention shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues from the Coast of the Island of *Cuba*.

‘ ARTICLE II.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution, it is agreed—

‘ First.—That all the Ships of the Navies of the Two Nations which shall be hereafter employed to prevent the *African* Slave Trade shall be furnished by their respective Governments with a Copy of the present Treaty, of the Instructions for Cruizers annexed thereto, marked A, and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B, which Annexes respectively shall be considered as integral Parts of the present Treaty.

‘ Secondly.—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders. The said Commanders shall hold the Rank of Captain in the Navy, or at least that of Lieutenant; it being nevertheless understood that the Instructions originally issued to an Officer holding the Rank of Lieutenant of the Navy, or other superior Rank, shall, in case of his Death or temporary Absence, be sufficient to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although such Officer may not hold the aforesaid Rank in the Service.

‘ Thirdly.—That if at any Time the Commander of a Cruizer of either of the Two Nations shall suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of the other Nation carries Negroes on board, or has been engaged in the *African* Slave Trade, or is fitted out for the Purpose thereof, the Commander of the Cruizer shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruizer, shall proceed to the Search of the suspected Vessel; and in case the Suspicions appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to One of the Places where the Mixed Courts of Justice are stationed, in order that it may there be adjudicated upon.

‘ Fourthly.—It is further mutually agreed, that the Commanders of the Ships of the Two Navies respectively, who shall be employed on this Service, shall adhere strictly to the exact Tenor of the aforesaid Instructions.

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‘ ARTICLE III.—As the Two preceding Articles are
 ‘ entirely reciprocal, the Two High Contracting Parties
 ‘ engage mutually to make good any Losses which their re-
 ‘ spective Subjects or Citizens may incur by an arbitrary
 ‘ and illegal Detention of their Vessels ; it being understood
 ‘ that this Indemnity shall be borne by the Government
 ‘ whose Cruizer shall have been guilty of such arbitrary
 ‘ and illegal Detention ; and that the Search and Detention
 ‘ of Vessels specified in the First Article of this Treaty shall
 ‘ be effected only by Ships which may form Part of the Two
 ‘ Navies respectively, and by such of those Ships only as are
 ‘ provided with the special Instructions annexed to the
 ‘ present Treaty, in pursuance of the Provisions thereof.
 ‘ The Indemnification for the Damages of which this Article
 ‘ treats shall be paid within the Term of One Year, reckon-
 ‘ ing from the Day in which the Mixed Court of Justice
 ‘ pronounces its Sentence.

‘ ARTICLE IV.—In order to bring to Adjudication with
 ‘ as little Delay and Inconvenience as possible the Vessels
 ‘ which may be detained according to the Tenor of the
 ‘ First Article of this Treaty, there shall be established, as
 ‘ soon as may be practicable, Three Mixed Courts of Jus-
 ‘ tice, formed of an equal Number of Individuals of the
 ‘ Two Nations, named for this Purpose by their respective
 ‘ Governments. These Courts shall reside, One at *Sierra*
 ‘ *Leone*, One at the *Cape of Good Hope*, and One at *New*
 ‘ *York*.

‘ But each of the Two High Contracting Parties reserves
 ‘ to itself the Right of changing, at its Pleasure, the Place
 ‘ of Residence of the Court or Courts held within its own
 ‘ Territories.

‘ These Courts shall judge the Causes submitted to them
 ‘ according to the Provisions of the present Treaty, and
 ‘ according to the Regulations and Instructions which are
 ‘ annexed to the present Treaty, and which are considered
 ‘ an integral Part thereof ; and there shall be no Appeal
 ‘ from their Decision.

‘ ARTICLE V.—In case the Commanding Officer of any of
 ‘ the Ships of the Navies of either Country, duly commis-
 ‘ sioned according to the Provisions of the First Article of
 ‘ this Treaty, shall deviate in any respect from the Stipula-
 ‘ tions of the said Treaty, or from the Instructions annexed
 ‘ to it, the Government which shall conceive itself to be
 ‘ wronged thereby shall be entitled to demand Reparation ;
 ‘ and in such Case the Government to which such Com-
 ‘ manding Officer may belong binds itself to cause Inquiry
 ‘ to be made into the Subject of the Complaint, and to
 ‘ inflict upon the said Officer a Punishment proportioned to
 ‘ any wilful Transgression which he may be proved to have
 ‘ committed.

‘ ARTICLE VI.—It is hereby further mutually agreed, that
 ‘ every *British* or *American* Merchant Vessel which shall
 ‘ be

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‘ be searched by virtue of the present Treaty may lawfully
 ‘ be detained, and sent or brought before the Mixed Courts of
 ‘ Justice established in pursuance of the Provisions thereof,
 ‘ if in her Equipment there shall be found any of the Things
 ‘ herein-after mentioned ; namely,

‘ 1st.—Hatches with open Gratings, instead of the
 ‘ close Hatches which are usual in Merchant Vessels.

‘ 2d.—Divisions or Bulkheads in the Hold or on Deck
 ‘ in greater Number than are necessary for Vessels en-
 ‘ gaged in lawful Trade.

‘ 3d.—Spare Plank fitted for laying down as a Second
 ‘ or Slave Deck.

‘ 4th.—Shackles, Bolts, or Handcuffs.

‘ 5th.—A larger Quantity of Water in Casks or in
 ‘ Tanks than is requisite for the Consumption of the Crew
 ‘ of the Vessel as a Merchant Vessel.

‘ 6th.—An extraordinary Number of Water Casks, or of
 ‘ other Vessels for holding Liquid ; unless the Master shall
 ‘ produce a Certificate from the Custom House at the
 ‘ Place from which he cleared outwards, stating that a
 ‘ sufficient Security had been given by the Owners of such
 ‘ Vessel that such extra Quantity of Casks or of other
 ‘ Vessels should be used only to hold Palm Oil, or for other
 ‘ Purposes of lawful Commerce.

‘ 7th.—A greater Number of Mess Tubs or Kinds than
 ‘ requisite for the Use of the Crew of the Vessel as a
 ‘ Merchant Vessel.

‘ 8th.—A Boiler or other Cooking Apparatus of an
 ‘ unusual Size, and larger or capable of being made larger
 ‘ than requisite for the Use of the Crew of the Vessel as a
 ‘ Merchant Vessel, or more than One Boiler or other
 ‘ Cooking Apparatus of the ordinary Size.

‘ 9th.—An extraordinary Quantity of Rice, of the Flour
 ‘ of *Brazil*, of Manioc or Cassada commonly called
 ‘ *Farinha*, of Maize, or of Indian Corn, or of any other
 ‘ Article of Food whatever, beyond the probable Wants of
 ‘ the Crew ; unless such Rice, Flour, *Farinha*, Maize,
 ‘ Indian Corn, or other Article of Food be entered on the
 ‘ Manifest as Part of the Cargo for Trade.

‘ 10th.—A Quantity of Mats or Matting greater than is
 ‘ necessary for the Use of the Crew of the Vessel as a
 ‘ Merchant Vessel ; unless such Mats or Matting be en-
 ‘ tered on the Manifest as Part of the Cargo for Trade.

‘ If it be proved that any One or more of the Articles
 ‘ above specified is or are on board, or have been on board
 ‘ during the Voyage in which the Vessel was captured, that
 ‘ Fact shall be considered as *primâ facie* Evidence that the
 ‘ Vessel was employed in the *African* Slave Trade, and she
 ‘ shall in consequence be condemned and declared lawful
 ‘ Prize ; unless the Master or Owners shall furnish clear and
 ‘ incontrovertible Evidence, proving to the Satisfaction of
 ‘ the Mixed Court of Justice that at the Time of her Deten-
 ‘ tion

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‘ tion or Capture the Vessel was employed in a lawful Under-
 ‘ taking, and that such of the different Articles above specified
 ‘ as were found on board at the Time of Detention, or as may
 ‘ have been embarked during the Voyage on which she was
 ‘ engaged when captured, were indispensable for the lawful
 ‘ Object of her Voyage.

‘ ARTICLE VII.—If any One of the Articles specified in
 ‘ the preceding Article as Grounds for Condemnation should
 ‘ be found on board a Merchant Vessel, or should be proved
 ‘ to have been on board of her during the Voyage on which
 ‘ she was captured, no Compensation for Losses, Damages,
 ‘ or Expenses consequent upon the Detention of such Vessel
 ‘ shall in any Case be granted, either to the Master, the
 ‘ Owner, or any other Person interested in the Equipment
 ‘ or in the Lading, even though she should not be condemned
 ‘ by the Mixed Court of Justice.

‘ ARTICLE VIII.—It is agreed between the Two High
 ‘ Contracting Parties, that in all Cases in which a Vessel
 ‘ shall be detained under this Treaty by their respective
 ‘ Cruizers as having been engaged in the *African Slave*
 ‘ Trade, or as having been fitted out for the Purposes
 ‘ thereof, and shall consequently be adjudged and condemned
 ‘ by One of the Mixed Courts of Justice to be established as
 ‘ aforesaid, the said Vessel shall, immediately after its Con-
 ‘ demnation, be broken up entirely and shall be sold in
 ‘ separate Parts, after having been so broken up; unless
 ‘ either of the Two Governments should wish to purchase
 ‘ her for the Use of its Navy at a Price to be fixed by a
 ‘ competent Person chosen for that Purpose by the Mixed
 ‘ Court of Justice; in which Case the Government whose
 ‘ Cruiser shall have detained the condemned Vessel shall
 ‘ have the First Option of Purchase.

‘ ARTICLE IX.—The Captain, Master, Pilot, and Crew of
 ‘ any Vessel condemned by the Mixed Courts of Justice shall
 ‘ be punished according to the Laws of the Country to which
 ‘ such Vessel belongs, as shall also the Owner or Owners,
 ‘ and the Persons interested in her Equipment or Cargo,
 ‘ unless they prove that they had no Participation in the
 ‘ Enterprize.

‘ For this Purpose the Two High Contracting Parties
 ‘ agree that, in so far as it may not be attended with grievous
 ‘ Expense and Inconvenience, the Master and Crew of any
 ‘ Vessel which may be condemned by a Sentence of One of
 ‘ the Mixed Courts of Justice, as well as any other Persons
 ‘ found on board the Vessel, shall be sent and delivered up
 ‘ to the Jurisdiction of the Nation under whose Flag the
 ‘ condemned Vessel was sailing at the Time of Capture;
 ‘ and that the Witnesses and Proofs necessary to establish
 ‘ the Guilt of such Master, Crew, or other Persons shall also
 ‘ be sent with them.

‘ The same Course shall be pursued with regard to Subjects
 ‘ or Citizens of either Contracting Party who may be found
 ‘ by

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‘ by a Cruizer of the other on board a Vessel of any Third
 ‘ Power, or on board a Vessel sailing without Flag or Papers,
 ‘ which may be condemned by any competent Court for
 ‘ having engaged in the *African Slave Trade*.

‘ **ARTICLE X.**—The Negroes who are found on board of a
 ‘ Vessel condemned by the Mixed Courts of Justice, in con-
 ‘ formity with the Stipulations of this Treaty, shall be placed
 ‘ at the Disposal of the Government whose Cruizer has made
 ‘ the Capture. They shall be immediately set at liberty, and
 ‘ shall remain free, the Government to whom they have been
 ‘ delivered guaranteeing their Liberty.

‘ **ARTICLE XI.**—The Acts or Instruments annexed to this
 ‘ Treaty, and which it is mutually agreed shall form an
 ‘ integral Part thereof, are as follows :

‘ (A.) Instructions for the Ships of the Navies of both
 ‘ Nations destined to prevent the *African Slave Trade*.

‘ (B.) Regulations for the Mixed Courts of Justice.

‘ **ARTICLE XII.**—The present Treaty shall be ratified,
 ‘ and the Ratifications thereof shall be exchanged at *London*
 ‘ in Six Months from this Date, or sooner if possible. It
 ‘ shall continue and remain in full Force for the Term of
 ‘ Ten Years from the Day of Exchange of the Ratifications,
 ‘ and further, until the End of One Year after either of the
 ‘ Contracting Parties shall have given Notice to the other
 ‘ of its Intention to terminate the same ; each of the Con-
 ‘ tracting Parties reserving to itself the Right of giving
 ‘ such Notice to the other at the End of said Term of
 ‘ Ten Years. And it is hereby agreed between them, that
 ‘ on the Expiration of One Year after such Notice shall
 ‘ have been received by either from the other Party this
 ‘ Treaty shall altogether cease and determine.

‘ In witness whereof the respective Plenipotentiaries have
 ‘ signed the present Treaty, and have thereunto affixed the
 ‘ Seal of their Arms.

‘ Done at *Washington* the Seventh Day of *April* in the
 ‘ Year of our Lord One thousand eight hundred and
 ‘ sixty-two.

‘ (L.S.)

LYONS.

‘ (L.S.)

WILLIAM H. SEWARD.

‘ *Annex (A.) to the Treaty between Great Britain and*
 ‘ *the United States of America, for the Suppression*
 ‘ *of the African Slave Trade, signed at Washington*
 ‘ *on the Seventh Day of April One thousand eight*
 ‘ *hundred and sixty-two.*

‘ *Instructions for the Ships of the British and United*
 ‘ *States Navies employed to prevent the African*
 ‘ *Slave Trade.*

‘ **ARTICLE I.**—The Commander of any Ship belonging to
 ‘ the *British* or United States Navy which shall be furnished
 ‘ with these Instructions shall have a Right to search and
 ‘ detain

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‘ detain any *British* or United States Merchant Vessel
 ‘ which shall be actually engaged or suspected to be en-
 ‘ gaged in the *African Slave Trade*, or to be fitted out for
 ‘ the Purposes thereof, or to have been engaged in such
 ‘ Trade during the Voyage in which she may be met with
 ‘ by such Ship of the *British* or United States Navy ; and
 ‘ such Commander shall thereupon bring or send such Mer-
 ‘ chant Vessel (save in the Case provided for in Article V.
 ‘ of these Instructions) as soon as possible for Judgment
 ‘ before One of the Three Mixed Courts of Justice esta-
 ‘ blished in virtue of the IVth Article of the said Treaty ;
 ‘ that is to say,

‘ If the Vessel shall be detained on the Coast of *Africa*,
 ‘ she shall be brought before that One of the Two Mixed
 ‘ Courts of Justice to be established at the *Cape of Good*
 ‘ *Hope* and at *Sierra Leone* which may be nearest to the
 ‘ Place of Detention, or which the Captor, on his own
 ‘ Responsibility, may think can be soonest reached from
 ‘ such Place.

‘ If the Vessel shall be detained on the Coast of the Island
 ‘ of *Cuba*, she shall be brought before the Mixed Court of
 ‘ Justice at *New York*.

‘ ARTICLE II.—Whenever a Ship of either of the Two
 ‘ Navies, duly authorized as aforesaid, shall meet a Mer-
 ‘ chant Vessel liable to be searched under the Provisions of
 ‘ the said Treaty, the Search shall be conducted with the
 ‘ Courtesy and Consideration which ought to be observed
 ‘ between allied and friendly Nations ; and the Search shall,
 ‘ in all Cases, be made by an Officer holding a Rank not
 ‘ lower than that of Lieutenant in the Navy, or by the
 ‘ Officer who at the Time shall be Second in Command of
 ‘ the Ship by which such Search is made.

‘ ARTICLE III.—The Commander of any Ship of the Two
 ‘ Navies, duly authorized as aforesaid, who may detain any
 ‘ Merchant Vessel in pursuance of the Tenor of the present
 ‘ Instructions, shall leave on board the Vessel so detained
 ‘ the Master, the Mate, or Boatswain, and Two or Three
 ‘ at least of the Crew, the whole of the Negroes, if any,
 ‘ and all the Cargo. The Captor shall at the Time of Deten-
 ‘ tion draw up in Writing a Declaration, which shall exhibit
 ‘ the State in which he found the detained Vessel. Such
 ‘ Declaration shall be signed by himself, and shall be given
 ‘ in or sent, together with the captured Vessel, to the Mixed
 ‘ Court of Justice before whom such Vessel shall be carried
 ‘ or sent for Adjudication. He shall deliver to the Master
 ‘ of the detained Vessel a signed and certified List of the
 ‘ Papers found on board the same, as well as a Certificate of
 ‘ the Number of Negroes found on board at the Moment of
 ‘ Detention.

‘ In the Declaration which the Captor is hereby required
 ‘ to make, as well as in the certified List of the Papers
 ‘ seized, and in the Certificate of the Number of Negroes
 ‘ found

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‘ found on board the detained Vessel, he shall insert his
 ‘ own Name and Surname, the Name of the capturing Ship,
 ‘ and the Latitude and Longitude of the Place where the
 ‘ Detention shall have been made.

‘ The Officer in charge of the detained Vessel shall, at the
 ‘ Time of bringing the Vessel’s Papers into the Mixed Court
 ‘ of Justice, deliver into the Court a Certificate, signed
 ‘ by himself, and verified on Oath, stating any Changes
 ‘ which may have taken place in respect to the Vessel, her
 ‘ Crew, the Negroes, if any, and her Cargo, between the
 ‘ Period of her Detention and the Time of delivering in
 ‘ such Paper.

‘ ARTICLE IV.—If urgent Reasons, arising from the
 ‘ Length of the Voyage, the State of Health of the Negroes,
 ‘ or any other Cause, should require that either the whole
 ‘ or a Portion of such Negroes should be disembarked
 ‘ before the Vessel can arrive at the Place at which One
 ‘ of the Mixed Courts of Justice is established, the Com-
 ‘ mander of the capturing Ship may take upon himself the
 ‘ Responsibility of so disembarking the Negroes, provided
 ‘ the Necessity of the Disembarkation, and the Causes
 ‘ thereof, be stated in a proper Form. Such Certificate
 ‘ shall be drawn up and entered at the Time on the Log
 ‘ Book of the detained Vessel.

‘ ARTICLE V.—In case any Merchant Vessel detained in
 ‘ pursuance of the present Instruction should prove to be
 ‘ unseaworthy, or in such a Condition as not to be taken
 ‘ to One of the Three Ports where the Mixed Courts of
 ‘ Justice are to be established, in pursuance of the Treaty of
 ‘ this Date, the Commander of the detaining Cruizer may
 ‘ take upon himself the Responsibility of abandoning or
 ‘ destroying her, provided the exact Causes which made
 ‘ such a Step imperatively necessary be stated in a Certifi-
 ‘ cate, verified on Oath. Such Certificate shall be drawn
 ‘ up and formally executed in Duplicate at the Time.

‘ In case of the Abandonment or Destruction of a detained
 ‘ Vessel, the Master and Crew, together with the Negroes
 ‘ and Papers found on board, and One Copy of the sworn
 ‘ Certificate mentioned in the preceding Paragraph of this
 ‘ Article, shall be sent and delivered to the proper Mixed
 ‘ Court of Justice at the earliest possible Moment.

‘ The undersigned Plenipotentiaries have agreed, in con-
 ‘ formity with the Eleventh Article of the Treaty signed by
 ‘ them on this Day, that the present Instructions shall be
 ‘ annexed to the said Treaty, and be considered an integral
 ‘ Part thereof.

‘ Done at *Washington*, the Seventh Day of *April* in
 ‘ the Year of our Lord One thousand eight hundred
 ‘ and sixty-two.

‘ (L.S.)
 ‘ (L.S.)

LYONS.

WILLIAM H. SEWARD.

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‘ *Annex (B.) to the Treaty between Great Britain and
 ‘ the United States of America for the Abolition of
 ‘ the African Slave Trade, signed at Washington
 ‘ on the Seventh Day of April One thousand eight
 ‘ hundred and sixty-two.*

‘ *Regulations for the Mixed Courts of Justice.*

‘ **ARTICLE I.**—The Mixed Courts of Justice to be esta-
 ‘ blished under the Provisions of the Treaty, of which these
 ‘ Regulations are declared to be an integral Part, shall be
 ‘ composed in the following Manner :

‘ The Two High Contracting Parties shall each name a
 ‘ Judge and an Arbitrator, who shall be authorized to hear
 ‘ and to decide, without Appeal, all Cases of Capture or
 ‘ Detention of Vessels which, in pursuance of the Stipula-
 ‘ tions of the aforesaid Treaty, shall be brought before them.

‘ The Judges and the Arbitrators shall, before they enter
 ‘ upon the Duties of their Office, respectively make Oath
 ‘ before the principal Magistrate of the Place in which such
 ‘ Courts shall respectively reside, that they will judge fairly
 ‘ and faithfully ; that they will have no Preference either
 ‘ for Claimant or for Captor ; and that they will act in all
 ‘ their Decisions in pursuance of the Stipulations of the
 ‘ aforesaid Treaty.

‘ There shall be attached to each of such Courts a Secre-
 ‘ tary or Registrar, who shall be appointed by the Party in
 ‘ whose Territories such Court shall reside.

‘ Such Secretary or Registrar shall register all the Acts
 ‘ of the Court to which he is appointed, and shall, before
 ‘ he enters upon his Office, make Oath before the Court that
 ‘ he will conduct himself with due Respect for its Authority,
 ‘ and will act with Fidelity and Impartiality in all Matters
 ‘ relating to his Office.

‘ The Salaries of the Judges and Arbitrators shall be paid
 ‘ by the Governments by whom they are appointed.

‘ The Salary of the Secretaries or Registrars of the Two
 ‘ Courts to be established in the Territories of *Great Britain*
 ‘ shall be paid by Her *Britannic Majesty*, and that of the
 ‘ Secretary or Registrar of the Court to be established in
 ‘ the Territories of the United States shall be paid by the
 ‘ United States Government.

‘ Each of the Two Governments shall defray Half of the
 ‘ aggregate Amount of the other Expenses of such Courts.

‘ **ARTICLE II.**—The Expenses incurred by the Officer
 ‘ charged with the Reception, Maintenance, and Care of the
 ‘ detained Vessel, Negroes, and Cargo, and with the Execu-
 ‘ tion of the Sentence, and all Disbursements occasioned by
 ‘ bringing a Vessel to Adjudication, shall in case of Con-
 ‘ demnation be defrayed from the Funds arising out of the
 ‘ Sale of the Materials of the Vessel, after the Vessel shall
 ‘ have been broken up, of the Ship’s Stores, and of such
 ‘ Parts of the Cargo as shall consist of Merchandise ; and

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‘ in case the Proceeds arising out of this Sale should not
‘ prove sufficient to defray such Expenses, the Deficiency
‘ shall be made good by the Government of the Country
‘ within whose Territories the Adjudication shall have taken
‘ place.

‘ If the detained Vessel shall be released, the Expenses
‘ occasioned by bringing her to Adjudication shall be de-
‘ frayed by the Captor, except in the Cases specified and
‘ otherwise provided for under Article VII. of the Treaty
‘ to which these Regulations form an Annex, and under
‘ Article VII. of these Regulations.

‘ ARTICLE III.—The Mixed Courts of Justice are to
‘ decide upon the Legality of the Detention of such Vessels
‘ as the Cruizers of either Nation shall detain, in pursuance
‘ of the said Treaty.

‘ The said Courts shall adjudge definitively and without
‘ Appeal all Questions which shall arise out of the Capture
‘ and Detention of such Vessels.

‘ The Proceedings of the Courts shall take place as sum-
‘ marily as possible; and for this Purpose the Courts are
‘ required to decide each Case, as far as may be practicable,
‘ within the Space of Twenty Days, to be dated from the
‘ Day on which the detained Vessel shall have been brought
‘ into the Port where the deciding Court shall reside.

‘ The final Sentence shall not in any Case be delayed
‘ beyond the Period of Two Months, either on account of
‘ the Absence of Witnesses or for any other Cause, except
‘ upon the Application of any of the Parties interested; but
‘ in that Case, upon such Party or Parties giving satisfac-
‘ tory Security that they will take upon themselves the Ex-
‘ pense and Risks of the Delay, the Courts may, at their
‘ Discretion, grant an additional Delay, not exceeding Four
‘ Months.

‘ Either Party shall be allowed to employ such Counsel as
‘ he may think fit to assist him in the Conduct of his Cause.

‘ All the Acts and essential Parts of the Proceedings of
‘ the said Courts shall be committed to Writing, and be
‘ placed upon record.

‘ ARTICLE IV.—The Form of the Process or Mode of
‘ proceeding to Judgment shall be as follows:

‘ The Judges appointed by the Two Governments respec-
‘ tively shall in the first place proceed to examine the Papers
‘ of the detained Vessel, and shall take the Depositions of
‘ the Master or Commander, and of Two or Three at least
‘ of the principal Individuals on board of such Vessel, and
‘ shall also take the Declaration on Oath of the Captor, if it
‘ should appear to them necessary to do so, in order to
‘ judge and to pronounce whether the said Vessel has been
‘ justly detained or not, according to the Stipulations of the
‘ aforesaid Treaty, and in order that, according to such
‘ Judgment, the Vessel may be condemned or released. In
‘ the event of the Two Judges not agreeing as to the Sen-
‘ tence

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‘ tence which they ought to pronounce in any Case brought
 ‘ before them, whether with respect to the Legality of the
 ‘ Detention, or the Liability of the Vessel to Condemnation,
 ‘ or as to the Indemnification to be allowed, or as to any
 ‘ other Question which may arise out of the said Capture, or
 ‘ in case any Difference of Opinion should arise between
 ‘ them as to the Mode of proceeding in the said Court, they
 ‘ shall draw by Lot the Name of One of the Two Arbitrators
 ‘ so appointed as aforesaid, which Arbitrator, after
 ‘ having considered the Proceedings which have taken place,
 ‘ shall consult with the Two Judges on the Case; and the
 ‘ final Sentence or Decision shall be pronounced conformably
 ‘ to the Opinion of the Majority of the Three.

‘ ARTICLE V.—If the detained Vessel shall be restored
 ‘ by the Sentence of the Court, the Vessel and the Cargo,
 ‘ in the State in which they shall then be found (with the
 ‘ Exception of the Negroes found on board, if such Negroes
 ‘ shall have been previously disembarked under the Provi-
 ‘ sions of Articles IV. and V. of the Instructions annexed
 ‘ to the Treaty of this Date), shall forthwith be given up
 ‘ to the Master, or to the Person who represents him; and
 ‘ such Master or other Person may, before the same Court,
 ‘ claim a Valuation of the Damages which he may have a
 ‘ Right to demand. The Captor himself, and in his Default
 ‘ his Government, shall remain responsible for the Damages
 ‘ to which the Master of such Vessel, or the Owners either
 ‘ of the Vessel or of her Cargo, may be pronounced to be
 ‘ entitled.

‘ The Two High Contracting Parties bind themselves to
 ‘ pay, within the Term of a Year from the Date of the
 ‘ Sentence, the Costs and Damages which may be awarded
 ‘ by the Court; it being mutually agreed that such Costs
 ‘ and Damages shall be paid by the Government of the
 ‘ Country of which the Captor shall be a Subject.

‘ ARTICLE VI. — If the detained Vessel shall be con-
 ‘ demned, she shall be declared lawful Prize, together with
 ‘ her Cargo, of whatever Description it may be, with the
 ‘ Exception of the Negroes who shall have been brought on
 ‘ board for the Purpose of Trade; and the said Vessel, sub-
 ‘ ject to the Stipulations in the VIIIth Article of the Treaty
 ‘ of this Date, shall, as well as her Cargo, be sold by Public
 ‘ Sale for the Profit of the Two Governments, subject to
 ‘ the Payment of the Expenses herein-after mentioned.

‘ The Negroes who may not previously have been dis-
 ‘ embarked shall receive from the Court a Certificate of
 ‘ Emancipation, and shall be delivered over to the Govern-
 ‘ ment to whom the Cruizer which made the Capture belongs,
 ‘ in order to be forthwith set at liberty.

‘ ARTICLE VII.—The Mixed Courts of Justice shall also
 ‘ take cognizance of, and shall decide definitively and without
 ‘ Appeal, all Claims for Compensation on account of Losses
 ‘ occasioned to Vessels and Cargoes which shall have been
 ‘ detained

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‘ detained under the Provisions of this Treaty, but which
 ‘ shall not have been condemned as legal Prize by the said
 ‘ Courts; and in all Cases wherein Restitution of such
 ‘ Vessels and Cargoes shall be decreed, save as mentioned in
 ‘ the VIIth Article of the Treaty to which these Regula-
 ‘ tions form an Annex, and in a subsequent Part of these
 ‘ Regulations, the Court shall award to the Claimant or
 ‘ Claimants, or to his or their lawful Attorney or Attornies,
 ‘ for his or their Use, a just and complete Indemnification
 ‘ for all Costs of Suit, and for all Losses and Damages
 ‘ which the Owner or Owners may have actually sustained
 ‘ by such Capture and Detention; and it is agreed that the
 ‘ Indemnification shall be as follows:

‘ First.—In case of total Loss, the Claimant or Claim-
 ‘ ants shall be indemnified,—

‘ (A.) For the Ship, her Tackle, Equipment, and Stores.

‘ (B.) For all Freights due and payable.

‘ (C.) For the Value of the Cargo of Merchandise, if
 ‘ any, deducting all Charges and Expenses which would
 ‘ have been payable upon the Sale of such Cargo, including
 ‘ Commission of Sale.

‘ (D.) For all other regular Charges in such Case of
 ‘ total Loss.

‘ Secondly.—In all other Cases (save as herein-after
 ‘ mentioned) not of total Loss, the Claimant or Claimants
 ‘ shall be indemnified,—

‘ (A.) For all special Damages and Expenses occasioned
 ‘ to the Ship by the Detention, and for Loss of Freight,
 ‘ when due or payable.

‘ (B.) For Demurrage, when due, according to the
 ‘ Schedule annexed to the present Article.

‘ (C.) For any Deterioration of the Cargo.

‘ (D.) For all Premium of Insurance on additional
 ‘ Risks.

‘ The Claimant or Claimants shall be entitled to Interest
 ‘ at the Rate of 5 (Five) *per Cent. per Annum* on the Sum
 ‘ awarded, until such Sum is paid by the Government to
 ‘ which the capturing Ship belongs. The whole Amount
 ‘ of such Indemnifications shall be calculated in the Money
 ‘ of the Country to which the detained Vessel belongs, and
 ‘ shall be liquidated at the Exchange current at the Time
 ‘ of the Award.

‘ The Two High Contracting Parties, however, have
 ‘ agreed, that if it shall be proved to the Satisfaction of
 ‘ the Judges of the Two Nations, and without having re-
 ‘ course to the Decision of an Arbitrator, that the Captor
 ‘ has been led into Error by the Fault of the Master or Com-
 ‘ mander of the detained Vessel, the detained Vessel in that
 ‘ Case shall not have the Right of receiving for the Time
 ‘ of her Detention the Demurrage stipulated by the present
 ‘ Article, nor any other Compensation for Losses, Damages,
 ‘ or Expenses consequent upon such Detention.

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‘ *Schedule of Demurrage or daily Allowance for a Vessel of*

Tons.	Tons.	£
100 to	120 inclusive,	5 per diem,
121	150	6 ”
151	170	8 ”
171	200	10 ”
201	220	11 ”
221	250	12 ”
251	270	14 ”
271	300	15 ”

‘ and so on in proportion.

‘ **ARTICLE VIII.**—Neither the Judges nor the Arbitrators, nor the Secretaries or Registrars of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries or Registrars have to perform.

‘ **ARTICLE IX.**—The Two High Contracting Parties have agreed that in the event of the Death, Sickness, Absence on Leave, or any other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge or Arbitrator shall be supplied *ad interim* in the following Manner :

‘ **First.**—On the Part of Her *Britannic* Majesty, and in those Courts which shall sit within the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator ; and either in that Case, or in case the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled by the Governor or Lieutenant-Governor resident in such Possession ; in his unavoidable Absence, by the principal Magistrate of the same, or in the unavoidable Absence of the principal Magistrate by the Secretary of the Government ; and the said Court so constituted as above shall sit, and in all Cases brought before it for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

‘ **Secondly.**—On the Part of *Great Britain*, and in that Court which shall sit within the Territories of the United States of *America*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator ; and either in that Case, or in case the Vacancy be originally that of the *British* Arbitrator, his Place shall be filled by the *British* Consul, or in the unavoidable Absence of the Consul by the *British* Vice-Consul ; and in case the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice-

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‘ Vice-Consul ; but if there be no *British* Consul or Vice-Consul to fill the Place of *British* Arbitrator, then the United States Arbitrator shall be called in; in those Cases in which the *British* Arbitrator would be called in ; and in case the Vacancy be both of the *British* Judge and of the *British* Arbitrator, and there be neither *British* Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the United States Judge and Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

‘ Thirdly.—On the Part of the United States, and in that Court which shall sit within their Territories, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator ; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York* ; and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

‘ Fourthly.—On the Part of the United States of *America*, and in those Courts which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator ; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, his Place shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul ; in case the Vacancy be both of the United States Judge and of the United States Arbitrator, then the Vacancy of the Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul ; but if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which the United States Arbitrator would be called in ; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the *British* Judge and the *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

‘ The chief Authority of the Place in the Territories of either High Contracting Party where the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting

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‘ Contracting Party, forthwith give Notice of the same by
 ‘ the most expeditious Method in his Power to the Govern-
 ‘ ment of that other High Contracting Party, in order that
 ‘ such Vacancy may be supplied at the earliest possible
 ‘ Period. And each of the High Contracting Parties agrees
 ‘ to supply definitively, as soon as possible, the Vacancies
 ‘ which may arise in the above-mentioned Courts from
 ‘ Death or from any other Cause whatever.

‘ The undersigned Plenipotentiaries have agreed, in con-
 ‘ formity with the XIth Article of the Treaty signed by
 ‘ them on this Day, that the preceding Regulations shall be
 ‘ annexed to the said Treaty, and considered an integral
 ‘ Part thereof.

‘ Done at *Washington*, the Seventh Day of *April* in the
 ‘ Year of our Lord One thousand eight hundred and
 ‘ sixty-two.

‘ (L.S.) LYONS.

‘ (L.S.) WILLIAM H. SEWARD.

‘ And whereas it is expedient that Provision should be made for
 ‘ giving effect to the Provisions of the said Treaty and An-
 ‘ nexes:’ 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 Parlia-
 ment assembled, and by the Authority of the same, as follows :

Officers com-
 manding Ships
 of Her Majesty
 or of the
 United States
 of America,
 being duly
 authorized,
 empowered to
 visit and search
 Merchant Ships
 of the Two
 Nations.

1. It shall be lawful for any Officer commanding any Ship of
 War of Her Majesty or of the United States of *America*, not
 below the Rank of Lieutenant of the Royal Navy (unless by the
 Death of the Commander of such Ship or otherwise the Com-
 mand thereof shall have devolved upon an Officer of inferior
 Rank, and then for such last-mentioned Officer), and who shall
 be duly instructed and authorized, according to the Provisions
 of the said Treaty, and for any Officer not below the Rank
 of Lieutenant in the Royal Navy who shall be acting under the
 Orders of any Officer commanding a Ship of War so instructed
 and authorized as aforesaid, to visit and search any Merchant
 Vessel of either of the said Two Nations which shall upon rea-
 sonable Grounds be suspected of being engaged in the Traffic in
 Slaves, or of having been fitted out for that Purpose, or of having
 been engaged in such Traffic during the Voyage in which such
 Vessel is met, and to detain and send or carry away such Vessel,
 together with its Masters, Sailors, Passengers, Slaves, and Cargo,
 for the Purpose of such Vessel being brought to Adjudication
 before One of the Mixed Courts of Justice, to be established in
 virtue of the Fourth Article of the said Treaty; and all such
 Commanders and other Officers in the Exercise of such Rights
 shall comply with the several Provisions and Instructions of
 the said Treaty which apply thereto respectively.

Ships sus-
 pected of
 having been
 fitted out for
 the Purpose of
 Traffic in

2. All Ships and Vessels belonging wholly or in part to Her
 Majesty’s Subjects which shall be suspected upon reasonable
 Grounds of being engaged in the Traffic in Slaves, or of having
 been fitted out for that Purpose, or of having been engaged in
 such Traffic during the Voyage in which such Vessel is met, and

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all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British or American* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts of Justice to be appointed according to the Provisions of the said Treaty.

Slaves liable to Search and Detention.

3. It shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

4. It shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts of Justice which shall be established in Her Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

5. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of any of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and in case of the Vacancy of the Office of *British* Arbitrator of the Mixed Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court of Justice, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant-Governor resident in such Possession, by the principal Magistrate in the same, and by the

In case of the Death or Incapacity from Illness of any *British* Judge of such Courts or of the *British* Arbitrator.

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Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Mixed Court of Justice established by virtue of the said Treaty within the Possessions of the United States of *America*, or in case of his assuming *ad interim* the Duties of a Judge of the said Mixed Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice-Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul and such Office of *British* Arbitrator by the *British* Vice-Consul; and in case there shall be no *British* Consul or Vice-Consul at such Place, then it shall be lawful for the United States Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice-Consul resident at such Place, then it shall be lawful for the United States Judge and United States Arbitrator of such Court to sit in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

In case of the Death or Incapacity of the United States Judge or Arbitrator of such Court sitting in Territories of United States.

6. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of the said Court established by virtue of the said Treaty within the Territories of the United States, the Place of such United States Judge shall be filled by the United States Arbitrator *ad interim* until the Office shall be thereafter filled by some Person appointed by the said United States, or until such Judge shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave of the said United States Arbitrator of such Court, or in case of his assuming *ad interim* the Duties of the United States Judge of the said Court as aforesaid, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York*; and it shall be lawful for the said Court so constituted as aforesaid to act, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly.

In case of Death, Incapacity through Illness, or other lawful Impediment of United States Judge or Arbitrator of such Courts

7. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of any of the Courts established by virtue of the said Treaty which shall sit within the Possession of Her Majesty, the Place of such United States Judge shall be filled by the United States Arbitrator; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the United States Arbitrator, or in case his assuming *ad interim* the Duties of the United States Judge

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Judge of the said Mixed Court, the Office of such United States Arbitrator shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul; and in case the Vacancy be both of the United States Judge and United States Arbitrator, then the Vacancy of the United States Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul; and if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then it shall be lawful for the *British* Arbitrator to act in all those Cases in which the United States Arbitrator would be required to act; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then it shall be lawful for the *British* Judge and the *British* Arbitrator to sit in such Court; and in all Cases brought before them for Adjudication it shall be lawful for such Court so constituted to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by the United States, or until the said United States Judge and United States Arbitrator shall resume the Duties of their said Offices respectively.

sitting within Territories of Her Majesty.

8. Every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Mixed Court shall be established, whether belonging to Her Majesty or to the United States of *America*; which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Judges and Arbitrators to take an Oath.

‘ I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors or any other Persons, and that I will to the best of my Judgment and Power act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the United States of *America*, signed at Washington on the Seventh Day of June One thousand eight hundred and sixty-two.’

Form of Oath. [See amending Act of this Session, Cap. 90.]

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Mixed Courts, who shall be empowered to administer the same in the Form following; (that is to say,)

Secretary or Registrar to take an Oath.

‘ I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with Respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which

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‘ which may belong to my Charge, and without Preference or Favour, either for Claimants or Captors or any other Persons.’

Judges and Arbitrators may administer Oaths.

9. It shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice-Admiralty may do.

Punishing Persons giving false Evidence.

10. Every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid under the said Treaty or this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Mixed Court to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

11. The Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo of Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained in consequence of any Capture, Seizure, or Detention, or anything done in pursuance of the Provisions of the said Treaty.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

12. If any of the Particulars specified in the Sixth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intitled *An Act to amend*

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and consolidate the Laws relating to the Abolition of the Slave Trade.

13. Immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the said Treaty, all Negroes or others who were on board for the Purpose of being consigned to Slavery shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

Captured Negroes to be delivered over.

14. Any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof, and of the Goods, Wares, and Merchandise laden therein, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Vessel condemned to be sold for Her Majesty's Service or broken up.

15. Where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the said Treaty, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Captors of Vessels entitled to the Portion of the Proceeds belonging to Her Majesty.

16. For the Purpose of giving effect to the Ninth Article of the said Treaty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, with respect to Persons being within the United Kingdom of *Great Britain and Ireland*, and for the Governor, Lieutenant Governor, or principal Magistrate of any other Part of Her Majesty's Dominions, with respect to Persons being within such other Part of Her Majesty's Dominions, if he shall think fit, by Order in Writing under his Hand, to direct that the Captain, Master, Pilot, or any of the Crew of any Vessel which shall have been so condemned as mentioned in the said Ninth Article, or any other Person found on board such Vessel at the Time of Capture, shall be forthwith conveyed within the Jurisdiction of the Nation under whose Flag such Vessel so condemned as aforesaid was sailing at the Time of Capture, or to which such Vessel may belong; and when any such Order shall have been made as aforesaid, it shall be lawful to arrest and detain within any Part of Her Majesty's Dominions any Person in respect of whom any such Order shall have been made as aforesaid; and it shall be lawful for any Judge, Justice of the Peace, Headborough, Peace Officer, Constable, or other Person having the like Authority to cause to be arrested and detained, and to arrest and detain, for the Purpose of being conveyed within the proper Jurisdiction, any Person in respect

Persons found on board condemned Vessel may be sent to proper Jurisdiction to be tried.

African Slave Trade Treaty.

of whom such Order shall have been made as aforesaid, as fully and effectually as if such Person had committed a Felony within the Jurisdiction where such Person may be.

Measures to be taken to secure Attendance of Witnesses.

17. When any such Order shall have been made, such Secretary of State, Governor, Lieutenant Governor, or other principal Magistrate making such Order shall be empowered to take all such Measures as to him shall seem requisite and expedient for the Purpose of securing the Attendance of Witnesses, and the Production of Proofs necessary to establish the Guilt of the Person or Persons with respect to whom such Order shall have been made before the Court or Judge having the proper Jurisdiction in that Behalf.

Bounty for Slaves captured.

18. There shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *American* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

19. Where any Ship or Vessel which shall have been seized and condemned under the Provisions of the Treaty aforesaid shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized an additional Bounty to be paid.

20. Where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton, and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the Principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

African Slave Trade Treaty.

21. All Bounties payable under this Act shall be paid out of any Monies that may be provided by Parliament for that Purpose to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaty or Convention, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties to be paid out of Monies to be provided by Parliament.

22. The said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Bounties not liable to Payment of Fees.

23. In order to entitle the Captors to receive the said Bounty Money, the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy duly certified of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Proof of Tonnage.

24. In order to entitle the Captors to receive the said Bounty Money, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Shares.

Copy of Sentence of Condemnation to be produced to the Treasury.

25. Where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *American* Ship or Vessel taken and condemned in pursuance of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

One Moiety of this Bounty only to be paid in certain Cases.

26. Any Party or Parties claiming any Benefit by Way of Bounty under the Provisions of this Act, or of the Share of the Proceeds of any *British* or *American* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice-Admiralty Courts relating to any such Seizure.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

27. All the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich Hospital*, shall be extended to all the Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crew of any of Her Majesty's Ships and Vessels of War.

Regulations respecting Prize Agents Accounts extended to Bounties, &c.

African Slave Trade Treaty.

Treasury may order Payment of Costs awarded for Vessels of Her Majesty and of the United States of America detained but not condemned.

28. Where any Ship or Vessel belonging in whole or in part to Subjects of Her Majesty or of the United States of *America* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain and Ireland*, and the said Ship shall be restored by Sentence of the Mixed Court, as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

29. When any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure or any proportionate Part thereof.

No Compensation when certain Articles are found on board.

30. If any of the Things specified in the Sixth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before the said Mixed Court of Justice, neither the Master nor the Owner, nor any Persons whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Commissioners should not pronounce any Sentence of Condemnation.

Right of Search and Detention only to be exercised with certain Limits;

31. The Right of Search and Detention by the First Article of the said Treaty conferred shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues of the Coast of the Island of *Cuba*.

and not by one Nation in Ports, &c. of the other.

32. It shall not be lawful for Vessels of War of either of the said Two Nations to exercise such Right of Search within the Limits of a Settlement or Port or within the Territorial Waters of the other Nation.

Actions or Suits for Things done in pursuance of the said Treaty or this Act.

33. If any Action or Suit shall be commenced in *Great Britain* or elsewhere against any Person or Persons for anything done in pursuance of the said Treaty or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of the said Treaty or of this Act, and if it shall appear so to have been done the Jury shall find for the Defendant or the Defendants, and if the Plaintiff shall be nonsuited, or discontinue his Action after

Rifle Volunteer Grounds Act (1860) Amendment.

the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

C A P. XLI.

An Act for amending "The Rifle Volunteer Grounds Act, 1860." [17th July 1862.]

‘ **W**HEREAS it is expedient to amend "The Rifle Volunteer Grounds Act, 1860," by extending its Provisions to 'Corps of Volunteer Artillery;' 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 :

23 & 24 Vict.
c. 140.

1. The Expression "Corps of Volunteer Artillery," as herein used, shall mean any Corps of Volunteer Artillery of which Her Majesty has accepted the Offer of Service, in pursuance of the several Acts of Parliament in that Behalf provided.

Definition of
"Corps of
Volunteer Ar-
tillery;"

2. The Expression "Volunteer Grounds Acts" shall mean "The Rifle Volunteer Grounds Act" and this Act.

of "Volunteer
Grounds Acts."

3. Any Corps of Volunteer Artillery may purchase or acquire by Grant any Land for Artillery Practice, and for the Erection of Batteries, Targets, and other Accommodation for the Use of the Corps when practising with Artillery, in the same Manner and subject to the same Conditions in and subject to which a Rifle Volunteer Corps may purchase or acquire Land in pursuance of "The Rifle Volunteer Grounds Act, 1860," for the Purposes therein mentioned; and all the Provisions of "The Rifle Volunteer Grounds Act, 1860," shall extend to a Corps of Volunteer Artillery, in the same Manner as if throughout the said Act where a Rifle Volunteer Corps is named or referred to a Corps of Volunteer Artillery had also been named or referred to.

Provisions of
recited Act
extended to
Volunteer
Corps of Ar-
tillery.

4. Where previously to the passing of this Act any Land has become vested in any Person or Persons, on trust for or on behalf of any Corps of Volunteer Artillery, such Land shall on the passing of this Act pass to and vest in the Commanding Officer for the Time being of such Corps, and his Successors in Office, for all the Estate and Interest to which the Corps is entitled in such Land, in the same Manner as if such Land had been acquired in pursuance of the Provisions of the Volunteer Grounds Acts, without Prejudice, nevertheless, to any Reservation of Rent or other Right, or to the Recovery of such Rents, or the Enforcement of such Rights by any Person or Persons by whom the same might have been recovered or enforced if this Act had not passed.

Lands, &c.
held on trust
for any Corps,
to pass and vest
in Officer in
Command for
Time being.

5. If any Person wilfully commits any Damage or Injury to the Butts or Targets belonging to or lawfully used by any Corps of Volunteers, or, without the Leave of the Commanding Officer of such Corps, searches for Bullets in or otherwise disturbs the

Penalty on
wilful Injuries
to Butts and
Targets.

Chancery Regulation.

Soil forming such Butts or Targets, he shall, upon summary Conviction, incur for each Offence a Penalty not exceeding Five Pounds.

C A P. XLII.

An Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of *Lancaster*. [17th July 1862.]

‘ WHEREAS the High Court of Chancery has Power in certain Cases to refuse or postpone the Application of Remedies within its Jurisdiction, until Questions of Law and Fact on which the Title to such Remedies depends have been determined or ascertained in One of Her Majesty’s Courts of Common Law: And whereas it is expedient that the said Power should no longer exist, and that in all such Cases every Question of Law and of Fact, cognizable in a Court of Common Law, arising in the said Court of Chancery, on which the Right of any Party to any equitable Relief or Remedy depends, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, should be determined by or before the said Court itself: And whereas the Procedure of the Court of Chancery of the County Palatine of *Lancaster* has been assimilated to the Procedure of the said High Court in the Matters aforesaid; and it is expedient that the future Procedure of the said Courts should also be alike: 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:

Court shall determine every Question of Law and Fact incident to the Relief sought.

1. In all Cases in which any Relief or Remedy within the Jurisdiction of the said Courts of Chancery respectively is or shall be sought in any Cause or Matter instituted or pending in either of the said Courts, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, every Question of Law or Fact, cognizable in a Court of Common Law, on the Determination of which the Title to such Relief or Remedy depends, shall be determined by or before the same Court.

Where Questions of Fact may be more conveniently tried at Assizes, Issues may be directed.

2. Provided always, That whenever it shall appear to either of such Courts that any Question of Fact may be more conveniently tried by a Jury at the Assizes, or at any Sitting in *London* or *Middlesex* for the Trial of Issues in the Superior Courts of Common Law, it shall be lawful for such Court, notwithstanding anything in this Act contained, to direct an Issue to try any Question of Fact at the Assizes to be held in and for any County where the same may be conveniently tried, or at any such Sitting for the Trial of Issues in *London* or *Middlesex* as aforesaid; and (subject to such General Orders, if any, as may hereafter be made in relation thereto,) the Practice hitherto existing in such Court in reference to the Trial of Issues shall prevail in reference to the Trial of any Issues directed under this Proviso.

*Chancery Regulation.**Education of Pauper Children.*

3. All the Provisions with reference to the Trial of Questions of Fact by or before the High Court of Chancery, and by or before the Court of Chancery of the said County Palatine, which are contained in "The Chancery Amendment Act, 1858," shall apply to the Determination of Questions of Fact by or before the said Courts respectively under this Act.

Provisions of 21 & 22 Vict. c. 27. to apply to this Act.

4. Provided also, That in all Cases in which the Object of any Suit in Equity shall be to recover or to defend the Possession of Land under a legal Title, or under a Title which would have been legal but for the Existence of some outstanding Term, Lease, or Mortgage (and whether mesne Profits or Damages shall or shall not also be sought in such Suit), such Relief only shall be given in Equity as would have been proper according to the Rules and Practice of the Court if this Act had not passed; and nothing in this Act shall make it necessary for a Court of Equity to grant Relief in any Suit concerning any Matter as to which a Court of Common Law has concurrent Jurisdiction, if it shall appear to the Court that such Matter has been improperly brought into Equity, and that the same ought to have been left to the sole Determination of a Court of Common Law.

Proviso in Cases where Object of Suit to recover or defend Possession of Land under a legal Title.

5. Nothing in this Act contained shall alter or affect the Power of the Judges of the High Court of Chancery to sit with the Assistance of a Judge of any of Her Majesty's Courts of Common Law.

Court of Chancery may sit with Assistance of a Common Law Judge.

6. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and sixty-two, and may be cited or referred to as "The Chancery Regulation Act, 1862."

Commencement of Act. Short Title.

C A P. XLIII.

An Act to provide for the Education and Maintenance of Pauper Children in certain Schools and Institutions.

[17th July 1862.]

WHEREAS it is expedient that Facilities should be given to Guardians of the Poor to provide Education and Maintenance for poor Children in certain Cases where they are not empowered to do so by the Laws now in force: 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:

1. That the Guardians of any Parish or Union may send any poor Child to any School certified as herein-after mentioned, and supported wholly or partially by voluntary Subscriptions, the Managers of which shall be willing to receive such Child, and may pay out of the Funds in their Possession the Expenses incurred in the Maintenance, Clothing, and Education of such Child therein during the Time such Child shall remain at such School (not exceeding the total Sum which would have been charged for the Maintenance of such Child if relieved in the Workhouse during the same Period), and in the Conveyance of such

Power to Guardians to send poor Children to Schools.

Education of Pauper Children.

such Child to and from the same, and, in the Case of Death, the Expenses of his or her Burial.

Poor Law Board to certify the School.

2. The Poor Law Board may, if they think fit, upon the Application in Writing of the Managers of any such School as aforesaid, appoint such Person as they shall deem proper to examine into the Condition of the School, and to report to the said Board thereon, and, if satisfied with such Report, that Board may, by Writing under the Hand of One of their Secretaries, certify that such School is fitted for the Reception of such Children or Persons as may be sent there by the Guardians, in pursuance of this Act; and it shall be lawful for the said Board, if at any Time they shall be dissatisfied with the Condition or Management of such School, by Notice addressed to the Managers, and signed as aforesaid, to declare that the Certificate is withdrawn from and after a Day to be specified therein, not less than Two Months after the Date thereof.

Poor Law Board may order Children to be removed from School.

3. If the Poor Law Board shall be of opinion that any Person is aggrieved by any Child being so sent or kept at such School as aforesaid, the Board may order any such Child to be removed, and the Guardians shall forthwith cause such Child to be removed from the School, and every Engagement previously entered into for the Payment of the Charges of such Child shall thereupon cease, and become void for the future.

School to be open to Inspection.

4. Every School wherein any such Child shall be received shall be open to the Visitation and Inspection of any Inspector appointed by the Poor Law Board, and he shall be empowered to make any Examination into the State and Management of the same which he shall deem requisite, and the Condition and Treatment of the said Children therein, and shall make his Report thereon to the said Board; and the Guardians by whom any Child may have been sent to any such School as aforesaid may from Time to Time appoint any one of their Body to visit and inspect such School, and such School shall at all reasonable Times be open to such Visitation or Inspection.

Guardians to bring back Child to Parish or Union.

5. The Guardians may at any Time, at their Discretion, and shall, upon the Requisition of the Managers of the School, or upon the Withdrawal of the Certificate, as herein provided, cause any such Child to be removed from any such School, and brought back to their Parish or Union.

Description of Child to be sent to School.

6. No Child shall be sent to such School unless he or she be an Orphan, or deserted by his or her Parents or surviving Parent, or be One whose Parents or surviving Parent shall consent to the sending of such Child to the said School.

Continuance in School not to be compulsory.

7. Nothing herein contained shall enable the Guardians to keep any Child in any School against the Will of such Child, if above the Age of Fourteen, or of the Parents or surviving Parent of such Child, whatever be the Age of the Child.

Charge of Expenses how to be borne.

8. The Expenses incurred by the Guardians in respect of any Child under this Act shall be charged to the same Fund and in the same Manner as the Relief otherwise supplied to such Child would be charged.

Education of Pauper Children. Discharged Prisoners Aid.

9. No Child shall be sent under this Act to any School which is conducted on the Principles of a Religious Denomination to which such Child does not belong.

Child not to be sent to certain Schools.

10. The several Words used in this Act shall be construed as in the Act of the Fourth and Fifth Years of *William* the Fourth, Chapter Seventy-six; and the Word "School" shall extend to any Institution established for the Instruction of blind, deaf, dumb, lame, deformed, or idiotic Persons, but shall not apply to any certified Reformatory School.

Interpretation of "School."

11. This Act shall not extend to *Scotland* or *Ireland*.

Extent of Act.

C A P. XLIV.

An Act to amend the Law relating to the giving of Aid to discharged Prisoners. [17th July 1862.]

WHEREAS by the Thirty-ninth Section of an Act passed in the Session holden in the Fourth Year of King *George* the Fourth, Chapter Sixty-four, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction* in England and Wales, and herein-after referred to as "the Gaol Act," it is provided that it should be lawful for any One or more of the Visiting Justices of any Prison to which that Act extended, from whence any Prisoner should be discharged, to direct that such moderate Sum of Money should be given and paid to any and every such Prisoner so discharged who should not have the Means of returning to his or her Family or Place of Settlement, or resorting to any Place of Employment or honest Occupation, as, in the Judgment of such Justice or Justices, should be requisite and necessary for such Purpose, under all the Circumstances attending the Case of any such Prisoner; and that such Sum of Money should be paid by the Keeper of such Prison, to or for the Use of such Prisoner for the Purpose aforesaid, and that all such Sums should be provided for, either out of such Bequests or Benefactions as therein mentioned, or in such Manner as is by the Gaol Act directed with respect to the Expense of the Support and Maintenance of the Prisoners in the Prisons to which such Act extends: And whereas divers Societies, herein-after referred to as "Discharged Prisoners Aid Societies," have been formed in divers Parts of *England*, by Persons subscribing voluntarily, for the Purpose of finding Employment for discharged Prisoners, and enabling them by Loans and Grants of Money to live by honest Labour: And whereas it is expedient that Power should be given to the Visiting Justices of Prisons to give Aid under the said Act to discharged Prisoners through the Medium of a Discharged Prisoners Aid Society, in Cases where such Society has been previously certified by the Justices having Jurisdiction over such Gaol or House of Correction, at some Court of General or Quarter Sessions, or at some Quarterly Sessions held by them, to be a Society approved of by them:

4 G. 4. c. 64. (1823.)

Be it enacted by the Queen's most Excellent Majesty, by and with

Discharged Prisoners Aid.

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 :

Power to Justices to grant Certificates of Approval of Prisoners Aid Societies ;

1. The Justices having Jurisdiction over any Gaol or House of Correction to which the Gaol Act extends may, at any Court of General or Quarter Sessions, or at any Quarterly Sessions, upon the Application of any One or more Member or Members of a Prisoners Aid Society, and after examining the Rules of such Society, and receiving such Evidence as they think fit as to the Condition of such Society, issue a Certificate under the Hand of their Chairman to the Effect that such Society is approved of by them for the Purposes of this Act ; and they may, at any future Court of General or Quarter Sessions, or at any future Quarterly Sessions, upon due Cause shown, by a Writing under the Hand of their Chairman, revoke or suspend such Certificate ; and any Society in respect of which such Certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such Privileges as are herein-after mentioned.

and to revoke or suspend the same.

2. Where a Prisoner is discharged from any Prison to which the said Gaol Act extends, the Visiting Justices of such Prison, instead of directing that such moderate Sum of Money shall be paid by the Keeper of such Prison to or for the Use of such Prisoner for the Purpose aforesaid, may if they think fit direct that such Sum, not exceeding in any Case Two Pounds, shall be paid to the Treasurer of a certified Prisoners Aid Society on their receiving from such Society an Undertaking in Writing, signed by the Secretary thereof, that the same shall be applied for the Benefit of such Prisoner : Provided that if it shall not be possible for the Society so to apply such Sum for the Benefit of such Prisoner, the same or so much thereof as shall not have been so applied shall be applied by such Society for the Benefit of such other Prisoner or Prisoners discharged from the said Gaol as the said Visiting Justices shall direct.

Relief may be afforded by "Certified Prisoners Aid Society."

3. All Sums paid to a certified Prisoners Aid Society under this Act shall be provided for out of the same Funds and in the same Manner as is by the said Gaol Act directed with respect to the Sums therein authorized to be given or paid as herein-before recited to discharged Prisoners.

Funds out of which Repayments provided.

C A P. XLV.

An Act to amend "The *West Indian* Incumbered Estates Acts, 1854 and 1858." [17th July 1862.]

WHEREAS it is expedient that "The *West Indian* Incumbered Estates Acts, 1854 and 1858," should be amended : 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 :

West Indian Incumbered Estates Acts Amendment.

- 1.** This Act may for all Purposes be cited as “The *West Indian Incumbered Estates Act, 1862.*” Short Title.
- 2.** “The *West Indian Incumbered Estates Act, 1854,*” (herein-after called “the Principal Act,”) “The *West Indian Incumbered Estates Act, 1858,*” (herein-after called “the First Amendment Act,”) and this Act shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and the Principal Act, the First Amendment Act, and this Act (herein-after referred to as “these Acts”), may for all Purposes be cited as “The *West Indian Incumbered Estates Acts, 1854, 1858, 1862.*” 17 & 18 Vict. c. 117. and 21 & 22 Vict. c. 96., and this Act to be as One.
- 3.** When the Commissioners shall have made an absolute Order for the Sale of any Lands under these Acts, they shall have the same Powers of appointing a Receiver or Receivers of such Lands, or any Part thereof, as the Court of Chancery in *England* has of appointing a Receiver of the Rents and Profits of any Lands within the Jurisdiction of such Court in a Suit relating to such Lands, and the Receiver or Receivers so appointed shall from the Date of such Appointment have and possess all the Powers, Authorities, Rights, and Privileges which Receivers appointed by the Court of Chancery in *England* have in respect of the Lands over which they are appointed Receivers, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act. Power to appoint Receivers of Lands after absolute Order for Sale.
- 4.** Every Receiver so appointed by the Commissioners shall give such Security for the due Performance of his Office as the Commissioners shall require, and shall be entitled to such Remuneration by Salary, Commission, or otherwise, as the Commissioners shall direct, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act, and the Balance, due to such Receiver in respect of such Salary, Commission, or other Remuneration, or in respect of such Sums as he may have properly expended in the Management and Cultivation of such Lands, shall be a Charge on such Lands in priority to all Incumbrances thereon. Security by and Remuneration of Receivers.
- 5.** It is hereby declared that the Term “Fees” in the Thirtieth Section of the Principal Act includes as well fixed Payments or Charges in respect of Proceedings under these Acts, as also Commissions or Percentages on the Amount of the Purchase Monies of Lands sold under these Acts. Fees and Commissions.
- 6.** Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty, praying Her Majesty to issue such Order, then and in every such Case such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the Principal Act, or as to the Principal Act and the First Amendment Act (as the Case may be). Provision as to Acts coming into operation.

Chancery Regulation (Ireland).

C A P. XLVI.

An Act for the better Regulation in certain Cases of the Procedure in the High Court of Chancery in *Ireland*.

[17th July 1862.]

‘ **W**HEREAS the High Court of Chancery in *Ireland* has
 ‘ Power in certain Cases to refuse or postpone the Ap-
 ‘ plication of Remedies within its Jurisdiction until Questions
 ‘ of Law and Fact on which the Title to such Remedies depends
 ‘ have been determined or ascertained in One of Her Majesty’s
 ‘ Courts of Common Law : And whereas it is expedient that the
 ‘ said Power should no longer exist, and that in all such Cases
 ‘ every Question of Law and of Fact, cognizable in a Court of
 ‘ Common Law, arising in the said Court of Chancery, on which
 ‘ the Right of any Party to any equitable Relief or Remedy
 ‘ depends, and whether the Title to such Relief or Remedy be
 ‘ or be not incident to or dependent upon a legal Right, should
 ‘ be determined by or before the said Court itself : And whereas
 ‘ by “The Chancery Regulation Act, 1862,” passed in this present
 ‘ Session, Provision has been made for the better Regulation in
 ‘ such Cases of the Procedure in the Court of Chancery in
 ‘ *England* by taking away such Power, and providing for the
 ‘ Determination of such Questions in the Court itself, and it is
 ‘ expedient that similar Provisions should be made for the Court
 ‘ of Chancery in *Ireland* :’ 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 :

Short Title.

1. This Act may be cited and referred to as “The Chancery Regulation (*Ireland*) Act, 1862.”

Interpretation of Terms.

2. The Words “High Court of Chancery,” “Court of Chancery,” and “Court,” when used in this Act, shall mean and include the Lord Chancellor, the Master of the Rolls, and any Master in Chancery, or any Judge or Judges by whom any Cause, Cause Petition, or Matter depending in the Court of Chancery in *Ireland* may, by the Law and Practice of that Court, be now or at any Time hereafter heard.

Court shall determine every Question of Law and Fact incident to the Relief sought.

3. In all Cases in which any Relief or Remedy within the Jurisdiction of the Court of Chancery in *Ireland* is or shall be sought in any Cause, Cause Petition, or Matter instituted or pending in that Court, and whether the Title to such Relief or Remedy be or be not incident to or dependent upon a legal Right, every Question of Law or Fact cognizable in a Court of Common Law, on the Determination of which the Title to such Relief or Remedy depends, shall be determined by or before the same Court.

Where Questions of Fact may be more conveniently

4. Provided always, That whenever it shall appear to the Court that any Question of Fact may be more conveniently tried by a Jury at the Assizes, or at any Sitting in the County of

Chancery Regulation (Ireland).

Dublin or in the County of the City of *Dublin* for the Trial of Issues in the Superior Courts of Common Law, it shall be lawful for such Court, notwithstanding anything in this Act contained, to direct an Issue to try any Question of Fact at the Assizes to be held in and for any County where the same may be conveniently tried, or at any such Sitting for the Trial of Issues in the County or City of *Dublin* as aforesaid; and (subject to such General Orders, if any, as may hereafter be made in relation thereto,) the Practice hitherto existing in such Court in reference to the Trial of Issues shall prevail in reference to the Trial of any Issues directed under this Proviso.

tried at Assizes, Issues may be directed.

5. All the Provisions with reference to the Trial of Questions of Fact by or before the High Court of Chancery in *Ireland*, which are contained in "The Chancery Amendment Act, 1858," shall apply to the Determination of Questions of Fact by or before the said Court under this Act.

Provisions of 21 & 22 Vict. c. 27. to apply to this Act.

6. Provided also, That in all Cases in which the Object of any Suit in Equity shall be to recover or to defend the Possession of Land under a legal Title, or under a Title which would have been legal but for the Existence of some outstanding Term, Lease, or Mortgage (and whether mesne Profits or Damages shall or shall not also be sought in such Suit), such Relief only shall be given in Equity as would have been proper according to the Rules and Practice of the Court if this Act had not passed; and nothing in this Act shall make it necessary for a Court of Equity to grant Relief in any Suit concerning any Matter as to which a Court of Common Law has concurrent Jurisdiction, if it shall appear to the Court that such Matter has been improperly brought into Equity, and that the same ought to have been left to the sole Determination of a Court of Common Law.

Proviso in Cases where Object of Suit to recover or defend Possession of Land under a legal Title.

7. Nothing in this Act contained shall alter or affect the Power of the High Court of Chancery, or the Court of Appeal in Chancery in *Ireland*, to sit with the Assistance of a Judge of any of Her Majesty's Courts of Common Law.

Court of Chancery may sit with Assistance of Common Law Judge.

8. Nothing in this Act contained shall, except in the Cases and to the Extent herein-before specially provided, be deemed in any Manner to vary, alter, or affect the Law, Practice, or Procedure of the High Court of Chancery in *Ireland* as to any Cause, Cause Petition, or Suit or Matter depending in that Court or the Hearing or Disposal of the same; and in Cases to which the Provisions of this Act apply all Orders and Decrees made by the Court, whether involving the Determination of a legal Right or otherwise, shall be subject to Re-hearing or Appeal in all respects as any other Decrees or Orders of the Court may now be re-heard or appealed from, subject to the Rules and Regulations as to Re-hearing and Appeal which may from Time to Time be applicable to such Decrees and Orders respectively.

Act not to affect general Practice of Court.

9. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and sixty-two.

Commencement of Act.

Inclosure.

C A P. XLVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England and Wales*. [29th July 1862.]

‘ WHEREAS the Inclosure Commissioners for *England and Wales* have, in pursuance of “The Acts for the Inclosure, Exchange, and Improvement of Land,” issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Seventeenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:’ 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 :

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with: Provided always, that the Provisional Order of the Inclosure Commissioners for *England and Wales*, dated the Ninth Day of *January* One thousand eight hundred and sixty-two, regarding the Parish of *Chigwell*, shall be and hereby is amended, to the Effect that Fifty Acres at or near the Spot marked A. on the Plan thereto annexed be allotted for the Purposes of Exercise and Recreation, such Fifty Acres to be contributed by the Lords and Commoners in proportion to the Allotments to be made to them respectively.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression “The Annual Inclosure Act, 1862,” or “The Acts for the Inclosure, Exchange, and Improvement of Land.”

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkoswald - -	Cumberland	25th April 1861.
Crane Mead and Amwell Marsh.	Hertford -	10th August 1861.
Llanfechell Mountain -	Anglesey -	14th November 1861.
Huntingfield Manor -	Suffolk -	12th December 1861.
Chigwell - - -	Essex -	9th January 1862.
Wouldham - - -	Kent -	9th January 1862.
Thingwall - - -	Chester -	12th December 1861.
Plenmeller Common -	Northumber- land.	15th January 1862.
Barking Common Allotments.	Essex -	25th January 1862.
Dagenham Common Allotments.	Essex -	25th January 1862.

Inclosures in Schedule may be proceeded with.

Proviso as to Chigwell.

Short Title.

New Zealand.

C A P. XLVIII.

An Act respecting the Establishment and Government of Provinces in *New Zealand*, and to enable the Legislature of *New Zealand* to repeal the Seventy-third Section of an Act intituled *An Act to grant a Representative Constitution to the Colony of New Zealand.* [29th July 1862.]

WHEREAS by an Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, intituled *An Act to grant a Representative Constitution to the Colony of New Zealand*, it was provided that certain Provinces therein mentioned should be established in the said Colony, and that in every such Province there should be a Provincial Council, and that there should be in the said Colony a General Assembly competent to make Laws for the Peace, Order, and good Government of the same; and by the Sixty-ninth Section of the said Act it was further provided, that it should be lawful for the said General Assembly to constitute new Provinces in the said Colony, and to appoint the Number of Members of which the Provincial Councils thereof should consist, and to alter the Boundaries of any Provinces for the Time being existing; provided always, that any Bill for any of the said Purposes should be reserved for the Signification of Her Majesty's Pleasure thereon: And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, intituled *An Act to amend an Act for granting a Representative Constitution to the Colony of New Zealand*, it was enacted that the Sixty-ninth Section of the said first-recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the Provisions of the said Act, except certain Sections therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the Twenty-first and Twenty-second Years of Her Majesty, intituled *An Act to provide for the Establishment of new Provinces in New Zealand*, or, more shortly, "The New Provinces Act, 1858," did authorize the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas Doubts are entertained whether it was competent to the said General Assembly to make such Provision and to the said Governor to establish such new Provinces as aforesaid: And whereas for the removing of such Doubts, an Act was passed in the now last Session of Parliament, intituled *An Act to declare the Validity of an Act passed by the General Assembly of New Zealand, intituled "An Act to provide for the Establishment of new Provinces in New Zealand:"* And whereas it is expedient to repeal the said last-mentioned Act of Parliament, and to make fresh Provision respecting the Establishment of new Provinces in

15 & 16 Vict.
c. 72.20 & 21 Vict.
c. 53.24 & 25 Vict.
c. 30.

New Zealand.

‘*New Zealand*.’ 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 :

24 & 25 Vict.
c. 30. repealed.

“New Pro-
vinces Act,
1858,” con-
firmed.

General As-
sembly to pro-
vide for the
Establishment
of new Pro-
vinces in New
Zealand.

General As-
sembly not to
make Laws in-
consistent with
Provisions
herein men-
tioned.

1. The said last-mentioned Act of Parliament shall be and the same is hereby repealed.

2. The said “New Provinces Act, 1858,” (except so far as the same shall have been altered by any Act subsequently passed by the said General Assembly,) shall be and be deemed to have been from the Date of the passing thereof valid and effectual for all Purposes whatever, and all Matters and Things done under and in pursuance of Authority created or given or expressed to be created or given by the same Act shall be deemed to have been of the same Force and Effect as if the said Act and everything therein contained had from the above-mentioned Date been actually so valid as aforesaid.

3. Subject to the Conditions herein-after mentioned, it shall be lawful for the said General Assembly, by any Act or Acts to be by them from Time to Time passed, to establish or provide for the Establishment of new Provinces in the Colony of *New Zealand*, and to alter or to provide for the Alteration of the Boundaries of any Provinces for the Time being existing in the said Colony, and to make Provision for the Administration of any such Provinces, and for the passing of Laws for the Peace, Order, and good Government thereof, and therein to repeal or alter any of the Provisions of the Two first herein-before recited Acts of Parliament relating to such Provinces, or to the Superintendents and Provincial Councils thereof.

4. It shall not be lawful for the General Assembly to make any Law inconsistent with the following Provisions; that is to say,

- (1.) In every Province of *New Zealand* there shall be an Officer designated the Superintendent, who, unless any Provision shall be made to the contrary in any Act of the General Assembly, shall be capable of being elected and acting as a Member of the Council of the same Province :
- (2.) No Provincial Law shall take effect until it shall have received the Assent in Writing either of the said Superintendent or of the Governor of *New Zealand* :
- (3.) In giving or refusing his Assent to any Provincial Law, or in reserving the same for the Signification of the Governor’s Pleasure, the Superintendent shall conform to such Instructions in Writing as he may from Time to Time receive from the Governor :
- (4.) In case the Superintendent shall assent to any Provincial Law he shall forthwith transmit to the Governor an authentic Copy thereof :

New Zealand.

- (5.) It shall be lawful for the Governor at any Time after the Date of such Assent, and until the Expiration of Three Months after such authentic Copy [of any Provincial Law shall have been received by him, to declare by Proclamation his Disallowance of such Law, and such Disallowance shall make void and annul the same from and after the Day of the Date of such Proclamation or any subsequent Day to be named therein :
- (6.) It shall not be lawful for the Council or other Legislative Body of any Province to pass, or for the Superintendent or Governor to assent to, any Bill appropriating any Money to the Public Service, unless the Superintendent or Governor shall first have recommended to the Council to make Provision for the specific Service to which such Money is to be appropriated, and no such Money shall be issued or made issuable except by Warrants to be granted by the Superintendent or Governor :
- (7.) It shall not be lawful for any such Council or other Body as aforesaid to pass, and for the said Superintendent or Governor to assent to, any Law which shall be repugnant to the Law of *England* or to any Enactment of the said General Assembly.

5. It shall not be competent to the Governor of *New Zealand* to assent to any Bill passed by the Legislature of *New Zealand* which shall repeal or alter any of the Provisions of the Nineteenth Clause of the first herein-before recited Act of Parliament, but the said Governor (unless he shall refuse his Assent to such Bill) shall reserve the same for the Signification of Her Majesty's Pleasure.

Limitation of Governor's Powers of Assent to Bills.

6. So much of the Two first herein-before recited Acts of Parliament as is inconsistent with the Provisions of this Act is hereby repealed.

Parts of Two first-recited Acts repealed.

7. Subject to the Provisions of this Act, and of the said New Provinces Act, the said Two first herein-before recited Acts of Parliament shall apply to all Provinces at any Time existing in *New Zealand*, in like Manner and subject to the same Conditions as the same apply to Provinces established by the first herein-before recited Act of Parliament.

Application of Acts to future Provinces.

8. ' And whereas it is expedient to enable the General Assembly of *New Zealand* to repeal the Seventy-third Section ' of the first herein-before recited Act of Parliament : ' Be it further enacted as follows (that is to say) : It shall be lawful for the said General Assembly to alter or repeal all or any of the Provisions contained in the said Section ; and no Act passed by the said General Assembly, nor any Part of such Act, shall be or be deemed to have been invalid by reason that the same is repugnant to any of the said Provisions.

Power to General Assembly to repeal or alter Sect. 73 of 15 & 16 Vict. c. 72.

9. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*.

"Governor."

Duchy of Cornwall Lands (Completion of Arrangements).

C A P. XLIX.

An Act to authorize the Completion, after His Royal Highness *Albert Edward Prince of Wales* shall attain the Age of *Twenty-one Years*, of Arrangements commenced during His *Minority*, under the Provisions of an Act passed in the Session of Parliament held in the *Seventh and Eighth Years* of the Reign of Her Majesty *Queen Victoria*, intituled *An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands; and for other Purposes.* [29th July 1862.]

‘ **W**HEREAS by an Act passed in the Session of Parliament held in the *Seventh and Eighth Years* of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands; and for other Purposes*, certain Powers of selling, exchanging, and enfranchising Lands Parcel of the Possessions of the *Duchy of Cornwall*, and of purchasing other Lands, are vested in the Council of His Royal Highness *Albert Edward Prince of Wales* and *Duke of Cornwall*, to be exercised during the *Minority* of His said Royal Highness, with divers Provisions incident thereto or connected therewith: And whereas divers Contracts, Treaties, Arrangements, and Negotiations have been and may hereafter during the *Minority* of His said Royal Highness be entered into or commenced, under the Powers of the said recited Act, by the Council of His said Royal Highness, which it will not be practicable to complete previously to His Royal Highness attaining the Age of *Twenty-one Years*, and it is expedient that such Provision should be made in respect thereof as is herein-after mentioned: 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. That on and after the *Ninth Day of November* One thousand eight hundred and sixty-two it shall be lawful for His Royal Highness *Albert Edward Prince of Wales* to complete or to direct the Completion of all Contracts, Treaties, Arrangements, and Negotiations which shall have been entered upon or commenced, but which shall not have been completed, by the Council of His Royal Highness, under the Powers of the herein-before recited Act, previously to the *Ninth Day of November* One thousand eight hundred and sixty-two, and that for this Purpose the Powers and Authorities by the same Act vested in or given to the Council of His said Royal Highness during His *Minority* shall, on and after the *Ninth Day of November* One thousand eight hundred and sixty-two, be vested in and may be exercised

7 & 8 Vict.
c. 65.

The Prince of
Wales, on
attaining the
Age of 21,
may complete
Contracts, &c.
entered into by
His Council.

Summary Jurisdiction (Ireland).

by His said Royal Highness, or in or by such Person or Persons as His said Royal Highness shall from Time to Time appoint, depute, or nominate to act therein on His Behalf.

2. The several Provisions in the said recited Act contained incident to or connected with the Exercise of the Powers thereby given shall continue in force and be applicable in all Transactions carried on under the Authority of this Act.

3. Provided always, That no Person claiming under any Deed or Instrument by which any Sale, Enfranchisement, Exchange, or Grant shall be made or purport to be made under the Authority of this Act shall be bound or concerned to inquire whether such Sale, Enfranchisement, Exchange, or Grant is in fact authorized by this Act or not, or whether it is or is not within the Provisions and the true Intent and Meaning of this Act, but every Deed or Instrument by which any Sale, Enfranchisement, Exchange, or Grant shall purport to be made under the Authority of this Act shall be good, valid, and effectual, as against His said Royal Highness, His Heirs and Successors, for the Purposes for which the same shall have been executed.

Provisions of recited Act continued by this Act.

Persons claiming by Deeds made under this Act not bound to prove Deeds so made.

C A P. L.

An Act to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in *Ireland*. [29th July 1862.]

WHEREAS it is expedient to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in *Ireland*: 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 :

24 & 25 Vict. cc. 96. 97. 99. and 100.

1. This Act shall commence and take effect on the First Day of *September* One thousand eight hundred and sixty-two.

Commencement of Act.

2. From and after the Commencement of this Act every Offence by this Act and the said recited Acts, respectively, made punishable on Summary Conviction in *Ireland*, may be prosecuted before any Justice or Justices sitting in Petty Sessions in *Ireland*, or before any Two Justices sitting out of Petty Sessions, (when the Offender shall be unable to procure Bail for his Appearance at Petty Sessions,) or before any Divisional Justice of the Police District of *Dublin* Metropolis; and no Stipendiary Magistrate in *Ireland*, not being a Justice of the Police District in *Dublin* Metropolis, shall have any further or other Jurisdiction than any other Justice of the Peace in respect of any such Offence.

As to Prosecution of Offences made punishable on Summary Conviction in *Ireland*.

3. The Provisions contained in the One hundred and fifth Section of the said Act of the last Session, Chapter Ninety-six, and in the Sixty-second Section of the said Act of the same Session,

Provisions in 24 & 25 Vict. cc. 96. and 97. relating to

Summary Jurisdiction (Ireland).

Mode of compelling Appearances not to extend to Ireland.

All such Proceedings, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

Penalty on stealing Trees, Shrubs, &c. (under the Value of 5*l.*) growing anywhere.

Penalty on stealing Trees, Plants, &c. severed from the Soil or Turf Fuel (not exceeding 40*s.* in Value).

Penalty on Persons possessing Carcases of Sheep, &c. without accounting for the same.

Session, Chapter Ninety-seven, relating to the Mode of compelling the Appearance of Persons punishable on Summary Conviction, shall not extend to *Ireland*; and from and after the Commencement of this Act, whenever Information shall be given to any Justice or Justices in *Ireland* that any Person has committed or is suspected to have committed any Offence within the Limits of the Jurisdiction of such Justice or Justices for which such Persons shall be punishable upon a Summary Conviction, all Proceedings as to compelling the Appearance of any Person against whom any such Complaint shall have been made, or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of any Orders relating thereto, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the Divisional Police Offices when the Case shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months; and the Offences in this and the following Sections mentioned may be prosecuted summarily before One or more Justices of the Peace, as herein-before mentioned.

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel, (in case the Value of such Article or Articles stolen, or the Amount of the Injury done shall not exceed Forty Shillings,) shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months.

6. Whenever any credible Witness shall prove upon Oath, before a Justice of the Peace, that there is reasonable Cause to suspect that any of the Articles of Property following; that is to say, the Carcase of any Sheep or Lamb, or the Head, Skin, or any Part thereof, or the Fleece of any Sheep or Lamb, has been stolen or unlawfully taken, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Articles of Property; and any Person in whose Possession or on whose Premises any of the

said

Summary Jurisdiction (Ireland).

said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought, that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall not account for the same in manner aforesaid, he shall, on Summary Conviction by such Justice or Justices as aforesaid, and at his or their Discretion, either be committed pursuant to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," to be imprisoned for a Term not exceeding Three Months, or be liable to a Fine not exceeding Five Pounds.

7. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds), shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month.

Penalty on Workmen making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

8. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks.

Penalty on stealing Poultry (not exceeding 5*s.* in Value).

9. It shall be lawful for the Justices at Petty Sessions, if they shall so think fit, to proceed against any Person or Persons charged with being guilty of an Assault, pursuant to the Provisions of the Statute Twenty-fourth and Twenty-fifth *Victoria*, Chapter One hundred, Section Forty-two, notwithstanding that the Party aggrieved may decline or refuse to prefer a Complaint.

Assault Cases may be proceeded with, &c.

10. 'And whereas by the Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One hundred, Section Thirty-eight, certain Assaults therein specified on Peace Officers and others are made Misdemeanors, and punishable with Imprisonment for a Term not exceeding Two Years, with or without Hard Labour, and it is desirable also to give a summary Jurisdiction in petty Cases for the same Offence: ' Be it enacted, That Two Justices of the Peace shall have a concurrent Jurisdiction to punish such Assaults under the Forty-second Section of the said Act, if they shall consider the Offence so trivial as not to require being dealt with by a superior Tribunal.

Summary Jurisdiction in Cases of Assault on Peace Officers and others.

11. This Act shall extend to *Ireland* only.

Extent of Act.

Pier and Harbour Orders Confirmation.

C A P. LI.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, relating to *Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings.* [29th July 1862.]

‘ WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Acts and set out in the Schedule hereto should be confirmed, with Amendments, by Act of Parliament:’ 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 several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, except that

The Clause numbered 13 in the *Carrickfergus* Harbour Order,
The Clause numbered 6 in the *Deal* and *Walmer* Pier Order,
The Clause numbered 12 in the *Saint Ives* Harbour Order,
The Clause numbered 4 in the *Mishuish* Pier, *Tobermory*,
Order,

And the Clause numbered 20 in the *Hastings* Pier and Harbour Order,

shall be deemed to be and the same are by this Act expunged from the said Orders respectively, which Orders shall, with the Omission of the said several Clauses, be valid and effectual, and be construed as if the same several Clauses had never been inserted therein.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1862.

The SCHEDULE of Provisional Orders.

1. CARRICKFERGUS.—Improvement of the Harbour.
2. DEAL.—Construction of a Pier.
3. OBAN.—Improvement of the Harbour.
4. SAINT IVES.—Improvement of the Harbour.
5. TOBERMORY.—Construction of a Pier.
6. HASTINGS.—Construction of a Pier.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Carrickfergus in the County of the Town of Carrickfergus.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, the Municipal Commissioners of the Borough of Carrickfergus, as owners of the Port of Carrickfergus, made application by a

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memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying for (among other things) a Provisional Order under the said Act for executing the works herein-after mentioned, with power for the said Commissioners to levy and recover rates according to the schedule in the memorial referred to :

And whereas the estimated expenditure on the proposed works is Six thousand pounds and no more :

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial, and of the plans, sections, and working drawings of the proposed works, at the office of the Clerk of the Peace for the County of the Town of Carrickfergus, and notice of such deposit was published according to the requirements of the said Act :

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, and the rates then leviabie thereat, the average revenue derived at such works for the three years specified in the said Act, the estimated amount of the rates to be levied at the existing works, and also at the proposed works, and the estimated amount proposed to be expended on the works :

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient :

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act :

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid :

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained :

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirma-

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tion of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force :—

Carrickfergus Harbour Commissioners.

**Incorporation
of Commis-
sioners.**

1. The Municipal Commissioners for the Borough of Carrickfergus, and their successors in office, shall be and are hereby, for the purposes of this Order, incorporated by the name of The Carrickfergus Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

**The Under-
takers.**

2. The Carrickfergus Harbour Commissioners, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order.

**Commissioners
Clauses Act
incorporated.**

3. The Commissioners Clauses Act, 1847,—except the following sections thereof, namely, sections 6 to 55 (both inclusive), and 84, 96, 97, and 98,—shall be incorporated with this Order.

Borrowing.

4. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 6,000*l.*

Sinking Fund.

5. In order to create a sinking fund for the discharge of the principal money so borrowed, the Commissioners shall yearly set apart the surplus revenue of the Harbour, and shall deposit the same in some joint stock bank of issue in Ireland, to be increased by accumulation in the way of compound interest or otherwise, until the time when the accumulated fund shall be sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners may think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly; but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment as aforesaid.

Re-borrowing.

6. Any money borrowed under this Order and discharged by means of the sinking fund aforesaid shall not be re-borrowed; but any money borrowed and discharged otherwise than by means of such sinking fund may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Receiver.

7. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment

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appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l*.

8. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Money to be applied to purposes of Order.

Taking of Lands.

9. For the purposes of this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in schedule (A.) to this Order annexed.

Power to take specified lands by agreement.

10. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Lands Clauses Acts incorporated.

Works.

11. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Power to make works.

12. The works by this Order authorized comprise the following:—

Description of Pier and Breakwater.

- (1.) A pier on the eastern side of the Harbour, commencing near the landward end of the existing pier or quay, and running in a southerly direction for 600 feet, then with a cant to the westward for 100 feet; the first 350 feet of the pier to be of stone work, the remainder of open pile work;
- (2.) A stone breakwater to protect the same, 400 feet in length, lying about 550 feet to the westward of and parallel to the pier, with an easterly cant at the south end; with a clear width of entrance between the pier and the breakwater of 400 feet.

Rates.

13. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the last-mentioned Commissioners or one of them approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Commissioners

Consent of Commissioners of Woods and Forests.

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incorporated by this Order, abate and remove it or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Commissioners incorporated by this Order, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from those Commissioners.

Power to take rates according to Schedule (B.)

14. The Commissioners may demand and receive in respect of the vessels, goods, and things described in Schedule (B.) hereto, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

15. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Application of rates and moneys received by the Commissioners.

16. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing Harbour, or new works, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise :—

- (1.) In paying the costs of and connected with the preparation and making of this Order :
- (2.) In paying the expenses of the maintenance, management, and regulation of the existing Harbour and new works, and the lands and property connected therewith :
- (3.) In paying the interest on any money borrowed under this Order, and any sum payable on account of the principal thereof :
- (4.) In paying the rent of the property described in schedule (A.) hereto, and in fining down such rent in pursuance of any agreement in that behalf made or to be made :
- (5.) As to the surplus revenue of the Harbour, that is to say, so much of the rates and other moneys aforesaid, as may remain after making the several payments before in this provision directed,—in creating a sinking fund in manner before in this Order specified.

General Provisions.

Lifeboats, tide-gauges, &c.

17. The following provisions of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, and 19.

Lands for extraordinary purposes.

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

19. The Commissioners shall have the appointment of meters and weighers within the Harbour.

Steam engines, diving bells, lighters, &c.

20. The Commissioners may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order ; and may demand and receive such sums for the use of the same as they may think reasonable.

Pilotage, lights, buoys, and beacons.

21. The Commissioners shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act,

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Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities.

22. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Carrickfergus Harbour as altered under this Order.

Part V. of
24 & 25 Vict.
c. 47. to apply.
Short Title.

23. This Order may be cited as The Carrickfergus Harbour Order. 1862.

Board of Trade, Whitehall. (Signed) T. H. FARRER,
Dated this 19th day of May 1862. Assistant Secretary.

SCHEDULES.

SCHEDULE (A.)

A tenement and premises situate in the Irish quarter of the town of Carrickfergus, known as Wilson's or Barnett's Quay, comprised and particularly described in an agreement dated the 1st day of November 1861, and made between William Davys Duncan Wilson, Esq., of the one part, and the Municipal Commissioners of the Borough of Carrickfergus of the other part.

SCHEDULE (B.)

I.—RATES ON VESSELS USING OR ENTERING THE EXISTING HARBOUR OR NEW WORKS.

	<i>s.</i>	<i>d.</i>
For every vessel - - - - - per register ton	0	2
All pleasure boats, boats entirely open, and fishing boats, exempt.		

II.—RATES ON GOODS SHIPPED OR UNSHIPED, RECEIVED OR DELIVERED, WITHIN THE EXISTING HARBOUR OR AT THE NEW WORKS.

Bricks - - - - -	per ton	0	1½
Cattle—bulls, cows, oxen, and horses - - - - -	each	0	1
Cattle—calves, pigs, sheep, and lambs - - - - -	per score	0	3
Cloverseed - - - - -	per sack	0	1½
Coals - - - - -	per ton	0	1½
Deals - - - - -	per 120	1	0
Flour - - - - -	per ton	0	1½
Gunpowder - - - - -	per barrel	0	0½
Iron - - - - -	per ton	0	1½
Lead - - - - -	per ton	0	1½
Meal - - - - -	per ton	0	1½
Salt rock - - - - -	per ton	0	1
Slates - - - - -	per ton	0	1½
Stones - - - - -	per ton	0	1½
Timber of all kinds, except deals - - - - -	per load of 50 feet	0	2

All other Goods not particularly enumerated above.

Light goods - - - - -	per barrel bulk	0	1
Heavy goods - - - - -	per ton	0	2

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, mea-
sures,

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tures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet not exceeding $2\frac{1}{2}$ cwt. to be rated as a barrel bulk ; but, when the weight of 5 cubic feet is greater than $2\frac{1}{2}$ cwt., then $2\frac{1}{2}$ cwt. to be rated as a barrel bulk.

III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS PROVIDED AT THE EXISTING HARBOUR OR NEW WORKS.

1st. Rates of Craneage.

	<i>s.</i>	<i>d.</i>
All goods or packages not exceeding 1 ton - - -	0	$1\frac{1}{2}$
Exceeding 1 ton and not exceeding 2 tons - - -	0	2
Exceeding 2 tons and not exceeding 3 tons - - -	0	3
Exceeding 3 tons and not exceeding 4 tons - - -	0	4
Exceeding 4 tons and not exceeding 5 tons - - -	0	5
Exceeding 5 tons and not exceeding 6 tons - - -	0	6
Exceeding 6 tons - - - - -	0	7

2nd. Weighing Machines.

For goods weighed, 1d. for each ton or part of a ton.

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of 3d., and the sum of $1\frac{1}{2}$ d. per ton for each day during which such goods shall remain after the first 48 hours.

DEAL.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Deal in the County of Kent.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Deal and Walmer Pier made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier at Deal in the County of Kent, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to :

And whereas the estimated expenditure on the proposed works is twelve thousand pounds and no more :

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Kent, and notice of such deposit was published according to the requirements of the said Act :

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And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works :

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient :

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act :

And whereas it appears to the Board of Trade to be expedient that the same (with the omission of part thereof) should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the said schedule so prepared, published, deposited, and transmitted as aforesaid :

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained :

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever) :

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force :—

1. The Deal and Walmer Pier Company, Limited, herein-after called the Company, shall be the undertakers of the works authorized by this Order.

The Undertakers.

2. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited

Power to take specified lands by agreement.

Pier and Harbour Orders Confirmation.

plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the Provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works by this Order authorized comprise the following :—

A pier on iron piles carried out from the South Esplanade, Deal, into the sea to a distance of 920 feet, with a general width of 20 feet, and a width at the head of 40 feet.

Consent of Commissioners of Woods and Forests.

6. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Power to take rates according to Schedule.

7. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

8. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, to, on, along, and from the Pier by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

9. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters, &c.

10. The Company shall have the appointment of meters and weighers on the Pier.

Steam engines, diving bells, lighters, &c.

11. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order ;

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and may demand and receive such sums for the use of the same as they may think reasonable.

12. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Harbour by this Order authorized.

13. This Order may be cited as The Deal and Walmer Pier Order, 1862.

Part V. of
24 & 25 Vict.
c. 47. to apply.
Short Title.

Board of Trade, Whitehall. (Signed) T. H. FARRER,
Dated this 19th day of May 1862. Assistant Secretary.

SCHEDULE.

I.—RATES ON VESSELS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every vessel under the burden of 15 tons - per ton	0	4
For every vessel of the burden of 15 tons; and under 50 tons - per ton	0	6
For every vessel of the burden of 50 tons, and under 100 tons - per ton	0	8
For every vessel of the burden of 100 tons, and under 150 tons - per ton	0	10
For every vessel of the burden of 150 tons, and upwards per ton	1	0
All lighters for any vessel in the roads shall be exempt from rates; but if the vessel do not use the Pier, every lighter shall pay for each trip - per ton	0	2
All boats entirely open, landing or taking on board goods or dried or salted fish - each	0	6
All drave or large boats using the pier with fresh fish each	0	4

II.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

Ale - per hogshead	0	6
Ale (bottled) - per barrel bulk	0	3
Anchor - per cwt.	0	9
Anchor stock - per foot run	0	2
Bark - per ton	1	0
Bedding (seaman's) -	0	3
Beef or pork - per ton	1	4
Beef or pork - per barrel	0	2
Blubber - per ton of 252 gallons	1	0
Bone dust - per ton	0	8
Bones of cattle - per ton	0	6
Bottles - per gross	0	2
Bricks - per 1,000	0	8
Butter - per barrel	0	4
Casks (empty), not being returned packages, per puncheon	0	3

Other casks in proportion.

Cattle :

Bulls - each	0	3
Cows and oxen - each	0	2
Calves - each	0	0½
Horses - each	0	2

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	s.	d.
Cattle—cont.		
Pigs - - - - -	each	0 0½
Sheep - - - - -	per score	0 6
Lambs - - - - -	per score	0 3
Chalk - - - - -	per ton	0 8
Cheese - - - - -	per cwt.	0 4
Chimney cans - - - - -	per 100	1 4
Clay (fire manufactured) - - - - -	per ton	0 6
Clay (common) - - - - -	per ton	0 2
Cloth, haberdashery, &c. - - - - -	per barrel bulk	0 2
Coaches :		
Chaises and other four-wheeled carriages	each	0 8
Gigs, carts, and other two-wheeled carriages	each	0 6
Coals (Scotch, English, smithy, and culm)	per ton	0 3
Copper - - - - -	per ton	1 4
Corks - - - - -	per barrel bulk	0 2
Corn :		
Wheat and malt - - - - -	per quarter	0 3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn - - - - -	per quarter	0 2
Crystal - - - - -	per barrel bulk	0 2
Dissolved bones and other artificial manures	per ton	0 8
Dogs (sporting only) - - - - -	each	0 2
Drugs - - - - -	per barrel bulk	0 3
Earthenware - - - - -	per crate	0 8
Eggs - - - - -	per barrel bulk	0 2
Fish (dried and salted) - - - - -	per ton	1 4
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0 2
Flax - - - - -	per ton	1 4
Flour - - - - -	per sack	0 2
Flour - - - - -	per barrel	0 1½
Fruit - - - - -	per bushel or sieve	0 2
Glass - - - - -	per barrel bulk	0 3
Groceries, viz. :		
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0 3
Guano - - - - -	per ton	0 8
Gunpowder - - - - -	per barrel	0 3
Hams, bacon, or tongues - - - - -	per cwt.	0 3
Hardware - - - - -	per barrel bulk	0 3
Hares and rabbits - - - - -	per dozen	0 2
Any less quantity - - - - -	-	0 1
Hay - - - - -	per ton	0 8
Hemp - - - - -	per ton	1 4
Herrings (fresh) - - - - -	per cran	0 1
Herrings (cured) - - - - -	per barrel	0 3
Hides :		
Ox, cow, or horse (salted or dried)	per ton	1 4
Calf skins - - - - -	per 120	0 10
Sheep skins - - - - -	per 120	0 10
Lamb skins - - - - -	per 120	0 5

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		<i>s.</i>	<i>d.</i>
Hoops of wood	- - - - - per 1,500	1	0
Household furniture (new)	- - - - - per barrel bulk	0	1
Household furniture (belonging to parties changing their residences only)	- - - - - per 10 barrels bulk	0	6
Husbandry utensils	- - - - - per ton	1	4
Husbandry utensils	- - - - - per barrel bulk	0	2
Iron :			
Bar, bolt, and rod	- - - - - per ton	1	4
Pig and old	- - - - - per ton	0	8
Manufactured, cast, and wrought	- - - - - per cwt.	0	2
Chain cables	- - - - - per ton	1	4
Kelp	- - - - - per ton	0	8
Lead (all kinds)	- - - - - per ton	1	4
Leather (tanned and dressed)	- - - - - per ton	1	4
Lime	- - - - - per chaldron of 16 bolls	1	4
Limestone	- - - - - per ton	0	3
Loam or moulding sand	- - - - - per ton	0	3
Machinery	- - - - - per ton	1	4
Machinery	- - - - - per barrel bulk	0	3
Manure (street)	- - - - - per ton	0	2
Masts and spars, 10 inches in diameter and upwards	each	4	6
Under 10 inches	- - - - - each	3	0
Meal	- - - - - per bag of 280 lbs.	0	2
Meat (fresh)	- - - - - per ton	1	4
Meat (fresh)	- - - - - per barrel	0	2
Milk	- - - - - per 3 large pitchers	0	0 $\frac{1}{2}$
Musical instruments	- - - - - per barrel bulk	0	3
Oils	- - - - - per ton	1	0
Ores :			
Copper, iron, lead, and other ores	- - - - - per ton	0	8
Oysters	- - - - - per bushel	0	3
Passengers' luggage, not exceeding 4 barrels bulk, free.			
All above 4 barrels bulk	- - - - - per barrel bulk	0	3
Peats	- - - - - per ton	0	3
Pitch	- - - - - per barrel	0	3
Porter	- - - - - per hogshead	0	4
Porter (bottled)	- - - - - per barrel bulk	0	2
Potatoes	- - - - - per ton	0	6
Poultry, including pigeons, game, &c.	- - - - - per dozen	0	1
Any less quantity	- - - - -	0	0 $\frac{1}{2}$
Rags (linen)	- - - - - per ton	1	4
Other rags, old rope, and the like	- - - - - per ton	0	10
Rape cakes	- - - - - per ton	0	8
Salt	- - - - - per ton	0	10
Seeds :			
Flax and rape	- - - - - per hogshead	0	6
Flax	- - - - - per barrel	0	3
Flax, in bulk	- - - - - per quarter	0	2
Clover	- - - - - per ton	1	4
Garden	- - - - - per ton	1	4
Hemp and canary	- - - - - per ton	1	4
Rye grass	- - - - - per 8 bushels	0	2

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	<i>s.</i>	<i>d.</i>
Shrimp baskets - - - - - each	0	2
Skin, seal - - - - - per 120	0	8
Slates, under size - - - - - per 1,000	0	6
Sizeable - - - - - per 1,000	0	10
Over size - - - - - per 1,000	1	4
Spirits (Foreign and British) - per hogshead of 56 gallons	0	8
Stones :		
Rubble - - - - - per ton of 16 cubic feet	0	2
Hewn ashlar freestone - per ton of 16 cubic feet	0	4
Rough ashlar freestone - per ton of 16 cubic feet	0	3
Pavement not exceeding 3 inches thick - per 70 feet	0	4
Pavement above 3 inches thick - per 16 cubic feet	0	4
Scythe stones - - - - - per score	0	1
Mill stones - - - - - each	0	8
Steel - - - - - per ton	1	4
Sugar - - - - - per ton	1	4
Tallow - - - - - per ton	1	4
Tar - - - - - per barrel	0	2
Tea - - - - - per chest	0	8
Tiles (roofing) - - - - - per 1,000	0	9
Tiles or pipes for draining - - - - - per 1,000	0	8
Tin of all kinds - - - - - per ton	1	4
Tobacco - - - - - per ton	2	6
Treenails, under 2 feet in length - - - - - per 1,000	0	6
Treenails, exceeding 2 feet in length - - - - - per 1,000	1	0
Turnips - - - - - per ton	0	6
Turpentine - - - - - per hogshead	0	8
Vegetables - - - - - per cartload	0	2
Vinegar - - - - - per hogshead	0	6
Vitriol - - - - - per carboy	0	2
Whalebone - - - - - per ton	2	6
Wine - - - - - per hogshead	0	8
Wine (bottled) - - - - - per barrel bulk	0	4
Wood :		
Fir, pine, and other descriptions not enumerated		
per load of 50 feet	0	10
Oak or wainscot - - - - - per load of 50 feet	1	0
Firewood - - - - - per fathom	0	6
Laths and lathwood - per fathom of 216 cubic feet	2	6
Handspokes - - - - - per 120	0	10
Oars - - - - - per 120	2	6
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter - - - - - per 120	2	6
Spars, 2½ inches in diameter and under - - - - - per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter - - - - - per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter - - - - - per 120	12	0
Spokes of wheels not exceeding 2 feet in length		
per 120	0	4
Exceeding 2 feet in length - - - - - per 120	0	6
Wedges - - - - - per 1,000	1	0

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Wood— <i>cont.</i>	<i>s.</i>	<i>d.</i>
Pipe staves, and others in proportion		
per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rose-wood	-	-
per ton	1	4
Wool	-	-
per cwt.	0	2
Yarn	-	-
per ton	1	4
Zinc	-	-
per ton	1	4

All other Goods not particularly enumerated in the above Table.

Light goods	-	-	-	per barrel bulk	0	2
Heavy goods	-	-	-	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding $2\frac{1}{2}$ cwt., to be rated as a barrel bulk ; but when the weight of 5 cubic feet is greater than $2\frac{1}{2}$ cwt., then $2\frac{1}{2}$ cwt. to be rated as a barrel bulk.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. Rates of Craneage.

All goods or packages not exceeding 1 ton	-	-	0	3
Exceeding 1 ton, and not exceeding 2 tons	-	-	0	4
Exceeding 2 tons, and not exceeding 3 tons	-	-	0	6
Exceeding 3 tons, and not exceeding 4 tons	-	-	0	8
Exceeding 4 tons, and not exceeding 5 tons	-	-	0	10
Exceeding 5 tons, and not exceeding 6 tons	-	-	1	0
Exceeding 6 tons, and not exceeding 7 tons	-	-	1	2
Exceeding 7 tons, and not exceeding 8 tons	-	-	1	4
Exceeding 8 tons, and not exceeding 9 tons	-	-	1	8
Exceeding 9 tons, and not exceeding 10 tons	-	-	2	0
Exceeding 10 tons-	-	-	3	0

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton	-	0	1
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3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.* ; and the sum of $1\frac{1}{2}$ *d.* per ton for each day during which such goods shall remain after the first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package

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IV.—RATES ON PASSENGERS LANDING ON OR EMBARKING FROM
THE PIER.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding -	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of, any boat or vessel used for pleasure only, for each and every time, any sum not exceeding -	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Deal or parish of Walmer, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding -	1	0	0

OBAN.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Oban in the County of Argyll.

Preamble.

Whereas under The General Pier and Harbour Act, 1861, the Most Honourable John Marquess of Breadalbane made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, hereinafter called the Board of Trade, representing that the Pier at the Harbour of Oban, in the County of Argyll, belonging to him, was constructed by his predecessors at their own expense, and that the same being now inadequate to the wants of the community, he is desirous to execute additional works at the said Pier and Harbour under the authority of the said Act :

And whereas the estimated expenditure on the proposed works is one thousand three hundred and forty pounds and no more :

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works with the Sheriff Clerk of the County of Argyll, at Inverary, and notice of such deposit was published according to the requirements of the said Act :

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained :

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And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and the General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

1. The said John Marquess of Breadalbane, or the proprietor of the said Pier for the time being, shall be the Undertaker of the works authorized by this Order. The Undertaker.
2. For the purposes of the works authorized by this Order, the Undertaker may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works. Power to take specified lands by agreement.
3. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order. Lands Clauses Acts incorporated.
4. Subject to the provisions of this Order, the Undertaker may, on the lands taken by him under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. Power to make works.
5. The time for the completion of the works authorized by this Order shall be two years after the passing of an Act confirming this Order. Time for completion of works.
6. The provisions of The Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates and to the collection and recovery of rates, and sections 16, 17, 18, and 19 of that Act, shall not be incorporated with this Order. Rates, Life-boats, &c.
7. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. Custom House Officers exempt from rates.
8. Nothing in this Order shall be deemed to enable the Undertaker to purchase, or to enable any person to sell or convey to the Undertaker, for extraordinary purposes, lands exceeding in extent in the whole two acres. Lands for extraordinary purposes.
9. The Undertaker shall have the appointment of meters and weighers on and within the Pier and Harbour. Meters and weighers.
10. This Order may be cited as The Oban Harbour Order, 1862. Short Title.

Board of Trade, Whitehall. (Signed) T. H. FARRER,

Dated this 19th day of May 1862.

Assistant Secretary.

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SAINT IVES.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Saint Ives in the County of Cornwall.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, the Saint Ives Harbour Commissioners made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, and thereby to empower such Commissioners (among other things) to make and maintain a pier and other accommodation connected therewith at Saint Ives, in the County of Cornwall, and to take land on lease or otherwise by agreement to an extent to be limited in such Order, and to levy and recover rates at such works not exceeding the amounts specified in the Schedule of rates thereto annexed, and to raise money for the purposes of such works, and thereby also to regulate the borrowing powers of such Commissioners, and therein to specify such terms and conditions to be observed by such Commissioners for the formation, management, and maintenance of such works as to the Board of Trade might seem fit :

And whereas the estimated expenditure on the proposed works is twenty thousand pounds and no more :

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Cornwall, and notice of such deposit was published according to the requirements of the said Act :

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, the probable or estimated amount of the rates to be levied at the existing works, and also at the proposed works, and also the estimated amount proposed to be expended on the works :

And whereas a certain objection to the said schedule was forwarded in writing to the Board of Trade within the time in the said Act limited in this behalf :

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objection aforesaid as they deemed expedient :

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And whereas the said Schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objection aforesaid, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Commissioners.

1. The Saint Ives Harbour Commissioners, constituted by The Saint Ives Harbour Act, 1853, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order. The Undertakers.
(16 & 17 Vict. c. cxxix.)
2. The Commissioners Clauses Act, 1847, except section 54, shall be incorporated with this Order. Commissioners Clauses Act incorporated.
3. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 25,000*l.* Borrowing.
4. The sum to be yearly set apart as a sinking fund for the purposes and according to the provisions of section 84 of The Commissioners Clauses Act, 1847, shall be one-fiftieth part of the sums so borrowed. Sinking Fund.
5. Any money borrowed under this Order and discharged by means of the sinking fund shall not be re-borrowed, but any money borrowed and discharged by any means other than the sinking fund may be re-borrowed, and so toties quoties. Re-borrowing.
6. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment Receiver.

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pointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l*.

Money to be applied to purposes of Order.

7. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Taking of Lands.

Power to take specified lands by agreement.

8. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

9. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

10. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

11. The works by this Order authorized comprise the following:—

A pier 600 feet in length, running 540 feet below high-water mark, in a south-easterly direction, into a depth of water of 30 feet at time of high-water, and of 6 feet at time of low-water.

Consent of Commissioners of Woods and Forests.

12. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the last-mentioned Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Saint Ives Harbour Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Saint Ives Harbour Commissioners, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Saint Ives Harbour Commissioners, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from them.

Restriction on removal of existing Pier.

13. The now existing pier shall not be removed until the pier by this Order authorized to be made is completed to the extent of 400 feet in length.

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Rates.

14. The Commissioners may demand and receive in respect of the vessels, goods, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. Power to take rates according to Schedule to this Order.

15. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. Custom House Officers exempt from Rates.

16. Subject to the provision, in the prescribed manner, of a sinking fund for the discharge of any principal money borrowed under this Order, the Commissioners shall apply the rates received by them under this Order, and all other moneys coming to their hands under or by virtue of the same, for the purposes and in the order following, and not otherwise :— Application of Rates and other moneys received under Order.

- (1.) In paying the expenses of and connected with the preparation and making of this Order :
- (2.) In paying to the Mayor, Aldermen, and Burgesses of the Borough of Saint Ives the sum of 25*l.* on the 2nd day of February in each year :
- (3.) In making, maintaining, and regulating the Harbour and the Pier and works authorized by this Order :
- (4.) In paying the interest on any money borrowed under this Order, and any principal money payable on account thereof.

General Provisions.

17. The following provisions of The Saint Ives Harbour Act, 1853, shall be incorporated with this Order, as if they were repeated in terms in this Order, with the substitution of the term "this Order" for the term "this Act," namely, sections 23, 33 (as far as it defines the limits of the Harbour), 35, 40, 44, 48, 52, 54, 55, 56, and 57. Incorporation of parts of 16 & 17 Vict. c. cxxix.

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. Lands for extraordinary purposes.

19. The Commissioners shall have the appointment of meters and weighers on and within the Pier and Harbour. Meters and weighers.

20. This Order may be cited as The Saint Ives Harbour Order, 1862. Short Title.

Board of Trade, Whitehall. (Signed) T. H. FARRER,
Dated this 19th day of May 1862. Assistant Secretary.

SCHEDULE.

I.—RATES FOR VESSELS ENTERING OR USING THE HARBOUR.

For each sein boat or dipper used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of s. d.

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	<i>s.</i>	<i>d.</i>
For each tow boat used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - - - -	1	6
For each follower used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - - - -	1	0
For every drift boat (being boats generally used for deep-sea fishing) belonging to the Harbour of Saint Ives, above the size of five tons, per ton per annum, to be considered as due on first using the Harbour after the first day of March in each year - - - - -	1	0
For every tackler or other boat not exceeding the size of five tons (not being a sein boat, dipper, tow boat, follower, ship's boat, or punt,) belonging to the Harbour of Saint Ives, per annum, to be considered as due on first using the Harbour after the first day of March in every year - - - - -	5	0
For every vessel (other than those herein-before specifically mentioned, entering the Harbour, for every ton register measurement thereof - - - - -	0	2
And if the same shall remain in the Harbour more than two months continuously, then for every month or part of a month during which the same shall remain in the Harbour after the first two months the further sum per ton register measurement of - - - - -	0	0½

II.—RATES FOR GOODS SHIPPED OR UNSHIPED, RECEIVED OR DELIVERED, IN THE EXISTING HARBOUR OR AT THE NEW PIER.

	<i>s.</i>	<i>d.</i>
Acid water, acid vegetable, or mineral - - - per pipe	1	0
Ditto ditto - - - per hoghead	0	6
Ditto ditto - - - per firkin	0	3
Ditto ditto - - - per jar	0	2
Acorns - - - per ton of forty bushels	1	0
Ale, beer, or porter - - - per butt or pipe	1	0
Ditto - - - per hoghead	0	6
Ditto - - - per barrel	0	3
Ditto - - - per kilderkin	0	1½
Ditto - - - in bottles, per dozen	0	1
Alabaster - - - per ton	1	0
Alkanet root - - - per cwt.	0	4
Alum - - - per cwt.	0	2
Almonds - - - per cwt.	0	3
Aloes - - - per cwt.	0	4
Amber - - - per cwt.	0	4
Ambergris - - - per cwt.	1	0
Anacardium, or the cashew nut - - - per bushel	0	1
Anchors - - - per cwt.	0	1
Anchovies - - - per barrel	0	2

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	<i>s.</i>	<i>d.</i>
Angelica - - - - -	per cwt.	0 3
Animals, stuffed - - - - -	- each	0 6
Annatto - - - - -	per cwt.	0 4
Anniseeds - - - - -	per cwt.	0 3
Antimony - - - - -	per cwt.	0 3
Anvils - - - - -	per cwt.	0 1
Apples or pears - - - - -	per cwt.	0 3
Arrow root and powder - - - - -	per cwt.	0 3
Arsenic - - - - -	per ton	1 0
Ashes, barilla - - - - -	per cwt.	0 1
Pearl and pot - - - - -	per cwt.	0 2
Black - - - - -	per cwt.	0 1
Bleaching - - - - -	per cwt.	0 2
Common Irish - - - - -	per cwt.	0 1
Soda - - - - -	per cwt.	0 1
Asphaltum - - - - -	per cwt.	0 1
Bacon or pork - - - - -	per cwt.	0 2
Bagging- - - - -	per cwt.	0 4
Ballast - - - - -	per ton register measurement of vessel	0 1
Bark, tanners, chopped- - - - -	per ton	1 0
Ditto, rinds, not ground - - - - -	per ton	1 0
Angustina - - - - -	per cwt.	0 4
Birch and larch - - - - -	per ton	1 0
Quercitron - - - - -	per ton	2 0
Sassafras - - - - -	per cwt.	0 4
Winteranus - - - - -	per cwt.	0 4
Baskets - - - - -	per dozen	0 1
Basket rods - - - - -	per thousand	0 3
Bass rope - - - - -	per cwt.	0 2
Bedposts, mahogany - - - - -	per set	0 6
Others - - - - -	per set	0 4
Beef or pork - - - - -	per tierce	0 6
Ditto - - - - -	per barrel	0 4
Ditto - - - - -	per half barrel and smaller package	0 2
Beehives - - - - -	per dozen	0 2
Beer, spruce - - - - -	per barrel of 32 gallons	0 8
Bell metal - - - - -	per cwt.	0 2
Bellows, smiths - - - - -	- each	0 6
Bellows, common - - - - -	per dozen	0 6
Berries, bay - - - - -	per cwt.	0 1
Juniper - - - - -	per cwt.	0 1
Yellow - - - - -	per cwt.	0 1
Biscuit or bread - - - - -	per cwt.	0 2
Blacking - - - - -	per cwt.	0 2
Blackjack - - - - -	per ton	0 4
Blocks, heel - - - - -	per gross	0 2
Last - - - - -	per dozen	0 1
Ship - - - - -	per dozen	0 1
Blubber - - - - -	per cwt.	0 1
Blue - - - - -	per cwt.	0 2
Bobbins - - - - -	per cask	1 0

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	<i>s. d.</i>
Bone dust - - - - -	per quarter 0 2
Bones - - - - -	per ton 1 6
Books - - - - -	per cwt. 0 4
Borax - - - - -	per cwt. 0 2
Bottles, loose, empty - - - - -	per gross 0 2
In baskets or carboys - - - - -	full 0 6
Bowls of wood - - - - -	per dozen 0 2
Boxes, iron for wheels - - - - -	per cwt. 0 1
Bran - - - - -	per ton 1 0
Brandy - - - - -	per hogshead 1 6
Ditto - - - - -	(in transitu) 1 0
Brass, new - - - - -	per cwt. 0 2
Old - - - - -	per cwt. 0 1
Bricks, common - - - - -	per thousand 1 0
Fire - - - - -	per thousand 2 0
Scouring- Slabjacks - - - - -	per thousand 1 6
- - - - -	per dozen 0 1½
Brimstone - - - - -	per cwt. 0 1
Bristles - - - - -	per 12 lbs. 0 1
Brooms, birch - - - - -	per gross 0 2
Brooms and brush handles - - - - -	per gross of 12 dozen 0 6
Brush heads and stocks - - - - -	per hundred 0 1
Brushes, hair, rush, or whalebone - - - - -	per dozen 0 2
Bugles and beads - - - - -	per cwt. 0 3
Bullion - - - - -	per package 1 0
Bullrushes - - - - -	per bundle 0 1
Butter - - - - -	per cask 0 3
" - - - - -	per firkin 0 1½
" - - - - -	per pot 0 1
Cakes, linseed or rape - - - - -	per cwt. 0 1
Calamine - - - - -	per cwt. 0 1
Calaminaris, lapis - - - - -	per cwt. 0 1
Calves velves - - - - -	per cwt. 0 3
Camphor - - - - -	per cwt. 0 6
Candles, tallow - - - - -	chest of 14 dozen 0 6
" " - - - - -	half chest 0 3
" wax - - - - -	per 12 lbs. 0 1
Canella alba - - - - -	per cwt. 0 4
Canes - - - - -	per bundle 0 6
Cantharides - - - - -	per cwt. 1 0
Canvass - - - - -	per bolt 0 1
Caoutchouc - - - - -	per cwt. 0 4
Capers - - - - -	per cwt. 0 6
Capillaire - - - - -	per 100 gallons 1 0
Carboys, empty - - - - -	each 0 1
Cards, wool - - - - -	per dozen 0 1
Carriages or coaches - - - - -	each 10 6
Gigs - - - - -	each 5 0
For guns - - - - -	each 1 6
Carts - - - - -	each 2 6
Hand - - - - -	each 1 0

Pier and Harbour Orders Confirmation.

				<i>s.</i>	<i>d.</i>
Casks, empty	-	-	- per ton, not returned	0	2
Cassia buds	-	-	- per cwt.	0	6
Fistula	-	-	- per cwt.	0	4
Cattle, viz. :					
Asses and mules	-	-	- each	1	0
Bulls, cows, and oxen	-	-	- each	1	6
Calves and lambs	-	-	- each	0	6
Horses	-	-	- each	2	0
Pigs or sheep	-	-	- each	0	6
Sucking pigs	-	-	- each	0	3
Cavaire	-	-	- per cwt.	0	2
Cement	-	-	- per cwt.	0	1
Chairs, not mahogany	-	-	- per dozen	2	0
Mahogany	-	-	- per dozen	2	6
Chalk	-	-	- per ton	0	2
Charcoal	-	-	- per pack	0	1
Cheese	-	-	- per cwt.	0	2
Chesnuts	-	-	- per bushel	0	1
Chimney pots (earthenware)	-	-	- each	0	1
China	-	-	- per hogshead	1	6
"	-	-	- per tierce	1	0
Chirt stones	-	-	- per ton	0	6
Cocoa	-	-	- per cwt.	0	3
Chocolate	-	-	- per cwt.	0	3
Cider or perry	-	-	- per hogshead	0	6
In bottles	-	-	- per dozen	0	1
Cinnabar	-	-	- per cwt.	0	9
Cinnamon	-	-	- per cwt.	1	0
Citron preserves	-	-	- per cwt.	0	4
Clay, pipe and potters	-	-	- per ton	0	2
China	-	-	- per ton	0	3
Cloth	-	-	- packs not exceeding 1 cwt.	0	4
Linen or woollen, bale, pack, or truss	-	-	- per cwt.	0	4
Cloths, linen, woollen, or cotton, in boxes	-	-	- per foot	0	1
Clocks	-	-	- per dozen	2	0
Wood	-	-	- per dozen	1	0
Clog soles	-	-	- per gross	0	6
Clover seed	-	-	- per cwt.	0	3
Cloves	-	-	- per cwt.	1	0
Coals (besides bushelage)	-	-	- per ton	0	3
Cobalt	-	-	- per ton	1	0
Ore	-	-	- per ton	0	4
Coculus indicus	-	-	- per cwt.	0	4
Cocoa nuts	-	-	- per 100	0	2
Coffee	-	-	- per cwt.	0	3
Colouring for potter	-	-	- per barrel of 36 gallons	0	6
Columbo root	-	-	- per 100	0	4
Copper	-	-	- per cwt.	0	1
Ore	-	-	- per ton	0	4
Furnaces	-	-	- per twenty gallons	0	2
Copperas, barrel or bag	-	-	- per cwt.	0	2

Pier and Harbour Orders Confirmation.

						s.	d.
Coral	-	-	-	-	per cwt.	2	0
Cordage	-	-	-	-	per cwt.	0	1
Cordials	-	-	-	-	per case of 1 dozen	0	1
"	-	-	-	-	per hogshead	1	0
Corks	-	-	-	-	per 10 gross	0	2
Cork	-	-	-	-	per cwt.	0	3
Corn, viz. :							
Wheat	-	-	-	-	per quarter	0	2
Barley	-	-	-	-	per quarter	0	1
Oats	-	-	-	-	per quarter	0	1
Flour	-	-	-	-	per sack of 280 pounds	0	2½
Ditto	-	-	-	-	per barrel	0	2
Bere and bigg	-	-	-	-	per quarter	0	2
Barley meal	-	-	-	-	per bag	0	2
Indian corn	-	-	-	-	per quarter	0	1
Ditto meal	-	-	-	-	per bag	0	1
Oatmeal	-	-	-	-	per bag	0	1
Beans and peas	-	-	-	-	per quarter	0	2
Rye	-	-	-	-	per quarter	0	1
Cotton, raw	-	-	-	-	per cwt.	0	3
Cradles	-	-	-	-	each	0	2
Crease, earthenware	-	-	-	-	per dozen	0	0½
Cranberries	-	-	-	-	per five gallons	0	1
Cream of tartar	-	-	-	-	per cwt.	0	4
Crystal	-	-	-	-	per box or package	0	6
Cubebs	-	-	-	-	per cwt.	0	6
Culm	-	-	-	-	per ton	0	3
Currants	-	-	-	-	per butt	1	6
Dates	-	-	-	-	per cwt.	0	3
Dogs, and other animals not enumerated	-	-	-	-	each	0	6
Down, eider	-	-	-	-	per cwt.	0	9
Drugs, in casks, hampers, or boxes	-	-	-	-	at per foot	0	1
Dyers stuff	-	-	-	-	per cwt.	0	4
Earth, black	-	-	-	-	per ton	1	0
Brown	-	-	-	-	per ton	1	0
Fullers	-	-	-	-	per ton	1	0
Red	-	-	-	-	per ton	1	0
Yellow	-	-	-	-	per ton	1	0
Earthenware, coarse, in bulk	-	-	-	-	per potters dozen	0	3
In crates	-	-	-	-	at per foot	0	0¼
Eggs	-	-	-	-	per gross of twelve dozen	0	1
Emery	-	-	-	-	per cwt.	0	2
Stones	-	-	-	-	per cwt.	0	1
Empty bags and sacks (not returned)	-	-	-	-	per cwt.	0	2
Epsom salts	-	-	-	-	per cwt.	0	2
Essence of lemons and limes	-	-	-	-	per hundred pounds	2	0
Essential oils	-	-	-	-	per cwt.	0	9
Euphorbium	-	-	-	-	per cwt.	0	4
Feathers	-	-	-	-	per cwt.	0	6
Felt	-	-	-	-	per cwt.	0	1
Figs	-	-	-	-	per cwt.	0	2

Pier and Harbour Orders Confirmation.

	s.	d.
Honey - - - - -	per gallon	0 1
Hoofs - - - - -	per cwt.	0 1
Hoops for mast, or white hoops - - - - -	per dozen	0 1
per load - - - - -	per load	1 0
Hops - - - - -	per bag	1 0
	per pocket	0 6
	per end	0 3
Horns, ox and cow, each - - - - -	per 100	0 4
Hurdles - - - - -	per dozen	0 2
Indigo - - - - -	per cwt.	1 6
Iron - - - - -	per ton	1 0
Iron hoops - - - - -	per cwt.	0 1
Iron horseshoes - - - - -	per cwt.	0 1
Iron ploughshares - - - - -	per cwt.	0 1
Stamp heads - - - - -	per ton	1 0
Furnaces - - - - -	at per 20 gallons	0 1
(Cast) hollow ware - - - - -	per cwt.	0 3
Ore - - - - -	per ton	0 4
Wire and nail rods - - - - -	per cwt.	0 1
Irons, Bakers, and Pudding Pans - - - - -	per cwt.	0 1
Patten - - - - -	per gross	0 6
Isinglass - - - - -	per cwt.	0 6
Ivory - - - - -	per cwt.	1 0
Black - - - - -	per cwt.	0 1
Jack screws - - - - -	per pair	0 6
or fishing lines - - - - -	per dozen	0 1
Junk or old rope - - - - -	per cwt.	0 1
Kelp - - - - -	per ton	0 6
Lac, gum, stick, seed, and shell - - - - -	per cwt.	0 4
Ladles - - - - -	per gross	0 6
Lamp black - - - - -	per cwt.	0 4
Lanterns, horn or glass - - - - -	per dozen	0 1
Lard - - - - -	per cwt.	0 2
Laths, per 1,000 of 4 feet, and other lengths in proportion - - - - -		0 4
Lead ore - - - - -	per ton	0 4
Lead, pigs of - - - - -	per ton	1 0
Sheet - - - - -	per cwt.	0 1
Leather, tanned - - - - -	per cwt.	0 2
wrought - - - - -	per cwt.	0 3
Lemons - - - - -	per chest	0 4
	per box	0 2
Lemon, lime, and orange juice - - - - -	per hog'shead	1 0
Lime, burnt - - - - -	per ton	0 6
Limestone - - - - -	per ton	0 2
Linen or woollen rags - - - - -	per cwt.	0 1
Cloth - - - - -	per cwt.	0 4
Lint cloth, not in bales - - - - -	per piece	0 3
Liquor, in bottles - - - - -	per case or box	0 6
Logwood, logwood chips - - - - -	per cwt.	0 3
Maccaroni - - - - -	per cwt.	0 4
Mace - - - - -	per cwt.	1 0

Pier and Harbour Orders Confirmation.

	<i>s. d.</i>
Machinery, steam and other iron engines, and parts of	
the same - - - - - per cwt.	0 1
Ditto, foundation plates, bobs, and pumps for engines	
per cwt.	0 1
Ditto, wood and iron mixed - - - - - per foot	0 1
Madder and madder roots - - - - - per cwt.	0 4
Malt - - - - - per quarter	0 2
Manganese - - - - - per ton	0 4
Manure (not enumerated) - - - - - per ton	0 2
Mats - - - - - per dozen	0 1
Maunds or hampers, empty, imported - - - - - per dozen	0 1
Melting pots - - - - - per dozen	0 1
Millboards - - - - - per 120 boards	0 6
Millinery - - - - - per foot	0 1
Mops and brushes - - - - - per dozen	0 3
Mother-of-pearl shell - - - - - per cwt.	0 4
Mundic - - - - - per ton	0 2
Munjeet - - - - - per cwt.	0 4
Muriate of lime, potash, and soda, each - - - - - per cwt.	0 1
Musical instruments - - - - - per foot	0 1
Muskets - - - - - per dozen	0 6
Mustard - - - - - per firkin of 72 lbs.	0 3
" - - - - - per firkin of 36 lbs.	0 2
Nails - - - - - per cwt.	0 1
Natron - - - - - per ton	1 8
Nests of trunks - - - - - per foot	0 1
Nutmegs - - - - - per cwt.	1 0
Nuts, French - - - - - per Winchester bushel	0 1
Nux vomica - - - - - per cwt.	0 4
Oakum - - - - - per cwt.	0 1
Oars - - - - - per dozen	0 3
Ochre - - - - - per cwt.	0 1
Oil, large cans for lighthouses containing 30 gallons, and	
so in proportion - - - - -	1 0
Oil, castor - - - - - per cwt.	0 4
sperm - - - - - per hogshead	1 0
pilchard - - - - - per ton	1 0
sweet and lamp, and all oils not enumerated	
per hogshead	0 10
in flasks - - - - - per chest	0 4
per half chest	0 2
Oil cake - - - - - per ton	1 0
Olives - - - - - per barrel	0 2
per jar	0 1
Onions - - - - - per cwt.	0 1
Oranges - - - - - per box	0 2
per chest	0 4
Orange and lemon peel, and buds - - - - - per cwt.	0 3
Orchilla weed - - - - - per cwt.	0 4
Ox bows - - - - - per dozen	0 2
Paints and painters colours - - - - - per cwt.	0 2

Pier and Harbour Orders Confirmation.

			<i>s.</i>	<i>d.</i>
Paintings, pictures, and pier glasses	-	-	per foot	0 3
Pans, warming	-	-	per dozen	0 3
brass	-	-	per cwt.	0 6
Paper, stationers	-	-	per cwt.	0 4
common	-	-	per cwt.	0 1½
Pattens, wood	-	-	per gross	0 6
Pepper	-	-	per cwt.	0 3
Pewter	-	-	per cwt.	0 2
Phials, in packages	-	-	per foot	0 1
Pick hilts	-	-	per gross	1 0
Pickles	-	-	per dozen bottles	0 1
Pimento	-	-	per bag of 100 lbs.	0 3
Pins	-	-	per cwt.	0 4
Pipes for smoking	-	-	per hogshead	1 0
			per box or barrel	0 6
Plaster of Paris	-	-	per cwt.	0 1
Ploughs	-	-	each	0 6
Plums	-	-	per cwt.	0 3
Potatoes	-	-	per bushel of 2 cwt.	0 1
Potash	-	-	per cwt.	0 1
Powder, hair	-	-	per cwt.	0 2
Preserves	-	-	per cwt.	0 4
Prunes	-	-	per cwt.	0 2
Pumice stone	-	-	per ton	0 1
Puncheons empty, and pipes not returned	-	-	each	0 2
Quern stones	-	-	each	0 6
Quicksilver	-	-	per case or package	0 6
Quills, stationers	-	-	per 1,000	0 2
miners	-	-	per cwt.	0 9
Raisins and figs	-	-	per cwt.	0 2
Rape seed	-	-	per quarter	0 4
Rice	-	-	per tierce of 4 cwt.	0 8
Rope, coil	-	-	per cwt.	0 1
			under a hundredweight in proportion.	
Yarn	-	-	per cwt.	0 1
Rum	-	-	per puncheon, and so in proportion	2 0
Rye grass seeds	-	-	per bushel of 24 gallons	0 1
Sago	-	-	per cwt.	0 2
Sails	-	-	per cwt.	0 4
Sal gem rock salt	-	-	per ton	0 6
Salt, fine	-	-	per ton	0 4
coarse, for curing fish	-	-	per ton	0 3
Saltpetre	-	-	per cwt.	0 2
Scythe stones	-	-	per 100	0 3
Scythes	-	-	per dozen	0 2
Scuttles, coal, copper, or tinplate	-	-	per dozen	0 3
Scoops, boat	-	-	per dozen	0 1
Fish	-	-	per dozen	0 2
Malt	-	-	per dozen	0 3
Seed, garden, or agricultural grass seeds	-	-	per cwt.	0 3
Segars	-	-	per cwt.	0 6

Pier and Harbour Orders Confirmation.

	<i>s.</i>	<i>d.</i>
Shakes, not returned, per hogshead, and so in proportion	0	2
Shot, bird - - - - - per cwt.	0	3
Shovel handles - - - - - per dozen	0	1
Shumac - - - - - per cwt.	0	2
Sieves - - - - - per dozen	0	3
Silk, raw - - - - - per cwt.	1	0
Thrown - - - - - per cwt.	2	0
Waste - - - - - per cwt.	0	6
Manufactured - - - - - per foot on package	0	2
Skins, badger, bear, beaver, deer, elk, ermine, fisher, fox, leopard, lion, martin, otter, panther, seal, tiger		
per score	1	0
Horse - - - - - per score	0	3
Calf - - - - - per score	0	3
Sheep and kid - - - - - per dozen	0	3
Cat, chinchilli, mink, raccoon, seal, (hair)	0	6
Goat, fitch, musk-quash, neutria, swan - per score	0	3
Coney, hare, mole - - - - - per score	0	1
Slabs, marble - - - - - per ton	1	0
Slates, writing - - - - - per gross	0	3
Rags - - - - - per dozen	0	0½
Scantle - - - - - per 1,000	0	3
Common helling - - - - - per 1,000	0	2
Slate, earth or tombstones - - - - - per foot	0	0¼
Snuff - - - - - per cwt.	0	4
Soup - - - - - per cwt.	0	2
Soda, sal - - - - - per ton	1	0
Soda water - - - - - per dozen	0	2
Solder and spelter - - - - - per cwt.	0	1½
Spades, garden - - - - - per dozen	0	6
Spars. <i>See</i> Timber.		
Spermaceti - - - - - per cwt.	0	4
Spokes for wheels - - - - - per dozen	0	2
Naves, for wheels - - - - - per dozen	0	2
Sponge - - - - - per cwt.	1	0
per package - - - - - under quarter of cwt.	0	6
Stamp lifters - - - - - per dozen	0	6
Starch - - - - - per cwt.	0	2
Steel - - - - - per cwt.	0	2
Stone, Caen, for millstones - - - - - per 100	3	6
Stones, grinding - - - - - per cwt.	0	1
not enumerated - - - - - per ton	1	0
Straw bonnets, in bales, cases, or casks, or otherwise		
per foot	0	1
Plait ditto ditto - per foot	0	2
Succades and sweetmeats - - - - - per cwt.	0	4
Sugar, soft - - - - - per cwt.	0	1
refined, in barrels or bags - - - - - per cwt.	0	2
candy - - - - - per box	0	2
refined - - - - - per hogshead	1	4
Sulphur - - - - - per cwt.	0	3

Pier and Harbour Orders Confirmation.

		s.	d.
Talc	- - - - - per cwt.	0	4
Tallow	- - - - - per cwt.	0	1
Tanners poles	- - - - - per cwt.	0	6
Tapioca	- - - - - per cwt.	0	3
Tar, pitch, or rosin	- - - - - per barrel	0	2
Tarras	- - - - - per cwt.	0	1
Tea	- - - - - per chest	1	6
	per quarter chest	0	6
	per box	0	3
Terra Japonica	- - - - - per ton	2	0
Tessera	- - - - - per barrel	0	2
Thrashing machines	- - - - - each	2	6
Thumbs	- - - - - per cwt.	0	4
Tiles, pan	- - - - - per score	0	1
Paving	- - - - - per score	0	1
Malt kilns	- - - - - per score	0	1
Timber, not enumerated	- - - - - per load of fifty feet	0	6
Staves, pipe	- - - - - per 120	0	6
Hogshead	- - - - - per 120	0	2
Split or sawn staves	- - - - - per 1,000	1	0
Spars, under 4 inches	- - - - - per dozen	0	4
under 6 inches	- - - - - per dozen	0	8
under 8 inches	- - - - - per dozen	1	0
Mast pieces, under 12 inches	- - - - - each	0	3
Treenails or trunnels	- - - - - per 1,000	0	3
Ufers, under 24 feet	- - - - - per 100	1	0
above 24 feet	- - - - - per 100	1	6
Wainscot boards	- - - - - per 100	1	6
Handspikes	- - - - - per 100	0	6
Lathwood	- - - - - per fathom	1	0
Lignum vitæ	- - - - - per cwt.	0	1
Tin, in blocks, ingots, or barrels	- - - - - per ton	1	0
Tin ore	- - - - - per ton	0	8
Plate	- - - - - per box	0	2
Tobacco	- - - - - per cwt.	0	3
Tongues	- - - - - per dozen	0	1
Tortoiseshell	- - - - - per cwt.	1	0
Tow	- - - - - per ton	1	8
Toys in boxes	- - - - - per foot	0	1
Treacle or molasses	- - - - - per puncheon	0	10
Ditto	- - - - - per half puncheon	0	5
Ditto	- - - - - per small cask	0	3
Trees for saddles	- - - - - per dozen	0	3
Trenchers	- - - - - per gross	0	2
Trucks	- - - - - each	0	3
Trundle sticks	- - - - - per 1,000	0	3
Turnips	- - - - - per ton	1	0
Turpentine	- - - - - per cwt.	0	6
Twine or netting	- - - - - per cwt.	0	3
Types	- - - - - per cwt.	0	6
Valonia	- - - - - per ton	2	0

Pier and Harbour Orders Confirmation.

	<i>s.</i>	<i>d.</i>
Varnish - - - - -	0	6
Vegetables, shipped - - - - -	0	1
Venice turpentine - - - - -	0	4
Verdigris - - - - -	0	1
Vermicelli - - - - -	0	6
Vinegar - - - - -	1	0
Ditto - - - - -	0	6
Ditto - - - - -	0	3
Waste, Braziers		
Buttonmakers		
Furriers		
Soapers	0	1
Tanners		
Vitriol		
Sugar bakers		
Wax - - - - -	0	2
Whalebone fins - - - - -	0	4
Ditto ditto - - - - -	0	2
Wheelbarrows - - - - -	0	4
Whetstones - - - - -	0	2
Whip sticks - - - - -	0	1
Whiskey - - - - -	2	0
Whiting - - - - -	0	1
Wick yarn, pack - - - - -	0	3
Wine, foreign - - - - -	2	0
British - - - - -	1	6
or strong waters - - - - -	1	0
British - - - - -	0	9
and liquors in bottles - - - - -	0	3
Winnowing machines - - - - -	0	2
Wool, packs of British - - - - -	2	6
Spanish, and all other - - - - -	0	3
Worsted yarn - - - - -	0	6
Yams - - - - -	0	2
Zaffree - - - - -	0	2
Zedoary - - - - -	0	4
Zedoary - - - - -	0	4

And all other goods and merchandise not herein enumerated five per centum on the amount of the freight thereof.

III.—RATES ON PILCHARDS.

Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, and cured within the municipal borough of St. Ives, for every hogshead - - - - -	0	6
Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, but not cured within the said municipal borough, for every three thousand fish - - - - -	0	6

Pier and Harbour Orders Confirmation.

TOBERMORY.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Tobermory in the Island of Mull and County of Argyll.

Whereas, under The General Pier and Harbour Act, 1861, Frederick William Caldwell, of Mishnish, in the Island of Mull and County of Argyll, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying that a Provisional Order might be granted to authorize and empower him, his heirs and assigns, (among other things) to construct and maintain a pier at Tobermory in the Island and County aforesaid, to be called Mishnish Pier, and to levy and recover the rates in the memorial referred to :

And whereas the estimated expenditure on the proposed works is One thousand and four hundred pounds and no more :

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works in the office at Inverary of the Principal Sheriff Clerk of the County of Argyll, and notice of such deposit was published according to the requirements of the said Act :

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the promoter prepared a schedule of rates to be levied at the proposed works, and published the same according to the requirements of the said Act, and deposited a printed copy thereof in the office of the said Principal Sheriff Clerk, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works and the estimated amount proposed to be expended on the works :

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient :

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid, before the passing of The General Pier and Harbour Act, 1861, Amendment Act :

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid :

Pier and Harbour Orders Confirmation.

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained :

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever) :

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force :—

1. The said Frederick William Caldwell, his heirs and assigns, shall be the undertakers of the works authorized by this Order. Undertakers.

2. Subject to the provisions of this Order, the undertakers may, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. Works.

3. The works authorized by this Order comprise the following :— Description of Pier.

A pier or jetty, 100 feet in length, or thereabouts, extending in a south-easterly direction from the end of a roadway or approach to be constructed along the northern shore of Tobermory Bay, such roadway or approach running for 160 feet or thereabouts in a south-easterly direction from the termination of the present roadway.

4. The undertakers shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the undertakers shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the undertakers, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the undertakers, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the undertakers. Consent of Commissioners of Woods and Forests.

Pier and Harbour Orders Confirmation.

Rates according to Schedule to this Order.

5. The undertakers may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

6. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, from, and out of the pier by land, and with their vessels, and otherwise, without payment.

Parts of Harbours Clauses Act excepted.

7. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, 19, 49, and 50.

Borrowing.

8. The undertakers may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 1,400*l.* They shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such interest to accumulate, and shall repay the money borrowed within 50 years from the time of borrowing.

Application of rates.

9. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise :—

- (1.) In the maintenance of the works authorized by this Order :
- (2.) In payment of the interest accruing on any money borrowed under the authority of this Order, and in repayment of the principal of such money :
- (3.) To the proper use of the undertakers.

Short Title.

10. This Order may be cited as *The Mishnish Pier, Tobermory, Order, 1862.*

Board of Trade, Whitehall. (Signed) T. H. FARRER,
Dated this 19th day of May 1862. Assistant Secretary.

SCHEDULE.

I.—RATES ON VESSELS USING THE PIER.

For every decked or partly decked vessel :—	s.	d.
Under the burden of twenty tons - - per ton	0	4
Of the burden of twenty tons and not exceeding one hundred tons - - - per ton	0	6
Of the burden of one hundred tons and upwards per ton	0	10

II.—RATES ON HERRING BOATS, &c.

For every herring boat, and every undecked boat coming to the pier with herrings or fresh fish, or landing or taking on board goods or dried or salted fish, each	-	0	4
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III.—RATES ON PASSENGERS.

For every person landing from or embarking in any vessel at the pier	-	-	-	0	3
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Pier and Harbour Orders Confirmation.

IV.—RATES ON ANIMALS AND GOODS SHIPPED OR UNSHIPED AT THE PIER.

		<i>s.</i>	<i>d.</i>
Ale, beer, or porter	- - - per hogshead	0	4
Bark, in bulk	- - - per ton	1	0
Beef, fresh or salted, or other provisions	- per barrel	0	2
Bones	- per ton	0	6
Bone-dust	- per ton	0	8
Bricks	- per 1,000	0	8
Butter	- per cwt.	0	2
Carriages with four wheels	- each	0	8
Carriages with two wheels	- each	0	6
Cattle, viz. :—			
Bulls	- each	0	3
Cows and oxen	- each	0	2
Calves	- each	0	0½
Horses, asses, and mules	- each	0	2
Pigs	- each	0	0½
Sheep	- per score	0	6
Lambs	- per score	0	3
Chalk	- per ton	0	8
Cheese	- per cwt.	0	6
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coach or cart wheels	- per pair	0	3
Coal	- per ton	0	3
Copper	- per ton	1	4
Cordage	- per ton	5	0
Dogs (sporting only)	- each	0	2
Earthenware	- per crate	0	8
Eggs	per barrel bulk	0	2
Empty barrels	- each	0	0½
Fish, salted or dry	per barrel bulk	0	2
Flax	- per ton	1	4
Flour	- per sack	0	2
Ditto	- per barrel	0	1½
Fowls and ducks, live	- per dozen	0	2
Geese and turkeys, live	- each	0	1
Glass	per barrel bulk	0	3
Grain, viz., wheat and malt	- per quarter	0	3
Barley, bear, pease, beans, oats, and all other descriptions of grain	- per quarter	0	2
Grease	- per cwt.	0	2
Groceries	per barrel bulk	0	3
Guano and artificial manures	- per ton	0	8
Hardware	per barrel bulk	0	3
Hay	- per ton	0	8
Hemp and cotton, unwrought	- per ton	1	4
Herrings, fresh	- per cran	0	1
Ditto, cured	- per barrel	0	3
Hides	- per ton	1	4
Iron, pig or old	- per ton	0	8
Ditto, bar, bolt, or rod	- per ton	1	4

Pier and Harbour Orders Confirmation.

					<i>s.</i>	<i>d.</i>
Kelp	-	-	-	-	per ton	0 8
Lathwood	-	-	-	-	per fathom	2 6
Lead of all kinds, and zinc	-	-	-	-	per ton	1 4
Leather	-	-	-	-	per ton	1 4
Lime	-	-	-	-	per chaldron	1 4
Limestone	-	-	-	-	per ton	0 3
Machinery	-	-	-	-	per ton	1 4
Manure	-	-	-	-	per ton	0 2
Meal and flour	-	-	-	-	per bag of 280 lbs.	0 2
Milk	-	-	-	-	per 3 large pitchers	0 0½
Millstones	-	-	-	-	each	0 8
Oakum	-	-	-	-	per ton	2 6
Oil	-	-	-	-	per tun	1 0
Oil-cake	-	-	-	-	per ton	1 0
Peats	-	-	-	-	per ton	0 3
Potatoes	-	-	-	-	per ton	0 6
Poultry, including pigeons, game, and other birds					per dozen	0 1
Ropes and rags (old)	-	-	-	-	per ton	0 10
Salt	-	-	-	-	per ton	0 10
Sand	-	-	-	-	per ton	0 3
Seeds	-	-	-	-	per 8 bushels	0 2
Slates, under size	-	-	-	-	per 1,000	0 6
Ditto, sizeable	-	-	-	-	per 1,000	0 10
Ditto, over size	-	-	-	-	per 1,000	1 4
Soda water or lemonade	-	-	-	-	per gross of 144 bottles	1 0
Spirits	-	-	-	-	per hogshead of 56 gallons	0 8
Stones, paving or dressed	-	-	-	-	per ton	0 4
Ditto, others	-	-	-	-	per ton	0 3
Stucco	-	-	-	-	per ton	0 6
Sugar	-	-	-	-	per ton	1 4
Tallow	-	-	-	-	per ton	1 4
Tar	-	-	-	-	per barrel	0 2
Tea	-	-	-	-	per chest	0 3
Tiles or pipes for draining	-	-	-	-	per 1,000	0 8
Ditto, roofing	-	-	-	-	per 1,000	0 9
Timber, unwrought, of all kinds	-	-	-	-	per load of 50 cubic feet	0 10
Wine in cask	-	-	-	-	per hogshead	0 8
Ditto in bottle	-	-	-	-	per barrel bulk	0 4
Wool	-	-	-	-	per cwt.	0 2
Yarn	-	-	-	-	per ton	1 4

All other unenumerated articles to pay at landing or shipping :—

If by measurement	-	-	-	-	per barrel bulk	0 2
If by weight	-	-	-	-	per ton	1 4

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Pier and Harbour Orders Confirmation.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

V.—RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1.—*Sheds.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in any shed or on the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2.—*Cranes.*

		<i>s.</i>	<i>d.</i>
All goods or packages not exceeding one ton	-	0	3
Exceeding one ton and not exceeding two tons	-	0	4
Exceeding two tons and not exceeding three tons	-	0	6
Exceeding three tons and not exceeding four tons	-	0	8
Exceeding four tons and not exceeding five tons	-	0	10
Exceeding five tons and not exceeding six tons	-	1	0
Exceeding six tons and not exceeding seven tons	-	1	2
Exceeding seven tons and not exceeding eight tons	-	1	4
Exceeding eight tons and not exceeding nine tons	-	1	8
Exceeding nine tons and not exceeding ten tons	-	2	0
Exceeding ten tons	- - -	3	0

3.—*Weighing Machines.*

For goods weighed, 1*d.* for each ton or part of a ton.

HASTINGS.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier and Harbour at Hastings in the County of Sussex.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Hastings Pier and Harbour made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier and Harbour at Hastings in the County of Sussex, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to, and also for the incorporation of a Company, with power to transfer the execution of the proposed works to the Mayor and Corporation of Hastings: Preamble.

And whereas the estimated expenditure on the proposed works is seventy-five thousand pounds and no more:

Pier and Harbour Orders Confirmation.

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Sussex, and notice of such deposit was published according to the requirements of the said Act :

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works :

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works :

And whereas certain objections to the said schedule were forwarded in writing to the Board of Trade, within the time in the said Act limited in this behalf :

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objections aforesaid as they deemed expedient :

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act :

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objections aforesaid, and with the omission of part thereof, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid :

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained :

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever) :

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

Pier and Harbour Orders Confirmation.

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force :—

Hastings Pier and Harbour Company.

1. The following persons, namely, The Honourable William Henry Yelverton, Charles Appleyard, William Browne, and Henry Aldridge Parry, and all other persons and corporations who have subscribed or shall subscribe to the undertaking by this Order authorized, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the Pier and Harbour and works by this Order authorized, and for the other purposes of this Order ; and for those purposes shall be and are hereby incorporated by the name of The Hastings Pier and Harbour Company ; and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property, for the purposes, but subject to the restrictions, of this Order. Incorporation of Company.
2. The Hastings Pier and Harbour Company, herein-after called the Company, shall be the undertakers of the works authorized by this Order. The undertakers.
3. The Companies Clauses Consolidation Act, 1845, shall be incorporated with this Order. Companies Clauses Act incorporated.
4. The capital of the Company shall be 80,000*l.* in 16,000 shares of 5*l.* each. Capital.
5. No call shall exceed 2*l.* per share ; successive calls shall not be made at a less interval than three months. Calls.
6. The Company may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order ; but no money shall be so borrowed until the whole of the capital of 80,000*l.* is subscribed for or taken, and until one half thereof is paid up, and until the Company prove to the Justice who is to certify under The Companies Clauses Consolidation Act, 1845, section 40, before he so certifies, that all such capital has been subscribed for bonâ fide, and is held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable. Borrowing.
7. The mortgagees of the Company may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.* Receiver.
8. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount of calls made in respect of shares held by him ; but this provision shall not prevent the Company paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the provisions of The Companies Clauses Consolidation Act, 1845. No interest or dividend on calls.

Pier and Harbour Orders Confirmation.

Money not to be used for deposit under Standing Orders, &c.

9. The Company shall not out of any money so raised pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied to purposes of Order.

10. Every part of the money so raised shall be applied only for purposes by this Order authorized.

First general meeting.

11. The first general meeting of the Company shall be held within three months after the passing of an Act of Parliament confirming this Order.

Number of Directors.

12. The number of Directors shall be five, with power to the Company to reduce the number, but not below three.

Quorum of Directors.

13. The quorum of a meeting of Directors shall be three, unless and until the number of Directors be reduced to three, when the quorum shall be two.

First Directors.

14. The four persons herein-before named, and such other qualified person as the said four persons, or any two of them, shall nominate, shall be the first Directors.

Qualification of Directors.

15. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the possession in his own right of 20 shares.

Taking of Lands.

Power to take specified lands by agreement.

16. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

17. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

18. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Harbour.

19. The works by this Order authorized comprise the following:—

- (1.) A pier, commencing from the site of the Old Fort on the west, and extending about 1,650 feet in a southerly direction, then taking a curve to the eastward, and running in an easterly direction for 1,230 feet :
- (2.) A pier or breakwater, commencing about 1,200 feet eastward of the other, from the "Rock-a-Nore," and being carried to the extent of 1,650 feet in a line nearly parallel to the western pier.

Consent of Commissioners of Woods and Forests.

20. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners

Pier and Harbour Orders Confirmation.

of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Rates.

21. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. Power to take rates according to Schedule to this Order.
22. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. Custom House Officers exempt from rates.

General Provisions.

23. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. Lands for extraordinary purposes.
24. The Company shall have the appointment of meters and weighers on and within the Pier and Harbour, subject to this restriction,—that so long as the Hastings Local Board of Health shall, under any powers given or to be given to them by any Act of Parliament, appoint a sufficient number of persons to be meters of coals within the Borough of Hastings, the Company shall from time to time appoint and license the same persons and no others to be meters of coals on and within the Pier and Harbour, and shall not levy any rate in respect of the weighing of coal. Meters and weighers.
25. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable. Steam engines, diving bells, lighters, &c.
26. The Company shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities. Pilotage, lights, buoys, and beacons.
27. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Pier and Harbour authorized by this Order. Part V. of 24 & 25 Vict. c. 47. to apply.
28. If at any time after the passing of an Act confirming this Order, the Mayor, Aldermen, and Burgesses of the Borough Power to Com-pany to transfer

Pier and Harbour Orders Confirmation.

Pier and Harbour to Corporation of Borough on demand of Corporation.

of Hastings, by the Council of the Borough, shall express in writing under their Corporate Seal to the Company their desire to become the owners of the Pier and Harbour and works by this Order authorized, the Company may and shall, by deed under their Common Seal, transfer to the Council the Pier and Harbour and works, or proposed Pier and Harbour and works; and thereupon the Council shall have (as far as may be) all the powers and rights by this Order granted to the Company in relation to the Pier and Harbour and works: Provided nevertheless as follows:—

- (1.) No such deed of transfer shall have any effect unless and until the terms thereof are approved by the Board of Trade:
- (2.) If the Company and the Council differ as to the terms of transfer, the difference shall be settled by an arbitrator appointed by the Board of Trade:
- (3.) Nothing in this Order or in any such deed of transfer shall empower the Council to rate or otherwise involve the Borough of Hastings for or in respect of the construction or maintenance of the Pier and Harbour and works by this Order authorized.

Short Title.

29. This Order may be cited as The Hastings Pier and Harbour Order, 1862.

Board of Trade, Whitehall.

(Signed) T. II. FARRER,

Dated this 23rd day of May 1862.

Assistant Secretary.

SCHEDULE.

I.—RATES ON VESSELS USING THE PIER OR ENTERING OR USING THE HARBOUR.

	<i>s.</i>	<i>d.</i>
For every vessel shipping or unshipping goods		
per registered ton	0	9
For every other vessel	0	6
per registered ton		
All lighters from any vessel in the roads shall be exempt from rates, but if the vessel do not use the Pier or enter the Harbour, every lighter shall pay for each trip	0	2
per ton		
All boats entirely open, landing or taking on board goods, or dried or salted fish	0	6
each		
All drave or large boats using the Pier or entering the Harbour, with fresh fish	0	4
each		

II.—RATES OF GOODS SHIPPED OR UNSHIPED AT THE PIER OR HARBOUR.

Ale			per hogshead	0	6
Ale, bottled			per barrel bulk	0	3
Anchor			per cwt.	0	9
Anchor stock			per foot run	0	2
Bark			per ton	1	0
Bedding (seaman's)				0	3
Beef or pork			per ton	1	4
Beef or pork			per barrel	0	2

Pier and Harbour Orders Confirmation.

	<i>s.</i>	<i>d.</i>
Blubber - - - - - per ton of 252 gallons	1	0
Bone dust - - - - - per ton	0	8
Bones of cattle - - - - - per ton	0	6
Bottles - - - - - per gross	0	2
Bricks - - - - - per 1,000	0	8
Butter - - - - - per barrel	0	4
Canvas sails - - - - - per barrel bulk	0	2
Casks, empty, not being returned packages - per puncheon	0	3
Other casks in proportion.		
Cattle :—		
Bulls - - - - - each	0	3
Cows and oxen - - - - - each	0	2
Calves - - - - - each	0	0½
Horses - - - - - each	0	2
Pigs - - - - - each	0	0½
Sheep - - - - - per score	0	6
Lambs - - - - - per score	0	3
Chalk - - - - - per ton	0	8
Cheese - - - - - per cwt.	0	4
Chimney cans - - - - - per 100	1	4
Clay, fire, manufactured - - - - - per ton	0	6
Clay, common - - - - - per ton	0	2
Cloth, haberdashery, &c. - - - - - per barrel bulk	0	2
Coaches :—		
Chaises, and other four-wheeled carriages - each	0	8
Gigs, carts, and other two-wheeled carriages - each	0	6
Coals, Scotch, English, smithy, and culm - per ton	0	3
Copper - - - - - per ton	1	4
Corks - - - - - per barrel bulk	0	2
Corn, viz. :—		
Wheat and malt - - - - - per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn - - - - - per quarter	0	2
Crystal - - - - - per barrel bulk	0	2
Dissolved bones and other artificial manures - per ton	0	8
Dogs (sporting only) - - - - - each	0	2
Drugs - - - - - per barrel bulk	0	3
Earthenware - - - - - per crate	0	8
Eggs - - - - - per barrel bulk	0	2
Fish, dried and salted - - - - - per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated - - - - - per barrel bulk	0	2
Flax - - - - - per ton	1	4
Flour - - - - - per sack	0	2
Flour - - - - - in barrel	0	1½
Fruit - - - - - per bushel or sieve	0	2
Glass - - - - - per barrel bulk	0	3
Groceries, viz. :—		
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	3

Pier and Harbour Orders Confirmation.

	<i>s.</i>	<i>d.</i>
Guano - - - - - per ton	0	8
Gunpowder - - - - - per barrel	0	3
Hams, bacon, or tongues - - - - - per cwt.	0	3
Hardware - - - - - per barrel bulk	0	3
Hares and rabbits - - - - - per dozen	0	2
Any less quantity - - - - -	0	1
Hay - - - - - per ton	0	8
Hemp - - - - - per ton	1	4
Herrings, fresh - - - - - per cran	0	1
Ditto, cured - - - - - per barrel	0	3
Hides :—		
Ox, cow, or horse, salted or dried - - - - - per ton	1	4
Calf skins - - - - - per 120	0	10
Sheep skins - - - - - per 120	0	10
Lamb skins - - - - - per 120	0	5
Hoops of wood - - - - - per 1,500	1	0
Household furniture, new - - - - - per barrel bulk	0	1
Household furniture belonging to parties changing their residences only - - - - - per 10 barrels bulk	0	6
Husbandry utensils - - - - - per ton	1	4
Ditto - - - - - per barrel bulk	0	2
Iron :—		
Bar, bolt, and rod - - - - - per ton	1	4
Pig and old - - - - - per ton	0	8
Chain cables - - - - - per ton	1	4
Manufactured, cast and wrought - - - - - per cwt.	0	2
Kelp - - - - - per ton	0	8
Lead of all kinds - - - - - per ton	1	4
Leather, tanned and dressed - - - - - per ton	1	4
Lime - - - - - per chaldron of 16 bolls	1	4
Limestone - - - - - per ton	0	3
Loam or moulding sand - - - - - per ton	0	3
Machinery - - - - - per ton	1	4
Machinery - - - - - per barrel bulk	0	3
Manure, street - - - - - per ton	0	2
Masts or spars, ten inches in diameter and upwards each	4	6
Under ten inches - - - - - each	3	0
Meal - - - - - per bag of 280 lbs.	0	2
Meat, fresh - - - - - per ton	1	4
Meat, fresh - - - - - per barrel	0	2
Milk - - - - - per three large pitchers	0	0½
Musical instruments - - - - - per barrel bulk	0	3
Oils - - - - - per tun	1	0
Ores :—		
Copper, iron, lead, and other ores - - - - - per ton	0	8
Oysters - - - - - per bushel	0	3
Oysters - - - - - per firkin or smaller bushel	0	3
Passengers' luggage, not exceeding four barrels bulk, free.		
All above four barrels bulk - - - - - per barrel bulk	0	3

Pier and Harbour Orders Confirmation.

	<i>s.</i>	<i>d.</i>
Peats - - - - -	per ton	0 3
Pitch - - - - -	per barrel	0 3
Porter - - - - -	per hoghead	0 4
Porter, bottled - - - - -	per barrel bulk	0 2
Potatoes - - - - -	per ton	0 6
Poultry, including pigeons, game, &c.	per dozen	0 1
Any less quantity - - - - -	- - - - -	0 0 $\frac{1}{2}$
Rags, linen - - - - -	per ton	1 4
Other rags, old rope, and the like - - - - -	per ton	0 10
Rape cakes - - - - -	per ton	0 8
Salt - - - - -	per ton	0 10
Seeds, flax and rape - - - - -	per hoghead	0 6
Flax - - - - -	per barrel	0 3
Flax - - - - -	per quarter	0 2
Clover - - - - -	per ton	1 4
Seeds, garden - - - - -	per ton	1 4
Hemp and canary - - - - -	per ton	1 4
Rye grass - - - - -	per 8 bushels	0 2
Shrimp baskets - - - - -	each	0 2
Skins, seal - - - - -	per 120	0 8
Slates - - - - -	per ton	0 6
Spirits, foreign and British - - - - -	per hoghead of 56 gallons	0 8
Stones, rubble - - - - -	per ton of 16 cubic feet	0 2
Hewn ashlar freestone - - - - -	per ton of 16 cubic feet	0 4
Rough ashlar freestone - - - - -	per ton of 16 cubic feet	0 3
Stones, pavement, not exceeding 3 inches thick	per 70 feet	0 4
Pavement, above 3 inches thick - - - - -	per 16 cubic feet	0 4
Scythe stones - - - - -	per score	0 1
Millstones - - - - -	each	0 8
Steel - - - - -	per ton	1 4
Sugar - - - - -	per ton	1 4
Tallow - - - - -	per ton	1 4
Tar - - - - -	per barrel	0 2
Tea - - - - -	per chest	0 3
Tiles, roofing - - - - -	per 1,000	0 9
Tiles or pipes for draining - - - - -	per 1,000	0 8
Tin of all kinds - - - - -	per ton	1 4
Tobacco - - - - -	per ton	2 6
Treenails under 2 feet in length - - - - -	per 1,000	0 6
Treenails exceeding 2 feet in length - - - - -	per 1,000	1 0
Turnips - - - - -	per ton	0 6
Turpentine - - - - -	per hoghead	0 8
Vegetables - - - - -	per cartload	0 2
Vinegar - - - - -	per hoghead	0 6
Vitriol - - - - -	per carboy	0 2
Water - - - - -	per ton	0 6
Whalebone - - - - -	per ton	2 6
Wine - - - - -	per hoghead	0 8
Wine, bottled - - - - -	per barrel bulk	0 4

Pier and Harbour Orders Confirmation.

Wood :—	<i>s. d.</i>
Fir, pine, and other descriptions not enumerated	
per load of 50 feet	0 10
Oak or wainscot - - - - per load of 50 feet	1 0
Firewood - - - - - per fathom	0 6
Laths and lathwood - per fathom of 216 cubic feet	2 6
Handspokes - - - - - per 120	0 10
Oars - - - - - per 120	2 6
Spars under 22 feet in length, above 2½ and under 4 inches diameter - - - - per 120	2 6
Spars, 2½ inches in diameter and under - per 120	1 4
Spars, 22 feet in length and upwards and not exceeding 4 inches in diameter - per 120	6 6
Spars of all lengths, above 4 and under 6 inches in diameter - - - - per 120	12 0
Spokes of wheels not exceeding 2 feet in length	
per 120	0 4
Spokes of wheels exceeding 2 feet in length, per 120	0 6
Wedges - - - - - per 1,000	1 0
Pipe staves and others in proportion	
per standard hundred	1 0
Lignum vitæ, fustic, logwood, mahogany, and rosewood - - - - - per ton	1 4
Wool - - - - - per cwt.	0 2
Yarn - - - - - per ton	1 4
Zinc - - - - - per ton	1 4

All other Goods not particularly enumerated above.

Light goods - - - - - per barrel bulk	0 2
Heavy goods - - - - - per ton	1 4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt. to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt. then 2½ cwt. to be rated as a barrel bulk.

III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. Rates of Craneage.

	<i>s. d.</i>
All goods or packages not exceeding one ton - - - -	0 3
Exceeding one ton, and not exceeding two tons - - -	0 4
Exceeding two tons, and not exceeding three tons - -	0 6
Exceeding three tons, and not exceeding four tons - -	0 8
Exceeding four tons, and not exceeding five tons - -	0 10
Exceeding five tons, and not exceeding six tons - -	1 0
Exceeding six tons, and not exceeding seven tons - -	1 2

Leases, &c. by Incumbents Restriction Act Amendment.

24 & 25 Vict.
c. 105.

‘ and five, intituled *An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices*: And whereas Doubts are entertained whether, notwithstanding the said Act, Leases and Grants by Copy of Court Roll of the Manors, Lands, Tenements, and Hereditaments mentioned or referred to in the Preamble thereof may not still be lawfully made, in Cases where the Grantor takes no Fine, Premium, or Foregift as a Consideration for any such Grant: And whereas it is expedient to amend the said Act to the Effect after mentioned:’ 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:

How far Prohibition in recited Act as to making of Grants, &c. is to extend.

1. The Prohibition to make any Grant by Copy of Court Roll or Lease contained in the First Section of the said Act shall not only extend to Grants of the said Manors, Lands, Tenements, and Hereditaments made in consideration of any Fine, Premium, or Foregift, but shall also extend to all Grants and Leases of such Manors, Lands, Tenements, and Hereditaments made for any longer Term, or in any other Way than according to the Provisions of the several Statutes mentioned in the said First Section and in the Third Section of the said Act hereby amended.

Powers of Prebendaries as to Sale, Exchange, &c.

2. The Prebendary of any Prebend, not being a Prebend of any Cathedral or Collegiate Church, shall have such and the same Powers of Sale, Exchange, and Enfranchisement as by the Third Section of the said Act are given to Rectors, Vicars, Perpetual Curates, and Incumbents; and the Provisions and Enactments contained in the said Third Section shall apply to Sales, Exchanges, and Enfranchisements made by any such Prebendary, and to the Proceeds thereof.

C A P. LIII.

An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates. [29th July 1862.]

‘ WHEREAS it is expedient to give Certainty to the Title to Real Estates, and to facilitate the Proof thereof, and also to render the dealing with Land more simple and economical:’ 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:

Extent of Act.

1. This Act shall apply to *England* only.

PART I.

AS TO THE REGISTRATION OF REAL ESTATES, AND THE TITLE THERETO.

Registry to be established.

2. There shall be established a Registry of the Title to Landed Estates.

Limits of Registry.

3. The Registry shall be confined to Estates of Freehold Tenure, and Leasehold Estates in Freehold Lands.

4. Appli-

Transfer of Land.

4. Application may be made for Registration of Title, by any of the following Persons ; *viz.*,

By whom Application for Registration to be made.

1. The Owner of the Fee Simple :
2. Persons who collectively are Owners of the Fee Simple, or have the Power of acquiring the same :
3. Persons who have the Power of appointing the Fee Simple :
4. Trustees for Sale of the Fee Simple :
5. The Owner of the First Estate of Freehold and first vested Estate of Inheritance :
6. Any Purchaser of a Fee Simple, where his Contract empowers him so to do, or the Vendor consents :
7. Any Person authorized by the Court of Chancery to make such Application.

Application may be made, although the Estate of the Person applying may be subject to Charges and Incumbrances.

Proceedings to obtain Registration of a Title as indefeasible.

5. On Application for the Registration of a Title as indefeasible, the Title shall be examined by the Registrar and Examiners of Title herein-after mentioned in such Manner as General Orders shall direct : No Title shall be accepted for Registration as indefeasible unless it shall appear to be such as a Court of Equity would hold to be a valid marketable Title.

Examination of Title with Guarantee.

6. Any Question, Doubt, or Dispute as to any Matter of Title that may arise in the course of such Investigation may be referred to such Judge of the Court of Chancery as the Lord Chancellor shall appoint to hear Applications under this Act.

Reference of Questions of Title.

7. If the Title shall (either absolutely or subject as aforesaid) appear to be good and marketable, the Applicants shall furnish to the Registrar, and he shall examine and settle for the Purposes of Registration :

Particulars to be furnished to Registrar.

First, an exact Description of the Lands to be registered :

Secondly, a Statement of the Persons, or Classes or Descriptions of Persons, that are or may become entitled to such Lands, and of the Estates, Powers, and Interests that exist, or may arise or become vested in such Persons respectively :

Thirdly, a Statement of the Mortgages, Charges, and Incumbrances affecting such Lands or any Part thereof, and of the Persons entitled thereto, both at Law and in Equity :

Copies of such Description and Statements when settled by the Registrar shall be delivered back to the Applicants : Any Objection to the same or to any Part thereof, if not allowed by the Registrar, shall, at the Request of the Applicants, be referred to and decided by the Judge of the Court of Chancery.

8. If required by the Registrar, the Description of the Land furnished by the Applicant shall be verified by his own Oath or the Oaths of Persons having full Means of Information.

May be verified on Oath.

9. It shall be stated in the Description of the Land to be so furnished by the Applicant whether he does or does not claim to be entitled to all or any Part of the Mines and Minerals under such

Claim to Mines and Minerals.

Transfer of Land.

such Land, and unless in such Description Mines or Minerals shall be expressly mentioned, they shall be deemed not to be included therein; and if in such Description Mines or Minerals shall be expressly mentioned, it shall be the Duty of the Registrar to have especial Regard thereto in all subsequent Inquiries to be made by him with respect to such Lands, and in the Investigation of the Title thereto, and also in the Service of such Notices as herein-after mentioned.

Identity of Lands to be established.

10. The Identity of the Lands with the Parcels or Descriptions contained in the Title Deeds shall be fully established, and the Registrar shall have Power by such Inquiries as he shall think fit to ascertain the Accuracy of the Description and the Quantities and Boundaries of the Lands; and, except in the Case of incorporeal Hereditaments, a Map or Plan shall be made and deposited as Part of the Description.

Notice of Intention to register.

11. When such Description has been settled, and the Registrar is satisfied with the Title shown to the Land, and with the Result of the Inquiries made, he shall require such Notices as General Orders shall direct to be given by public Advertisement of his Intention to register such Land with an indefeasible Title, at the Expiration of a Period not less than Three Months from the Date of such Advertisement.

Contents of Notice.

12. Such Notice shall contain a Copy of the Description of the Land as proposed to be registered and the Names and Descriptions of the Applicants for Registration: A Copy of such Notice shall be served on every adjoining Occupier, and the Person (if any) to whom such Occupier pays Rent, and on the Lord of the Manor in any Case in which the Lands are situate within or held of any Manor, and also on every Person not having already had Notice of the Application, who shall appear to have or claim any Estate or Interest in or Right over the Land, or any Part thereof, and on such other Persons as under the special Circumstances of each Case shall be deemed necessary.

The Notice shall also state the Place, Time, and Manner at and in which any Party may be heard to show Cause against such Registration.

Cause may be shown against Registration.

13. At the Time and Place named in the Notice, or at such Time and Place as General Orders shall direct, any Person may attend and show Cause before the Registrar, by Affidavit or otherwise, against the Registration, or claim that the same should be subject to any Conditions or Reservations; the Registrar may decide on such Objection or Claim, or may refer the same to the Judge of the Court of Chancery: If the Registrar decide, either Party may appeal from his Decision to the said Court, in manner herein-after directed.

Completion of Registration.

14. If at the Expiration of the Time named in such Notice there shall be no Objection to the Registration applied for or none allowed, and no Appeal pending, or, if any Appeal shall be then pending, as soon as any Objection to such Registration shall have been finally disallowed by the Court of Appeal, or the Appeal withdrawn, the Registrar shall complete such Registration in manner following; that is to say,

Transfer of Land.

First, the Registrar shall enter in a Book to be called "The Register of Estates with an indefeasible Title" such Description of the Estate as shall be finally approved of, and shall annex thereto any Map or Plan which shall be deemed necessary, and shall distinguish the Estate so entered by a particular Number or Numbers, and the Entry shall refer to another Book to be entitled "The Record of Title to Lands on the Registry:"

Secondly, in the last-mentioned Book, under the same Number or Numbers, shall be entered in concise Terms an exact Record of the existing Estates, Powers, and Interests in the Land so registered as aforesaid, and the Names and Descriptions of the Persons or Classes of Persons that are or may become entitled thereto respectively.

Thirdly, in a Book to be entitled "The Register of Mortgages and Incumbrances" shall be entered under the same Number or Numbers an Account of all the Charges and Incumbrances affecting the Lands or any Part thereof, or the Estate or Interest therein of any Person named in the Record of Title.

15. Subject to such Directions as may be given by General Orders, the aforesaid Books of Registry may be inspected by the Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein, or their respective Solicitors or Agents: No other Person shall be permitted to inspect such Books, except under an Order of the Court of Chancery.

Books may be inspected.

As to the Record of Title.

16. In the Record of Title so made as aforesaid it shall be competent for the Registrar to specify or define any Exception or Qualification or Condition affecting the whole of the Interests so recorded, or any of them, and also to reserve expressly the Right of any Person or Class of Persons, and to describe any outstanding Right or Possibility of Claim or Interest subject to which such Registration is made; and if there shall be any disputed Question of Boundary between the Applicants and any Proprietor of adjoining Land which shall not have been previously determined by any competent Authority, it shall be competent for the Parties or either of them to object in Writing to the Determination of such Question by the Registrar, or by a Judge of the Court of Chancery, under this Act; and if any such Objection shall be made, the Registrar shall specify upon the Record of Title the Existence of such disputed Question of Boundary, and that the Registration is made subject thereto.

As to Exception, &c. in Record of Title.

17. If in making up, or afterwards continuing, such Record of Title as aforesaid, any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Instrument, or Will, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority of any Person or Class of Persons, or the Mode in which any Entry ought to be made in the Record of Title, or any doubtful or uncertain Right or Interest stated or dealt with by the Registrar, it shall

Any Question as to true Construction of any Deed, &c. to be referred by Registrar to a Judge of Court of Chancery.

Transfer of Land.

be competent for the Registrar, or for any of the Parties interested, to refer the same to a Judge of the Court of Chancery : If on such Reference the Judge, having regard to the Parties appearing before him, shall think proper to decide the Question, he shall have Power to do so, or to direct any Proceeding at Law or in Equity to be instituted for that Purpose, or at his Discretion, and without deciding such Question, to direct such particular Form of Entry to be made on the Record of Title as under the Circumstances shall appear to be right.

Registrar may refer in Record of Title to Deed, &c. for Estates of Parties.

18. In any Case described in the preceding Section, the Registrar may, at the Request of the Parties or at his own Discretion, refer in the Record of Title to the Deed, Will, or other Instrument for the Estates and Interests of the Parties, instead of setting out or describing the same : Provided always, that in every Case in which such Deed, Will, or other Instrument shall be so referred to, a Copy thereof (which shall be verified and printed in the Manner herein-after directed with respect to Deeds or Instruments conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register,) shall be delivered to the Registrar by the Parties applying for Registration, and shall be preserved in the Registry ; and for the Purposes of any subsequent Sale, Mortgage, or Contract for valuable Consideration by any Person appearing thereby to have any Estate or Interest in the Land to which the Record of Title so made up shall relate, such Copy shall be conclusive Evidence of the Contents of the said Deed, without the Production of the Original thereof.

Persons entitled to Principal Money, &c. not to be entered in Record of Title unless Registrar thinks fit.

19. The Names of the Persons entitled to the Proceeds of any Trust for Sale of the Lands so registered, or to any Principal Money to be raised by virtue of any Charge under the Trusts of any Estate or Term, shall not be entered in the Register unless the Registrar shall think fit so to do, but the Estate of the Trustees shall be defined and the Purpose of the Trust shortly described.

When an indefeasible Title shall arise.

Persons described in Record of Title to be deemed as possessed of such Estates, &c.

20. Subject to any Exception, Qualification, or Condition mentioned in such Record of Title, and to any Right or Interest thereby reserved, and to any registered Charges or Incumbrances, and to such Charges and Interests (if any) as are herein declared not to be Incumbrances, the Persons originally and from Time to Time named and described in such Record of Title as aforesaid shall, for the Purposes of any Sale, Mortgage, or Contract for valuable Consideration by such Persons respectively, be and be deemed to be as from the Date of registering such Record by the Registrar, or from such Time as shall be fixed by him therein, absolutely and indefeasibly possessed of and entitled to such Estates, Rights, Powers, and Interests as shall be defined and expressed in such Record against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors.

Transfer of Land.

21. No Entry in such Record of Title as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested therein under any Sale, Mortgage, or Contract for valuable Consideration, by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Informality not to prejudice Entry in Record of Title.

22. Before the final Registration of any Land with an indefeasible Title, the Applicant and his Solicitor or Agent, or certificated Conveyancer, and such other Person or Persons as the Registrar shall require, shall make Oath that all Deeds, Wills, and Writings relating to the Title of the Lands, or any Part thereof, and all Facts material to the Title thereto, and all Charges, Liens, Incumbrances, Contracts, and Dealings affecting the same or any Part thereof, or giving any Right as against the Applicant, have to the fullest Extent of their respective Knowledge, Information, and Belief been made known to the Registrar.

Before Registration Applicant, &c. to make Oath that all Deeds, &c. have been made known to Registrar.

23. If at any Time before Registration the Registrar is of opinion that any further or other Evidence is necessary, he may refuse to complete the Registration until such further or other Evidence shall have been produced.

Power to Registrar to refuse Registration.

24. The Registrar shall, before taking any Proceeding on an Application for Registration with an indefeasible Title, require the Applicant to give such Security for Costs as General Orders shall direct; and it shall be lawful for the Registrar and for the Judge of the Court of Chancery respectively to order the Costs and Expenses properly incurred of any Person properly appearing upon any Proceeding taken under this Act for the Purpose of such Registration to be paid by the Applicant.

Power to Registrar to demand Security for Costs.

Proceedings for Registration without an indefeasible Title.

25. Application for Registration without an indefeasible Title may be made by any Person, subject to the following Conditions:

Registration without Guarantee of Title may be made under certain Conditions.

1. The Applicant shall prove to the Satisfaction of the Registrar that he, or some Person under whom he claims, has been in the actual Enjoyment or Receipt of the Rents and Profits of the Land as Owner of the Fee Simple thereof, continuously and without Interruption, for a Period of Ten Years immediately preceding the Time of such Application:

2. The last Deed or Will (if any) under which the Applicant derives Title shall be produced to the Registrar:

If the Applicant claims as Heir-at-Law, Evidence shall be given that the Ancestor was in the Enjoyment of the Estate as Owner thereof at the Time of his Decease:

3. The Rules above enacted as to the Description of the Land to be registered shall apply, and the Registrar shall adopt the same Course, and take the same Proceedings, for the Purpose of ascertaining the Accuracy of the Description of the Lands and of the Boundaries thereof, as are hereinbefore directed with respect to Registration with an indefeasible Title:

4. A Statutory Declaration shall be made by the Applicant and his Solicitor or Agent, or certificated Conveyancer,

Transfer of Land.

and, if necessary, any other Person whose Evidence may be deemed necessary by the Registrar, that they respectively believe the Applicant to be, either alone or jointly with other Persons to be named and described, (and subject to any Qualification, Condition, or Exception which shall be stated,) well entitled to the Fee Simple of the Lands proposed to be registered :

5. If the Land be registered, the Registrar shall, in the Record of Title, define the Time, Event, or Circumstances from and after which an indefeasible Title shall attach : When the Time has arrived, the Event happened, or the defined Circumstances exist, a Judge of the Court of Chancery may, upon Proof thereof, and if there be no other Objection, after such and the like Notices as are herein-before required in case of an Application for Registration of a Title as indefeasible shall have been duly given, direct a Transfer of the Land to the Register of Estates with an indefeasible Title, and thereupon the Registrar shall make up a proper Record of the Title to such Land, and the Applicant and other Persons named in such Record of Title shall have the same Estates, Rights, and Privileges as if the Land had been registered with an indefeasible Title :
6. Subject to the Enactments herein contained, the Registration of any Person as Owner of Land without an indefeasible Title shall not prejudice any Estate, Right, or Interest created or existing at or before the Date of such Registration.

Registration of Leasehold Estates.

Leasehold Estates may be registered in like Manner as Freehold Lands.

26. Leasehold Estates, namely, Lands demised for Terms of Years of which Fifty Years are still to come and unexpired, or demised for Lives or for Years determinable with Lives, and in which Two Lives at least are still subsisting, may be registered with an indefeasible Title in a similar Manner and subject to the same or similar Directions and Rules of Proceeding as are herein contained with respect to Freehold Lands : Such Application may be made by Persons having such Estates and Interests in the Leasehold Estates as are similar or correspondent to the Estates and Interests of the Persons entitled to apply for the Registry of Freehold Land : No indefeasible Title shall, in the case of a Leasehold, extend to the Title of the Lessor or Grantor of the same : Such further Directions shall be observed with regard to Leasehold Estates as shall be given from Time to Time by General Orders.

General Provisions as to Title.

Charges and Liabilities not to be deemed Incumbrances.

27. The following Charges and Liabilities shall not be deemed Incumbrances within the Meaning of this Act ; namely,

1. Land Tax, Succession Duty, Tithe Rentcharges, Rents payable to the Crown :

2. Public

Transfer of Land.

2. Public Rights of Way, Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, and Rights of Water, and other Easements or Servitudes, Rights of Common, Manorial Rights and Franchises :

3. Leases or Agreements for Leases not exceeding Twenty-one Years, where there is an actual Occupation under the same :

Nevertheless, where any such Charges or Liabilities appear or are discovered in the course of Proceeding prior to Registration, the Registrar shall, in such Manner as he shall think fit, notice in the Register the Existence of such Charges or Liabilities.

28. Land entered on the Register may, at the Option of the Proprietor, be registered as One Estate or as separate Estates ; but the Particulars of each Estate, and any Transactions relating thereto, shall, subject to any Regulations to the contrary that may be made by General Order, form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.

Land may be registered as One Estate.

29. If Land registered or proposed to be registered, or any Part thereof, be subject, or be agreed to be made subject to any Condition, as, for Example, that it shall not be built upon, or used in a particular Manner, or any other legal Condition, Notice thereof shall be entered in the "Record of Title," and any Transfer, Demise, or Charge of such Land shall be subject to such Condition ; but it shall be lawful for the Court of Chancery to discharge, alter, or modify any such Condition upon hearing all Parties who may be entitled to claim under or against the same.

Registered Land made subject to certain Conditions, &c.

30. So soon as any Land is registered, if there shall appear to be any Charge or Incumbrance affecting such Land or any Part thereof which is entered in the Register of Incumbrances (the Owner of which has not had Notice of the Application), Notice of such Registration shall be immediately given by the Registrar to the Person entitled or interested in such Charge or Incumbrance.

Notice of Registration to be given by Registrar.

31. If any judicial Declaration of the Title to any Land shall be made by the Court of Chancery under any Act which may be passed in the present Session for the Purpose of enabling Persons having Interests in Land to obtain a judicial Declaration of their Title to the same, so as to enable them to make an indefeasible Title to Persons claiming under them, as Purchasers for valuable Consideration, the Land as to which any such Declaration may be made may, at the Option of the Person obtaining the same, be entered upon the Register of Estates with an indefeasible Title under this Act when and so soon as the Time allowed for appealing under any such Act as last aforesaid shall have expired, or (if any Appeal shall be prosecuted) when and so soon as any such Declaration shall be affirmed by the last Court of Appeal, or the Appeal withdrawn ; and the Title to such Land, as the same shall be declared by the Court, shall in such Case be entered upon the Record of Title to Lands on the Registry under this Act, and such Land shall thenceforth be

Judicial Declaration of Title.

Transfer of Land.

subject to the Provisions of this Act, in the same Manner in all respects as if the Registration thereof had been made by virtue of Proceedings duly taken for the Registration of an indefeasible Title thereto under this Act.

Every Estate, &c. to be entered in Record of Title after Registration of Land.

32. From and after the Registration of any Land, every Estate or Interest, Use, Trust, Mortgage, Charge, Lien, Right, or Title granted, declared, arising, becoming vested, or in any Manner created, or coming into existence, in, to, upon, out of, or affecting such Land or any Part thereof (except as herein excepted), shall be entered, described, or noticed in the Record of Title or Register of Incumbrances to be so kept as aforesaid.

Estates registered subject to existing Law.

33. Subject to the Enactments herein contained, the Estates and Interests of all registered Proprietors shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Registered Proprietor, with Consent, may close Register.

34. The registered Proprietor of Land may, with the Consent of all Persons appearing by the Register to be interested in such Land, remove the same from the Register, and thereupon the Register shall as respects such Land be deemed to be closed.

Caveat against Entry of Land on Register.

Caveats may be lodged with Registrar, &c.

35. Any Person having or claiming such an Interest in Land as entitles him to object to any Disposition thereof being made without his Consent may lodge a Caveat with the Registrar, to the Effect that the Cautioner is entitled to Notice of any Application that may be made for Registration of such Land, and appointing a Place within *Great Britain* for the Service of such Notice.

Caveat to be supported by Affidavit.

36. The Caveat shall be supported by an Affidavit, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

How Notice to be served.

37. Notice may be served on the Cautioner either personally or by sending it through the Post to the Address stated in the Caveat.

No Registration to be made till Ten Days after Notice.

38. After a Caveat has been lodged, no Registration shall be made of any Lands to which such Caveat refers until Notice has been served on the Cautioner to appear and oppose such Registration, and Ten Days have expired since the Date of the Service of such Notice, or until the Cautioner has entered an Appearance, which may first happen.

Compensation, when to be made.

39. If any Person wrongfully and without reasonable Cause, lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

Caveat not Title of any Person.

40. A Caveat lodged in pursuance of this Act shall not prejudice the Claim or Title of any Person, and shall have no Effect whatever, except to entitle the Cautioner to receive such Notice as is herein-before mentioned of any Application made for Registration of Land.

Transfer of Land.

PART II.

SIMPLIFICATION OF TITLE BY JUDICIAL SALES.

Sales by Court of Chancery.

- 41.** Sales may be made by the Court of Chancery of Land with an indefeasible Title, upon the Application, by Petition or otherwise, as General Orders may direct, of any of the Persons who are herein-before empowered to apply for Registration of Title. Sales of Land by Court.
- 42.** Such Application shall be served on such Persons as the Court shall think fit, before a preliminary Order is made. Application to be served on Parties.
- 43.** By its preliminary Order or Orders, the Court shall provide for the Examination of the Title to the Land, and the Ascertainment of a correct Description thereof, and shall also make such Inquiries as to the Parties interested, either as Incumbrancers, Owners, or otherwise, and direct such Notices to be given as are herein-before directed on the Occasion of Application to the Registrar for Registration of an indefeasible Title, and shall also direct such other Notices, if any, to be given as it thinks necessary to enable it to form a Judgment as to the Propriety of a Sale, and shall hear by themselves, their Counsel or Agents, any Persons interested in such Land who may apply to them to be heard, and shall, upon the Conclusion of such Inquiries, and after hearing such Parties, if any, as aforesaid, make such Order as to the Sale of such Lands as it thinks just. Court shall provide for Examination of Title, &c. before making Order for Sale.
- 44.** Before making any Order the Court may require the Applicant to give Security for Costs. Security for Costs.
- 45.** The Purchase Money on any Sale made by the Court shall be paid as the Court may direct; and the Court may make an Order vesting the Land in the Purchaser, subject or not, as the Case may require, to the Incumbrances specified in such Order, and subject in all Cases to such Charges or Interests as may be subsisting thereon, and are herein-before declared not to be Incumbrances within the Meaning of this Act. Payment of Purchase Money as Court may direct;
- 46.** The Payment of the Purchase Money in manner directed by the Court shall exonerate the Purchaser from all Liability whatsoever with respect to the same. to exonerate Purchaser from Liability.
- 47.** Any Vesting Order by the Court shall bear the same Stamp as if it were a Conveyance made by an ordinary Vendor. Vesting Order to be stamped.
- 48.** Before any Vesting Order is made as aforesaid, the Applicant for the Sale or his Solicitor may be personally examined by the Court, or required to give satisfactory Evidence as to the Fact that all Settlements, Deeds, Wills, and Instruments of Title, and all Charges and Incumbrances affecting the Title to the Land which is the Subject of the Application, and all Facts material to such Title, have been disclosed, and that there is not to their or either of their Knowledge, Information, or Belief any Deed, Charge, or Incumbrance affecting the Title to the said Land, nor any Fact material to the said Title, not fully and fairly disclosed as aforesaid: The Court may require any Person proposing to make an Affidavit in pursuance of this Section to state in his Affidavit what Means he has had of becoming ac- Applicant for Sale and his Solicitor may be examined concerning Title before Vesting Order made.

Transfer of Land.

quainted with the several Matters referred to in this Section, and if the Court is of opinion that any further or other Evidence is necessary, it shall not make such Vesting Order until such further or other Evidence is produced.

Where Sales are made under 20 Vict. c. 120. the Court may make Order as under this Act.

49. Where any Sale of the Fee Simple of Land is about to be made under the Order of the Court of Chancery, in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, and intitled *An Act to facilitate Sales and Leases of Settled Estates*, or of any Act amending the same, or in pursuance of any other Order of the Court, the Court of Chancery may, on the Application of any Parties interested in such Sale, take such Steps as are herein-before directed, and, if satisfied of the Propriety of so doing, may make an Order directing the Land to be put up for Sale with an indefeasible Title, and also an Order vesting the Land in a Purchaser, and any such Vesting Order shall have the same Effect as if it had been made on an Application to the Court under this Part of this Act.

Vesting Order to confer on Person in whom Land is vested an Estate in Fee Simple, with all Rights, &c.

50. Every Vesting Order made by the Court of Chancery in pursuance of this Part of this Act shall confer on the Person in whom the Land is vested an Estate in Fee Simple, together with all Rights, Privileges, and Appurtenances therewith enjoyed, or reputed as belonging or appurtenant thereto, subject to the Incumbrances, Exceptions, or Qualifications, if any, appearing in the Order, and subject also to such Charges and Interests, if any, as are herein-before declared not to be Incumbrances, but free from all other Estates, Rights, Incumbrances, and Interests whatsoever, including all Estates, Interests, and Claims of Her Majesty, Her Heirs and Successors.

Case in which Court may make a qualified Vesting Order.

51. Where upon an Application being made for a Sale by the Court of Chancery it is proposed that a good Title should be shown to the Purchaser for a limited Period only, the Court may make a qualified Vesting Order, declaring by a Statement contained in such Order, or by Endorsement thereon, or by such other Manner as the Court thinks fit, that the Title is to be deemed to commence from the Date of some specified Instrument or at or on some specified Time or Event.

Effect of qualified Vesting Order.

52. A qualified Vesting Order shall not affect or prejudice any Estate, Title, or Interest in or to such Land created or arising prior to the Date at which the Title is stated to commence, but, save as aforesaid, shall have the same Effect as an absolute Vesting Order.

Court may require Production of Deeds, &c.

53. The Court of Chancery may, in the course of any Proceedings relating to Land wherein a Vesting Order is sought to be obtained, require all Persons having any Deeds or Evidences of Title relating to such Land, who are bound by Law so to do, to produce the same to the Court, upon such Terms and subject to such Conditions as the Court may think just.

Distribution of Monies paid into Bank.

54. The Court of Chancery shall determine the Rights and Priorities of the several Persons entitled to or interested in any Money payable under this Part of this Act, and shall distribute

Transfer of Land.

the same among such Persons in accordance with such Rights and Priorities.

55. Where any Money is payable in pursuance of this Act, and is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court thinks it expedient for the Protection of the Rights of the Parties interested therein, it may order such Money to be placed to such Account as the Court directs, in trust to attend the Orders of the Court, and it may by its Order declare the Trusts affecting such Money so far as it has ascertained the same, or state the Facts found by it in relation to the Rights and Interests therein, and generally the Court may make such Orders with respect to any such Money, and the Investment or Application thereof, or the Payment thereof out of Court, as the Circumstances of the Case require.

As to Disposal of Money not immediately distributable.

56. When the Court of Chancery has made a Vesting Order of Land in pursuance of this Part of this Act, all such Deeds and Evidences of Title delivered to the Court as relate exclusively to the Land, and which the Purchaser is entitled to, shall be delivered to him; and all other Deeds and Evidences of Title delivered to the Court relating to the Land or to any Part thereof shall be returned to the Parties entitled to the Custody thereof, but previously to the same respectively being so delivered or returned they shall be stamped or otherwise marked in such Manner as to give Notice to any Person inspecting such Deeds or Evidences of Title of the Proceedings taken by the Court in relation to the Land or any Portion of the Land comprised in such Deeds.

As to Disposal of Deeds after Vesting Order made.

57. Every such Vesting Order may direct the Registrar to enter the Name of the Person entitled on the Register as the Proprietor of the Land with an indefeasible or qualified Title, as the Case may be, and in such Case the Order shall state the Name and Description of the Person entitled, and describe the Lands to be registered, with the Addition of the Incumbrances, if any, affecting such Lands, and such other Matters as the Court thinks fit to insert therein, including, in the Case of an Applicant entitled only to a qualified Vesting Order, a Statement of the Time or Event at or on which the Title, as registered, is to commence.

Vesting Order to direct Entry on Register.

Contents of Vesting Order.

58. The Registration of any Person as First Proprietor of Land with a qualified Title shall not affect or prejudice the Right of any Person claiming any Estate, Title, or Interest created or arising prior to the Time or Event at or on which the Title is stated on the Register to commence, but, save as aforesaid, shall have the same Effect as Registration with an indefeasible Title.

Registration with a qualified Title not to affect prior Claims.

59. Where upon the First Registration of the Land under a Vesting Order Notice of any Incumbrance affecting such Land has been entered on the Register, the Registrar shall, on Proof of the Discharge of such Incumbrance, enter a Memorandum of such Discharge on the Register, and upon such Entry being made the Incumbrance shall be deemed to be discharged.

Entry of Discharge of Incumbrance.

Transfer of Land.

Compensation
to Persons
aggrieved.

60. Where any Order has been made by the Court of Chancery vesting Land in a Purchaser, or where any Person has been registered with an indefeasible Title under a Vesting Order, any Person aggrieved by such Order or Registration may apply to the Court of Chancery to be reimbursed for any Injury he may have sustained, out of any Purchase Money that may be remaining in Court.

As to Costs
and Expenses.

61. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and may direct the same to be paid to or apportioned among such Persons as it sees fit.

As to Assign-
ment of Duties.

62. The Lord Chancellor may from Time to Time assign the Duties by this Part of this Act vested in the Court of Chancery to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute the Duties imposed on it, and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

PART III.

AS TO THE TRANSFER OF REGISTERED LAND.

Conveyance,
&c. of regis-
tered Land.

63. All registered Land, and every Part thereof, may be conveyed, charged, settled, dealt with, or affected in or by any of the following Modes or Dispositions; that is to say,

First, by a Statutory Disposition in any of the Forms described in this Act:

Secondly, by Endorsement on the Land Certificate:

Thirdly, by Deposit of the Land Certificate:

Fourthly, by any Deed, Will, Judgment, Decree, or Instrument by which such Land, if not registered, might now according to Law be conveyed, charged, settled, devised, dealt with, or affected:

But no equitable Mortgage or Lien on registered Land shall be created by a Deposit of Title Deeds.

Attendance of
Parties at Re-
gistry Office on
Sale, &c. of
registered
Land.

64. On the Occasion of any Sale, Mortgage, or other Disposition of registered Land, or of any Estate thereon, the Parties or their Agents, duly authorized, may attend at the Registry Office to complete the Transaction: The Description of the Land and of the Estate therein proposed to be conveyed shall be taken from the "Register of Estates" and "Record of Title," and inserted under the Superintendence of the Registrar in One of the Statutory Forms of Conveyance described in the Schedule hereto; and such Conveyance shall be executed by the Parties or their Agents in the Presence of and attested by such Persons as the Registrar shall approve of, and shall then and there (together with the Powers of Attorney) be delivered to the Registrar for the Purposes of Registration, who shall make the proper Entries in the Register accordingly.

65. The

Transfer of Land.

65. The registered Proprietor of any Land, Estate, or Interest may convey or charge the same by the Forms of Conveyance mentioned in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Conveyance would have been either at Law or in Equity.

Forms of Conveyance in Schedule of registered Land.

66. The Persons taking under the Statutory Forms of Conveyance mentioned in the Schedule to this Act shall take as fully and effectually as if the Estates, Rights, Powers, and Authorities expressed to be created and given by such Forms respectively had been conveyed, created, or granted by any of the Modes of Assurance now known to the Law.

Forms of Conveyance in Schedule as effectual as other Forms.

67. The Forms contained in the Schedule may be modified or altered in Expression to suit the Circumstances of every Case, and the Conveyances made in such altered Forms shall be equally valid and effectual.

Forms may be modified or altered.

As to Land Certificates.

68. The Registrar shall, upon Request, deliver to every Person who is named or described in the Record of Title as the Owner of any Estate or Interest in Lands upon the Registry a Certificate (herein called a Land Certificate) under the Seal of the Office, and signed by the Registrar, which Certificate shall contain, first, a Copy of the Description of the same Lands as appearing in the Registry of Estates, with all the Entries relating thereto, and secondly, a Copy of the Entries relating to the same Lands appearing in the Record of Title, and thirdly, a Copy of the Entries in the Registry of Incumbrances of the Mortgages, Charges, Claims, and Liens on or affecting the Estate and Interest of such Owner; and such Certificate shall certify whether such Lands are registered with or without an indefeasible Title, and shall be distinguished by the Number under which the Lands are registered in "The Register of Estates," and shall contain all such other Particulars as are material or useful for the Purpose of manifesting the exact Nature of such Owner's Estate and Interest.

Registrar to deliver Land Certificates.

69. At the Request of the Holder, the Registrar shall at any Time compare such Land Certificate with the Registry, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Registry, and shall sign the same, and add the Date of such Signature: Any Alteration or Omission which can be conveniently made in a Land Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Registry, may be made and signed by the Registrar, if he shall think fit: A new Land Certificate may be granted on the Delivery up of the former Certificate: A Certificate shall be granted to any Person who shall appear by the Register of Incumbrances to be entitled to any Mortgage, Charge, or Incumbrance on registered Lands, which Certificate shall contain a Description of the Lands and the Particulars of the Incumbrance.

Registrar, at Request of Holder, to compare Certificate with Registry.

70. Whenever any registered Proprietor shall be desirous of selling, mortgaging, or settling any registered Land or Estate therein

Registered Proprietors desirous of

Transfer of Land.

selling, &c.
may obtain
special Land
Certificate.

therein he may obtain from the Registrar a special Land Certificate for that Purpose, which shall contain an exact Description of the Land proposed to be so dealt with taken from the Register of Estates, and shall also state the Nature of the Estate and Interest of such Proprietor therein, and the Particulars of the Incumbrances, if any, affecting the Land described: Such Certificate shall be conclusive Evidence of the Title of the registered Proprietor to the Land as appearing by the Record of Title: No Entry shall be made by the Registrar in the Registry of any Deed, Instrument, Act, or Transaction affecting the Land comprised in such special Certificate, and the Estate of the registered Proprietor described therein, except on the Delivery up of such Certificate, until Fourteen Days have expired from and after the Day of the Date thereof: A Note of such special Certificate shall be entered in the Record of Title and in the Register of Incumbrances, and also on the original Land Certificate.

Certificate to
be Evidence.

71. Every Land Certificate shall be Evidence of the several Matters therein contained.

Conveyance of
Lands by En-
dorsement.

72. The Lands, and the Estate therein of the Owner, described in such Land Certificate, may be effectually conveyed or charged by Endorsement thereon, according to any of the Forms of Assurance by Endorsement contained in the Schedule to this Act.

Deposit of
Certificate.

73. The Deposit of the Land Certificate shall, for the Purpose of creating a Lien on the Estate and Interest of the Depositor, have the same Effect as a Deposit of the Title Deeds of the Estate would have had before the passing of this Act; and any Agreement or Memorandum in Writing relating to such Deposit shall be chargeable with the same Stamp Duty as an Agreement accompanied with a Deposit of the Title Deeds would be chargeable with.

Estates, &c.
in Land may
be created by
Will, &c.

74. Every Person having a sufficient Estate or Interest in registered Land, may by Will, Deed, or other Instrument create the same Estates and Interests in, and enter into the same Contracts and Engagements with respect to such Land as he might do if the Land were not registered: Provided always, that no unregistered Estate or Interest, Contract or Engagement, for the Registration whereof Provision is made by this Act, shall prevail against the Title of any subsequent Purchaser for valuable Consideration duly registered under this Act.

On Convey-
ance of Estate,
&c. on Regis-
ter, Deed or
Copy to be sent
to Registrar.

75. On the Execution of any Deed or Instrument conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register, the Original, or a Copy of such Deed or Instrument, shall be sent to the Registrar by the Grantee or Person taking Benefit under the same: Such Copy shall be compared with the Original in such Manner as the Registrar shall direct, who shall require the Original to be produced or inspected for that Purpose in such Manner as he shall think fit; and such original Deed or Instrument shall in every such Case be stamped or endorsed so as to give Notice of the Registration thereof under this Act to every Person to whom the same may be afterwards produced.

Transfer of Land.

- 76.** So soon as the Original or the Copy of any Deed or Instrument in Writing whatsoever affecting registered Land, or creating or affecting any Estate or Interest therein, has been received by the Registrar, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Registry: An Official Note of Reference to such Deed or Instrument shall forthwith on Receipt thereof be made by the Registrar in "The Record of Title," or "Register of Incumbrances," as the Case may be: Provided always, that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to have been entered upon the Registry so as to affect any Land comprised in any such special Certificate as herein-before mentioned, until after the Expiration of the Time herein-before limited for the Entry of any Deed, Instrument, Act, or Transaction affecting such Land.
- 77.** Notice of every Instrument transferring, or in anywise dealing with or affecting the Ownership of or the Right to receive Money due on any Mortgage, Charge, or Incumbrance entered on the Registry, shall be given to the Registrar, who shall note the same in the "Registry of Incumbrances."
- 78.** Where the Estate or Interest of a registered Proprietor is transmitted on his Death to any other Person by Descent, Will, or Representation, such other Person shall be entered on the Register in the Place of the deceased Proprietor: If such Person cannot be ascertained, or there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of such deceased Proprietor, it shall be lawful for the Court of Chancery to appoint a Person to be registered in the Room of such deceased Proprietor as the Representative of such Estate or Interest.
- 79.** On the Application of any Devisee for Registration of a Will, or of his Estate or Interest under the same, the Registrar may require Notice to be given to the Heir at Law of the Testator.
- 80.** On the Bankruptcy of any registered Proprietor, the Assignee or Assignees of his Estate shall be entitled to be registered in his Place.
- 81.** In lieu of a Copy of a Will, a Memorial thereof, containing a Copy of all the Provisions in the Will relating to or affecting any registered Land, may be delivered to the Registrar for the Purpose of Registration: Provided that the Registrar shall ascertain the Sufficiency of the Memorial by an Examination of the Will or a Copy thereof.
- 82.** The Execution of the original Deed, Will, or Instrument so proposed to be registered, and the Exactness of every Copy or Memorial delivered for Registration, shall be proved in such Manner as the Registrar shall from Time to Time require.
- 83.** Memorials of Descents, Deaths, Marriages, and of the Evidence thereof respectively, and such other Memorials and Evidence of Matters relating to registered Lands as the Registrar shall, on the same being delivered to him, deem important, shall be registered, but all such Documents shall be printed for that Purpose.

When Deed received by Registrar, Estate created to be deemed duly registered.

Notice when to be sent to Registrar.

Where Estate transmitted to any Person by Descent such Person to be registered.

Notice to Heir at Law of Application, &c.

Assignees of Bankrupts to be registered.

Memorial of Will may be registered instead of Copy.

Execution to be proved as Registrar may require.

Memorials of Descents, &c. to be registered, &c.

Transfer of Land.

Registrar to
note Effect of
Instruments,
&c.

84. On receiving any Instrument hereby directed to be registered the Registrar shall make an Official Note of the Effect of every such Instrument, Judgment, Order, or Decree in the Record of the Title of the Person whose Estate or Interest is affected thereby, and he shall also enter on the Record of Title a Reference to the Book and Page of the Book containing such registered Instrument or Memorial.

Official Note,
what to con-
tain.

85. An Official Note of an Instrument entered on the Register may consist of a Reference to such Instrument, or of an Extract therefrom, or of a short Statement of the Effect or Nature thereof, or of an Intimation that no Disposition is to take place without the Consent of some Person named in such Instrument, or of such Matters and in such Form as the Registrar shall deem right, or as shall be from Time to Time directed or allowed by any General Order.

Printed Copy
of Deed, &c.
to be delivered
to Registrar.

86. For the Purpose of Registration a printed Copy of every Deed or Instrument not testamentary under or by virtue of which any Interest or Right is claimed in or to any registered Land may be delivered to the Registrar, but if the Original or a written Copy of any such Deed or Instrument be delivered to the Registrar, the same shall be printed by his Order, but at the Expense of the Person registering the same.

Registrar in
certain Cases
may erase
Official Note.

87. The Registrar, upon the Application of the Person entitled under any registered Instrument, or upon its being proved that the Purpose of such Instrument is determined or satisfied, may remove the same from the Register and erase or cancel any Official Note thereof, and thereupon such Instrument and any Memorial thereof may be destroyed or otherwise dealt with as the Registrar may think fit.

No Dealing
with registered
Land effectual
until Stamp
and *ad valorem*
Duties paid.

88. No Dealing with any registered Land, nor any Instrument or Transaction affecting the same, or any Estate or Interest therein, shall be completed, entered, or noticed on the Register until the Registrar shall be satisfied that the Stamp and *ad valorem* Duties which would be payable to Government in respect of the same Matters have been duly paid.

PART IV.

GENERAL PROVISIONS TO FACILITATE REGISTRATION.

Money Charge
not ascertained,
&c. may be
referred to
Judge at
Chambers.

89. If on the Examination of any Title it shall appear that the Land or any Part of it is subject to any Money Charge or Incumbrance, the Ownership of which is not ascertained or the Right to which is doubtful or uncertain, or to any doubtful or uncertain Right or Claim which may be estimated or compensated by Money, and does not involve a Right to the Land itself otherwise than as a Security for Money, the Case may, at the Request of the Applicant for Registration, be referred to a Judge of the Court of Chancery sitting in Chambers for the Purpose of determining whether such Right or Claim and the Costs of any Party entitled by virtue thereof can be justly provided for by Payment of Money into Court, and if so to fix the Sum to be so paid in, and direct the Investment and Application of the Interest thereof;

Transfer of Land.

thereof ; and after such Payment shall have been made the Land and the Title thereto shall be wholly discharged from such Right, Claim, Charge, or Incumbrance as fully as if the same had never existed.

90. Where any Part of the Money arising from the Sale of a registered Estate is not immediately distributable, or the Persons entitled thereto cannot be fully ascertained, it shall be competent for One of the Judges of the Court of Chancery, on any Application for that Purpose made with the Concurrence of the Registrar, to direct any Sum of Money arising from such Sale to be paid into the Court of Chancery, or otherwise invested, and to declare the Account or Purpose to or for which such Money is to be transferred or holden, and afterwards to make all such Orders touching such Money, and the Investment, Application, and Distribution thereof, as the Circumstances of the Case may require.

Judge may order Money not distributable, &c. to be paid into Court of Chancery.

91. When an Estate is entered on the Register, whether with or without an indefeasible Title, all such Deeds and Evidences of Title as shall be produced to the Registrar, under any of the Provisions aforesaid, shall be stamped or endorsed in such a Manner, under the Direction of the Registrar, as to give Notice to any Person to whom such Deeds or Instruments may be afterwards produced that the Land, or some Portion of the Land comprised therein, has been registered under this Act.

Deeds to be stamped.

92. If in any Proceeding under this Act any Question shall arise respecting the Priority of any Charges or Incumbrances, Claims or Interests, it shall be competent to the Registrar to report the same to a Judge of the Court of Chancery, who shall have Power to summon all Parties interested to attend him either in Court or at Chambers, and to decide all Questions touching the Priority and relative Rights of the Parties, as fully as if they were Parties to a Suit instituted for the Purpose.

Judge may decide Questions of Priority of Incumbrances, &c.

As to Restraint of Conveyance.

93. Where the registered Proprietor of any Land or Charge is desirous for his own Sake, or at the Request of some Person beneficially interested in such Land or Charge, to place Restrictions on transferring or charging such Land or Charge, such Proprietor may, upon Application to the Registrar, direct that no Transfer shall be made of or Charge created on such Land or Charge, unless the following Things, or such of them as he may prescribe, are done ; (that is to say,)

As to Restrictions on Conveyance, &c. of Land.

Unless Notice of any Application for a Transfer or Creation of a Charge is transmitted by Post to such Address as he may specify to the Registrar :

Unless the Consent of some Person or Persons, to be named by such Proprietor, is given to the Transfer or Creation of a Charge :

Unless some such other Matter or Thing is done as may be required by the Applicant and approved by the Registrar.

94. The Registrar shall thereupon make a Note of such Directions on the Record of Title of such Proprietor, or other-

Registrar to make a Note of such Restrictions.

Transfer of Land.

wise as he shall think fit, and no Transfer shall be made or Charge created except in conformity with such Directions; and any such Directions may at any Time be withdrawn or modified at the Instance of all the Persons for the Time being appearing to the Registrar to be interested in such Directions, and shall also be subject to be set aside by the Order of a Judge of the Court of Chancery.

Court of Chancery may exercise Powers of 13 & 14 Vict. c. 60.

95. For the Purpose of authorizing or compelling a Transfer to be made of any registered Land or Charge, the Court of Chancery may exercise all such Powers as are vested in it by the Trustee Act, 1850, or by any Act amending the same, in relation to Transfers of Stock.

Caution.

Person interested may lodge Caution with Registrar.

96. Any Person interested under an Agreement, or otherwise howsoever, in any Land or Charge registered in the Name of any other Person, may lodge a Caveat with the Registrar to the Effect that no Disposition of such Land or Charge be made until Notice has been served upon the Cautioner.

Caution to be supported by Affidavit.

97. The Caveat shall be supported by an Affidavit made by the Cautioner or his Agent, in such Form as the Registrar shall direct, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

Statutory Disposition of Land not to be registered until Notice served on Cautioner.

98. After any such Caveat has been lodged in respect of any Land or Charge, the Registrar shall not register any Disposition thereof until he has served Notice on the Cautioner, warning him that his Caveat will cease to have any Effect after the Expiration of Twenty-one Days next ensuing the Date of such Notice; and after the Expiration of such Time as aforesaid the Caveat shall cease, unless an Order to the contrary is made by the Court of Chancery, and upon the Caveat so ceasing the Land or Charge shall be dealt with in the same Manner as if no Caveat had been lodged.

Cautioner to give Security against Damage sustained by Delay, &c.

99. If before the Expiration of the said Period of Twenty-one Days the Cautioner, or some other Person on his Behalf, appears before the Registrar, and enters into a Bond, with sufficient Security, conditioned to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, the Court of Chancery may thereupon, if it thinks fit so to do, make an Order on the Registrar requiring him to delay registering any Disposition of the Property for such further Period as is mentioned in the Order.

Compensation for lodging Caution without reasonable Cause.

100. If any Person lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

Injunction.

Court may issue Order restraining Disposition of Land, &c.

101. The Court of Chancery may, without Prejudice to the Exercise of any other Power of the Court, upon the Application of any Person interested in any registered Land made in such Manner

Transfer of Land.

Manner as the Court directs, issue an Order restraining for a Time, or until the Occurrence of an Event to be named in such Order, or generally until further Order, any Disposition of any Land or Charge.

102. The Court may make or refuse any such Order, and annex thereto any Terms or Conditions it may think fit, and discharge such Order when granted, with or without Costs, and generally act in the Premises in such Manner as the Justice of the Case requires; and the Registrar, without being made a Party to the Proceedings, upon being served with such Order or an official Copy thereof, shall obey the same.

Court of Chancery may annex Terms, &c. to such Order.

103. Nothing contained in this Act shall take away or affect the existing Jurisdiction of Courts of Equity, on the Ground of actual Fraud.

Jurisdiction of Equity Courts

104. The Provisions of the several Acts of Parliament now in force relating to the Registries which have been established in the Counties of *Middlesex* and *York* shall cease to be applicable to any Land situate in the said Counties respectively, so soon as the same Land has been put upon the Register under the Provisions of this Act, and whilst it remains thereon.

Acts relating to Registries in Middlesex and York not to apply, &c.

Penalty on Fraud, &c.

105. If in any Proceeding to obtain the Registration of any Land, or any Land Certificate or Certificate of Title, or otherwise in any Transaction relating to Land which is, or is proposed to be put upon the Registry, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from any Judge, or the Registrar, or any Person employed by or assisting the Registrar, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Act or Thing done or obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

Person making false Statement guilty of Misdemeanor.

106. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

As to Persons aggrieved by Proceeding, &c. for Misdemeanor.

107. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Answers to Bills, Questions, &c. not admissible in Evidence.

*Transfer of Land.*OFFICE OF LAND REGISTRY, POWERS OF COURT OF CHANCERY,
AND MISCELLANEOUS.

Establishment
of Office of
Land Registry.

108. An Office, to be called the Office of Land Registry, shall be established, and the Business of such Office shall be conducted by a Registrar, with the Aid of such Number of Assistant Registrars not exceeding Three, Examiners of Title, Clerks, Messengers, and Servants as the Lord Chancellor may fix with the Consent of the Commissioners of Her Majesty's Treasury.

Appointment of
Registrar.

109. The Registrar shall be a Serjeant-at-Law or Barrister of Ten Years standing at least: He shall be appointed by Her Majesty by Letters Patent, and shall hold his Office during good Behaviour: Upon any Vacancy occurring in the Office of Registrar, Her Majesty may, by Letters Patent, appoint a Person to fill such Vacancy.

Appointment
of Assistant
Registrars and
Examiners of
Title.

110. The Assistant Registrars and Examiners of Title shall be appointed by the Lord Chancellor, and may be removed by him for Negligence, Want of Skill, Untrustworthiness, or Inability to perform their Duties; the Clerks shall be also appointed by the Lord Chancellor, and shall hold their Offices during his Pleasure; and upon any Vacancy occurring in the Office of any Assistant Registrar, Examiner of Title, or Clerk, the Lord Chancellor may appoint another Person in his Place: The Messengers and Servants shall be appointed by the Registrar, and shall hold their Office during the Pleasure of the Registrar; and all such Assistant Registrars, Clerks, Messengers, and Servants shall, in the Execution of their Duties, conform to such Regulations as may be issued by the Registrar.

Salaries of
Officers.

111. There shall be paid out of Monies to be provided by Parliament,

To the Registrar a Salary of Two thousand five hundred Pounds a Year:

To the Assistant Registrars, Clerks, Messengers, and Servants, such Salary as the Lord Chancellor, with the Consent of the Commissioners of the Treasury, shall determine:

All incidental Expenses of carrying this Act into effect.

Retiring Pen-
sion of Re-
gistrar.

112. Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, grant to any Registrar, after a Service of Twenty Years if he shall have then attained the Age of Sixty Years, or in the event of his being disabled by permanent Infirmary from the Performance of the Duties of his Office, a Pension by way of Annuity not exceeding Two Thirds of his Salary to continue during his Life.

Superannuation
of Officers
other than
Registrar.

113. The Lord Chancellor may, with the Consent of the Commissioners of Her Majesty's Treasury, order to be paid to any Officer or Person employed in the Registry Office, other than the Registrar and Examiners of Title, who is disabled by permanent Infirmary from the Performance of the Duties of his Office, or who has attained the Age of Sixty Years, and has served in the Registry Office for Twenty Years, and is desirous of resigning, such Superannuation Allowance as is authorized with respect to Persons in the permanent Civil Service of the State by "The Superannuation Act, 1859."

Transfer of Land.

GENERAL PROVISIONS.

114. With respect to Lands vested in Her Majesty, Her Heirs or Successors, either in right of the Crown or of the Duchy of *Lancaster* or otherwise, or vested in any Public Officer or Body in trust for the Public Service, the Public Officer or Body having the Management thereof, if any, or, if none, then such Person as Her Majesty, Her Heirs or Successors, shall by Writing under Her Sign Manual appoint, may and shall (whether the Land be vested in him or them or not) represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to such Notices, and may make and enter any such Application or Caveat, and do all such other Acts, as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and with respect to Lands belonging to the Duchy of *Cornwall*, such Person as the Duke of *Cornwall* for the Time being, or as the Personage for the Time being entitled to the Revenues and Possessions of the Duchy of *Cornwall*, shall in Writing appoint, may and shall act as and represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to receive such Notices, and may make and enter any such Application or Caveat, and do all such other Acts as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and it shall be sufficient that any Oaths, Affidavits, or Declarations required by this Act be taken or made by any such Public Officer, Body, or Person as in this Section mentioned, or by any Person nominated in Writing by any such Public Officer, Body, or Person, and in either Case, without any Solicitor joining in any Affidavit or Declaration; and it shall not be necessary for any such Public Officer, Body, or Person as in this Section mentioned to enter into any such Bond as in this Act mentioned, nor to give any Security for Costs, nor shall they or any of them be liable in Damages except for any Acts done wrongfully and without reasonable Cause.

115. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or by such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, "for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance;" and the Form and Manner in which such Examination is to be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: A married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a *Feme Sole*.

Crown, &c.
Lands.Provision as to
Applications
made by mar-
ried Women.Examinations
may be taken
under 3 & 4
W. 4. c. 74.

Transfer of Land.

Provision for other Persons under Disability.

116. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act; is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court of Chancery to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Registrars, &c. may administer Oaths, &c.

117. The Registrars and Assistant Registrars are hereby empowered to administer Oaths and take Statutory Declarations in lieu of Oaths in all Proceedings under this Act.

As to Loss of Land Certificate.

118. If any Land Certificate is lost or destroyed, the Registrar may, upon being satisfied of the Fact of such Loss or Destruction, grant a new Land Certificate in the Place of the former one, and shall state upon the Face thereof that it is granted in substitution for the former Certificate; but no such new Certificate shall be of any avail against any Person who may have already derived Title under the former Certificate.

Granting new Certificates.

119. The Registrar may, upon the Delivery up to him of a Land Certificate, grant a new Certificate in the Place of the one delivered up.

Lord Chancellor to make Rules and Orders for carrying into effect Purposes of Act.

120. The Lord Chancellor, with the Advice and Assistance of any Two of the Judges of the Court of Chancery, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times, Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters of this Act, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall take effect as General Orders of the Court.

As to Assignment of Duties and Appointment of additional Clerks.

121. The Lord Chancellor may from Time to Time assign the Duties vested in the Court of Chancery in relation to the Matters of this Act to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute such Duties; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

Transfer of Land.

122. The Registrar shall, with the Sanction of the Lord Chancellor, frame, and cause to be printed and promulgated, as he sees Occasion, Forms of Applications, and Directions indicating the Particulars of the Information to be furnished when any Application is made to him under this Act, and also Forms of Instruments, and such other Forms and Directions as he may deem requisite or expedient for facilitating Proceedings under this Act.

Forms to be printed and promulgated.

123. A Seal shall be prepared for the Land Registry Office ; and any Instrument purporting to be sealed with such Seal shall be admissible in Evidence.

Seal of Land Registry Office.

124. A Place of Address shall be given to the Registrar for every Person in *England* whose Name is entered on the Register of Title as Proprietor of Land, of a Charge, or as Cautioner, or as entitled to receive any Notice, or in any other Character.

Addresses of Proprietors to be registered.

125. The Registrar shall, with the Sanction and under the Direction of the Lord Chancellor, from Time to Time frame General Orders for regulating the Manner of registering Land, the Examination of Titles, the Transfer, Transmission, and Withdrawal of Official Notes and Caveats, the keeping the Registers of Title and Assurances, and generally for the due Execution of the Provisions of this Act, and for giving Effect to the Objects thereof.

Registrar may frame General Orders.

126. Any General Orders so made by the Registrar with such Sanction as aforesaid shall be of the same Force as if enacted by Parliament : They may from Time to Time be rescinded, added to, amended, or altered in like Manner.

Such Orders to have effect as Act of Parliament.

Fees.

127. The Registrar shall, with the Sanction of the Lord Chancellor, determine the Amount of Payments to be made with respect to the following Matters :

Registrar to determine Amount of Fees.

The First Entry on the Register of Title of Land and Charges on Land :

The Registration of Transfers, and Transmissions of Land and Charges, and all other Matters to be done by the Registrar :

The Registration of Instruments and the Withdrawal of such Instruments :

And the Registrar may, with the like Sanction, from Time to Time alter any Amounts so determined, but all Payments mentioned in this Section shall be paid into the Receipt of Her Majesty's Exchequer, and carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

128. In determining the Amount of Fees payable in respect of Entries on the Register of Title under this Act, regard shall be had to the following Matters :

Matters to be considered in determining Amount of Fees.

1. In the Case of the Registration of Land or of any Transfer of Land on the Occasion of a Sale,—to the Value of the Land as determined by the Amount of Purchase Money :

Transfer of Land.

2. In the Case of the Registration of Land, or of any Transfer of Land not upon a Sale,—to the Value of the Land, to be ascertained in such Manner as may be directed by General Order :

3. In the Case of Registration of a Charge, or of any Transfer of a Charge,—to the Amount of such Charge :

Subject, nevertheless, to the Qualifications following :

A maximum Amount shall be fixed, and in Cases where the Value of any Land or the Amount of any Charge exceeds such Maximum, Fees may be made payable in respect of such Excess on such a reduced Scale as may be thought expedient :

Where increased Labour is thrown on the Registrar by reason of the Severance of the Parcels of an Estate, the Entry of a new Description of Parcels, or of any other Matter, an increased Sum may be charged.

Collection of Fees.

129. The following Rules shall be observed with respect to the Collection of Fees :

1. All Fees payable in respect of Registration shall be received by Stamps denoting the Amount of Fees payable, and not in Money :

2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to such Document :

3. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

Stamp Acts applied to Stamps under this Act.

130. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Lord Chancellor may fix Scale of Costs.

131. The Lord Chancellor may from Time to Time fix a Scale of Fees to be paid to the Examiners of Title, and also of Costs to be paid to Solicitors or certificated Conveyancers, in respect of any Service rendered by them in any Matter relating to Proceedings under this Act ; and he may from Time to Time alter any such Scale when fixed, and any Scale of Costs so fixed may, if the Lord Chancellor thinks fit, be based on an *ad valorem* Principle.

Costs may, in certain Cases, be raised by Mortgage.

132. Where Registration is made on the Application of Parties who cannot make a valid Charge on the Fee Simple, the Court of Chancery may declare that the Costs and Expenses of Registration may be raised by a Mortgage of the Fee Simple, and the same shall be charged accordingly.

Orders to be laid before Parliament.

133. All General Orders, Scales of Fees, and Costs made and fixed under this Act, shall be laid before Parliament forthwith, if

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if Parliament is sitting, or if not, within Fourteen Days after the next Sitting of Parliament.

Proceedings in Court of Chancery.

134. All Applications to be made to the Court of Chancery under this Act may be made by Summons in Chambers ; and any Power by this Act given to the Court of Chancery may, subject to any Order by the Lord Chancellor as aforesaid, be exercised by any Judge of the Court sitting in Chambers ; such Judge shall have the Power of directing any Matter before him to be argued in Court, and of directing any Bill to be filed or Action to be brought that may be necessary : Any Person aggrieved by an Order made by a Judge of the Court of Chancery may appeal to the Court of Appeal in Chancery, in such Manner, within such Time, and subject to such Regulations and Limitations, as the Lord Chancellor may prescribe ; and any Order made by the Court of Appeal in Chancery on Appeal shall be subject to Reversal or Modification by the House of Lords, in like Manner as Decrees made by the Court of Chancery ; provided that such Appeal is made within such Time and subject to such Regulations as the House of Lords may provide by any Standing Order.

Applications to Court of Chancery to be by Summons.

135. Any Proceeding, Matter, or Thing whatsoever directed or required by the Provisions of this Act to be done or performed by Solicitors of the High Court of Chancery, either in the Exercise of their Profession of Solicitors or as attesting Witnesses to any Deed or Instrument for the Transfer of Land, Mortgage, Document, or other Instrument under the Provisions of this Act, or in any other Manner whatsoever, shall and may be done, exercised, and performed by any Solicitor of the Courts of Chancery of the Counties Palatine of *Durham* and *Lancaster*.

Extension to Solicitors of Counties Palatine of Durham and Lancaster.

Forms.

136. The Forms in the Schedule hereto shall be used in all Matters to which they refer : The Registrar, with the Sanction of the Lord Chancellor, may from Time to Time make such Alterations in such Forms contained in the Schedule hereto as he deems requisite : He shall publish any Form, when altered, in the *London Gazette*, and upon such Publication being made it shall have the same Force as if it were included in the Schedule to this Act.

Forms.

Inspection of Register.

137. Subject to such Regulations as may be imposed, and to the Payment of such Sums as may be fixed by the Registrar with the Sanction of the Lord Chancellor, any Person registered as Proprietor of any Estate or Interest in any Land or Charge, and any Person authorized by any such Proprietor, or by an Order of the Court of Chancery, but no other Person, may inspect and make Copies of and Extracts from any Register or Document in the Custody of the Registrar relating to such Land or Charge.

Inspection of Register.

Transfer of Land.

Fraud.

Fraud a Misdemeanor.

138. If any Person fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of any Order of the Court of Chancery in relation to registered Land, or fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of the Entry on the Register of any Caveat or Notice of a Charge, or of the Erasure from the Register or Alteration on the Register of any Caveat or Notice of a Charge, such Person shall be deemed to be guilty of a Misdemeanor; and any Order procured by Fraud, and any Act consequent on such Order, and any Entry, Erasure, or Alteration so made by Fraud, shall be void as between all Parties or Privies to such Fraud.

Punishment.

139. Any Person convicted of a Misdemeanor under the last preceding Section shall be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall think just.

Interpretation of Terms.

140. In the Construction of this Act (except where the Context or other Provisions require a different Construction), the Word "Person" shall include Her Majesty, Her Heirs and Successors, and the Duke of *Cornwall* for the Time being, and also a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; the Word "Land" shall include Messuages, Tenements, and Hereditaments, corporeal or incorporeal; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured or charged on Land by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is secured to be paid, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity.

SCHEDULE.

FORM OF TRANSFER OF LAND.

Dated this _____ Day of _____
 I *A.B.* of, &c., in consideration of [Five thousand Pounds] paid to me, grant to *C.D.*, &c., and his Heirs for ever, all [*insert Description*].

(*Signed and sealed by A.B.*)

Witness,

E.F. of, &c.,

A Solicitor of the High Court of Chancery,
 or a certificated Conveyancer.

*Transfer of Land.**Lunacy (Scotland).*

FORM OF MORTGAGE.

Dated this _____ Day of _____

I *A.B.*, in consideration of [Five thousand Pounds] lent to me by *C.D.*, grant to *C.D.* and his Heirs the Hereditaments as described in the Schedule, to secure to *C.D.* the Payment of the Principal Sum of [Five thousand Pounds] on the _____ Day of _____ and Interest at Five per Cent. in the meantime, half-yearly. *C.D.* shall have Power to sell on default of Payment of the Principal or Interest or any Part thereof respectively.

*(Signed and sealed, &c.)*Witness *(as above)*.

FORM OF TRANSFER BY INDORSEMENT.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me by *C.D.*, transfer to *C.D.* the within mentioned Lands.

Dated, &c.

*(Signature and Seal.)*Witness *(as above)*.

FORM OF TRANSFER OF CHARGE.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me, do transfer to *C.D.* the within mentioned Mortgage.

Dated, &c.

(Signature and Seal.)

Witness, &c.

FORM OF POWER OF ATTORNEY TO MAKE TRANSFERS.

I *A.B.* do appoint *C.D.* my Attorney to transfer to *E.F.*, absolutely [*or by way of Mortgage, as the Case may be,*] all my Lands as entered and described in the Register of Estates under No. 129 and my Estate therein.

(Signed and sealed.)

Witness,

A.B.,Solicitor of the Court of Chancery,
or, a certificated Conveyancer.

C A P. LIV.

An Act to make further Provision respecting Lunacy in
Scotland. [29th July 1862.]

‘ WHEREAS an Act was passed in the Twentieth and
‘ Twenty-first Year of the Reign of Her present Majesty,
‘ intituled *An Act for the Regulation of the Care and Treatment* 20 & 21 Vict.
‘ *of Lunatics, and for the Provision, Maintenance, and Regula-* c. 71.
‘ *tion of Lunatic Asylums, in Scotland*; and another Act was
‘ passed in the Twenty-first and Twenty-second Year of the
‘ Reign of Her present Majesty, intituled *An Act to amend an* 21 & 22 Vict.
‘ *Act of the last Session, for the Regulation of the Care and* c. 89.
‘ *Treatment of Lunatics, and for the Provision, Maintenance,*
‘ *and Regulation of Lunatic Asylums, in Scotland*: And whereas
‘ it is expedient to continue the General Board of Commissioners

Lunacy (Scotland).

‘ in Lunacy constituted by first-recited Act, and to amend certain of the Provisions of the said Acts :’ 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 :

Interpretation
of Terms.

1. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them :

“Board” shall mean the General Board of Commissioners in Lunacy for *Scotland* constituted by the said first-recited Act :

“Secretary” shall mean the Secretary of the Board for the Time being :

“Lunatic Wards of a Poorhouse” shall mean those Wards or Parts of a Poorhouse sanctioned by the Board for the Reception and the Detention of Pauper Lunatics :

“Medical Person” shall mean any Person registered as a Practitioner in Medicine or Surgery, pursuant to the Act Twenty-first and Twenty-second *Victoria*, Chapter Ninety :

“Lunatic,” when used in this and the recited Act, shall mean and include every Person certified by Two Medical Persons to be a Lunatic, an insane Person, an Idiot, or a Person of unsound Mind :

“Pauper Lunatic” shall mean and include any Lunatic towards the Expense of whose Maintenance any Allowance is given or made by any Parochial Board :

“Sheriff” shall include Sheriffs Substitute :

“Superintendent” shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor and all Persons having any pecuniary Interest therein, or in the Profits to be derived therefrom, and also the Governor of any Poorhouse in which Pauper Lunatics are kept, and the Proprietor or any Person or Persons having a pecuniary Interest in any other Licensed House for the Reception of Lunatics.

Appointment
of Deputy
Commissioners.

2. The Provisions of the said Act in regard to the Appointment of Deputy Commissioners shall be and are hereby continued until the First Day of *August* One thousand eight hundred and sixty-four.

Board may
license Lunatic
Wards of
Poorhouses.

3. It shall be lawful for the Board to license Lunatic Wards of Poorhouses for the Reception and Detention, on the Order of the Sheriff, of such Pauper Lunatics only who are not dangerous, and do not require curative Treatment, subject to such Rules and Conditions as the Board may prescribe ; and the Board may also, if they shall be satisfied that good Reasons exist therefor, continue all Licences that have been already granted to Lunatic Wards of Poorhouses.

Board may
sanction the
Reception of
Pauper Lunatics
in Poor-
houses.

4. It shall be lawful for the Board to sanction the Reception of Pauper Lunatics into Lunatic Wards of Poorhouses without the Order of the Sheriff, according to Forms and subject to Regulations approved of by the Board, and at any Time to withdraw such

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such Sanction; and any Governor or Keeper of a Poorhouse who shall receive any such Lunatic without an Order by the Sheriff or Sanction of the Board, or detain any such Lunatic for more than Seven Days after the Withdrawal of such Sanction, shall be liable in a Penalty not exceeding Ten Pounds.

5. It shall be lawful for the Board to grant Special Licences to Occupiers of Houses, for the Reception and Detention therein of Lunatics, not exceeding Four in Number, subject to such Rules and Regulations as the Board may appoint, and to exempt the Holders of such Special Licences from the Payment of any Fee, or of any Sum whatever in respect thereof; and, except in so far as expressly exempted by the Board, the Holders of such Licences shall be subject to the whole Provisions applicable to the Keepers or Superintendents of Private Asylums in the recited Acts and this Act contained; and the Board, in the Case of a Lunatic who is a Pauper, on the Application of the Inspector of the Poor of the Parish liable at the Time for the Maintenance or interim Maintenance of such Lunatic, or in any other Case, on the Application of any one legally entitled to make the same, accompanied by Medical Certificates in the Forms herein-after prescribed, may sanction the Reception and Detention of such Lunatic in any House so specially licensed: Provided that no Lunatic shall be received into any such House without the Sanction of the Board, granted according to the Forms and Regulations approved of by them; and any Person receiving any Lunatic into any House specially licensed as aforesaid, or being concerned in the Disposal of such Lunatic without the Sanction of the Board, shall be liable to a Penalty not exceeding Ten Pounds.

Board may grant Special Licences for Reception in Houses of not more than Four Lunatics.

6. If any Person desirous of being received into any Public, Private, or District Asylum, or into any House specially licensed for the Reception of Lunatics as aforesaid, shall make a Declaration to that Effect before the Sheriff of the County in which such Asylum or House is situate, and shall produce to such Sheriff a Certificate by a Medical Person that his Reception into and Treatment in such Asylum or House would be beneficial to his Case, and a written Consent by the Superintendent of such Asylum or House to receive him, it shall be lawful for such Sheriff to grant an Order for his Reception into such Asylum or House, which shall be a sufficient Warrant to such Superintendent to receive him accordingly, and to subject him to the Rules and Regulations of such Asylum or House: Provided always, that the said Superintendent shall, within Three clear Days after such Reception, and subject to a Penalty of Fifty Pounds in case of Default, transmit to the Board, and also to the said Sheriff, a Statement of all the Circumstances connected with such Application and Reception, together with his Opinion of the State of Mind of the Person so received, and of the Expediency or otherwise of his being detained in such Asylum or House, and shall make a similar Report once every Month thereafter, so long as such Person shall remain in such Asylum or House, under a similar Penalty; which Penalties may be sued for and recovered by the Secretary to the Board, and applied as Fees received for

Provision for allowing Persons to enter Asylum voluntarily.

Lunacy (Scotland).

Licences are directed to be applied by the first-recited Act ; provided that it shall always be competent to such Person to depart from such Asylum or House unless the Superintendent thereof shall certify to the said Sheriff that he considers such Person to be in a State of Mind dangerous to himself or others ; and it shall be lawful for the Board or for the said Sheriff respectively, if they or he shall see Cause, to order the immediate Discharge of such Person from the said Asylum or House, or to make such other Order as to them or him may in the Circumstances seem proper.

7. It shall be lawful for the Board to grant Licences to any charitable Institution established for the Care and Training of imbecile Children, and supported in whole or in part by private Subscription, without exacting any Licence Fee therefor, and such Licence may be in Name of the Superintendent of such Institution for the Time being.

8. With the Sanction of the Board, Agreements and Arrangements may be made for the Reception and Detention of all or any of the Pauper Lunatics of any District, County, or Parish in any Public, Private, District, or Parochial Asylum or Hospital within or beyond the Limits of such District, County, or Parish.

9. Subject to the Provisions of the said first-recited Act and this Act, the Board, on a full Consideration of the Circumstances, may determine from Time to Time whether the Accommodation for any District is adequate, or what Addition ought to be made thereto, or whether a new District Asylum ought to be erected, and may in the event of a District Board failing to take such Steps as the Board may consider requisite toward providing Accommodation for the District, or contracting with an existing Asylum to such an Extent and in such Way as the Board may consider necessary, represent such Failure to One of Her Majesty's Principal Secretaries of State, who may thereupon communicate such Representation to the District Board, and after considering any Answer which may be made thereto, within such Time as he may appoint, such Secretary of State may authorize the Board to apply to the Court of Session in either Division, or during Vacation to the Lord Ordinary on the Bills, by summary Petition in Common Form, and the Court or Lord Ordinary shall, unless sufficient Cause be shown to the contrary, on advising such Petition, appoint a Person at whose Sight and Instance the whole Powers and Duties of the District Board relative to the providing of such Accommodation shall be performed, at the Expense of the District Board.

10. Any County or Parish which has, prior to the Date of the recited Act, provided Accommodation for its lunatic Paupers in whole or in part, to the Satisfaction of the Board, or which shall be entitled to such Accommodation in any existing Asylum, shall have such Relief, partial or total, from Assessments for building, furnishing, or maintaining an Asylum for the District within which such County or Parish is situate as the Board may consider reasonable.

11. In the Case of any District Asylum where it shall appear to the Board, or to the District Board (the Consent of the Board being

Board may license charitable Institutions for imbecile Children without Fee.

Care of Pauper Lunatics.

Secretary of State may authorize the Board to apply to Court of Session.

Counties, &c. providing Asylum Accommodation to be relieved from Assessments.

Additional Grounds to

Lunacy (Scotland).

being previously obtained), that it is desirable to acquire additional Ground for the Use of such Asylum, it shall be lawful for the District Board to acquire such additional Ground from the Proprietor or Proprietors of the Land immediately adjoining; and in the event of the Parties failing to agree as to the Price to be paid for such additional Ground, the same shall be settled and determined in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase and Value of Land otherwise than by Agreement: Provided always, that the Land so to be taken does not form Part of any Garden or Pleasure Ground, and shall not exceed Five Acres in Extent: Provided also, that if the Ground from which the same is taken forms Part of a Property not exceeding Twenty Acres in Extent, it shall be lawful for the Proprietor of the same to require that the Remainder of such Property shall also be acquired in the same Manner by such District Board.

District Asylums.

12. If in any District there shall be no District Asylum, it shall be lawful for the District Board of such District, with the Sanction of the Board, to dissolve itself, and on the Requisition and Order of the Board such District Board may again at any Time be revived; and where there is no District Asylum the Expenses incurred by the District Board may be paid by the Prison Board out of the Prison Assessments, or where any Ground has been acquired for the Erection of a District Asylum and now found not to be requisite either in whole or in part, it shall be lawful for the District Board to sell and dispose of the same or of any Part thereof, and to repay the Proceeds, after Payment of all Expenses and Liabilities incurred by the Board, to the Commissioners of Supply for the County or Magistrates of the Burgh, as the Case may be.

Where there is no Asylum District Board may dissolve itself.

13. Notwithstanding anything in the said recited Acts to the contrary implied or expressed with respect to the borrowing of Money for the Purposes of said Acts, it shall be lawful for any District Board to make Provision for Repayment of Monies so borrowed, and of the Interest thereof, by annual Instalments of a fixed and uniform Amount, so long as any Part of the Principal Sums so borrowed remains unpaid.

District Boards may make Provision for Payment of Interest on borrowed Monies.

14. The Thirty-fourth Section of the first-recited Act is hereby repealed; and in lieu thereof, subject to the following Provisions, the Sheriff of any County in *Scotland* may grant an Order for the Reception into and Detention in any Asylum, Lunatic Ward of a Poorhouse, or House as before provided, of any Lunatic, if such Lunatic be resident or be found within such County, or if the Asylum, Lunatic Ward, or House mentioned in such Order be situate within such County; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) to the first-recited Act annexed, and setting forth the Degree of Relationship or other Capacity in which the Petitioner stands to such Lunatic, and also accompanied by Certificates in the Form of Schedule (D.) to the first-recited Act annexed, bearing Date within Fourteen clear Days next preceding the

Lunatics to be admitted by Order of the Sheriff and on Medical Certificate.

Lunacy (Scotland).

the Date of the Petition, under the Hands of Two Medical Persons, having no immediate or pecuniary Interest in the Asylum in which the Lunatic shall be placed, but One of whom may notwithstanding be the Medical Superintendent or Consulting or Assistant Physician of such Asylum, not being a Private Asylum; and such Orders shall be in the Form of Schedule (E.) to the first-recited Act annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen clear Days prior to the Reception of such Lunatic, or if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one clear Days prior thereto; provided that the Superintendent of any Public, Private, or District Asylum may receive and detain therein, for any Period not exceeding Three Days, and without any Order by the Sheriff, any Person as a Lunatic, whose Case is duly certified to be One of Emergency by One Medical Person qualified as aforesaid.

Sheriff may
commit dan-
gerous Lunatics.

15. The Eighty-fifth Section of the first-recited Act is hereby repealed, and in lieu thereof when any Lunatic shall have been apprehended, charged with Assault or other Offence inferring Danger to the Lieges, or when any Lunatic shall be found in a State threatening Danger to the Lieges, or in a State offensive to public Decency, it shall be lawful for the Sheriff of the County in which such Lunatic may have been apprehended or found, upon Application by the Procurator Fiscal or Inspector of the Poor, or other Person, accompanied by a Certificate from a Medical Person, bearing that the Lunatic is in a State threatening such Danger, or in a State offensive or threatening to be offensive to public Decency, forthwith to commit such Lunatic to some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given, in some Newspaper circulated in the County within which such Lunatic was apprehended or found, of such Commitment, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named, and shall also direct Notice of the Application to be given to the Inspector of Poor of the Parish within which the Lunatic has been apprehended or found (where the Application is not presented by the Inspector of such Parish), and such further Notice as he shall think fit; and if the Inspector of the Parish does not within Twenty-four Hours undertake, to the Satisfaction of the Sheriff, to make due Arrangements for the safe Custody of such Lunatic, the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and in a State threatening Danger to the Lieges or offensive to public Decency, he shall commit the Lunatic to any Asylum; and an Order authorizing the Superintendent of the Asylum to which the Lunatic may be committed to receive the Lunatic, and authorizing the Transmission of the Lunatic to such Asylum, shall be granted by the Sheriff in respect of every such Commitment; and such Lunatic shall be detained in such Asylum until

Lunacy (Scotland).

until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and on being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security; and the Sheriff, at the Time of granting Warrant to commit such Lunatic to an Asylum, or thereafter in Proceedings following on the said Application, shall pronounce a Judgment finding the Amount of the Expenses connected with the said Application, Inquiry, and Procedure, as the same shall be taxed, and shall grant Decree for such Expenses against the Parish within which the Lunatic shall have been apprehended or found at large, and in favour of the Procurator Fiscal, or other Person (except the Inspector of the Poor) at whose Instance such Application shall have been made and such Inquiry and Procedure conducted, and shall also grant Decree against such Parish and in favour of the Procurator Fiscal or other such Person (except the Inspector of Poor), or in favour of the Superintendent or Keeper of the Asylum to which the Lunatic shall have been committed, for such Sum as may be necessary for the Maintenance of such Lunatic; and every such Decree shall be final and conclusive, and not subject to Review or Reduction in any way or by any Process whatsoever; but the Parish so decerned against and paying such Expenses and Cost of Maintenance shall have Relief and Recourse therefor against the Lunatic and his Estate, and any of his Relatives legally liable for his Maintenance, and also against the Parish of Settlement of such Lunatic in the event of the Parish in which the Lunatic was apprehended or found at large not being the Parish of Settlement as accords of Law.

16. The Board may, on the Application of the Person at whose Instance any Lunatic is detained, or in the Absence of such Person on the Application of the nearest known Relative of such Lunatic, and in the Case of a Pauper Lunatic on the Application of the Inspector of Poor of the Parish by which the Expense of the Maintenance of the Lunatic is defrayed, authorize the Removal or Transfer of any such Lunatic from any Asylum or House in which he is detained to any other Asylum or House legally set apart for the Reception and Detention of such Persons, and without any Order of the Sheriff; and also on the like Application respectively may grant Authority for the Liberation on Trial or Probation of any Lunatic from any such Asylum or House for such Time and under such Regulations as the Board may consider necessary or proper; and during such Period of Probation or Trial the Warrant and Certificates on which the Detention of such Lunatic proceeded shall, in the event of his requiring to be again received into any such Asylum or House, be sufficient for his Reception and Detention therein without a new Warrant and Certificate; and the Superintendent of any such Asylum or House shall be bound to receive any such Lunatic into his Establishment without any Order from the Sheriff, but shall, in all other respects, in so far as not inconsistent with this Act, be bound to comply with the whole other

On Application of Person at whose Instance a Lunatic is detained Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff.

Lunacy (Scotland).

Provisions relating to the Reception, Detention, and Liberation of Lunatics in the recited Acts and this Act contained, under the Penalties therein and herein provided.

17. When it shall appear to the Superintendent of any Asylum or House that any Lunatic detained therein has so far recovered that he may be safely liberated without Risk or Injury to the Public or the Lunatic, such Superintendent shall grant a Certificate to that Effect, or procure one from the ordinary Medical Attendant of such Asylum or House, and shall transmit a Copy thereof to the Person at whose Instance such Lunatic is detained, or in the Absence of such Person to the nearest known Relative of the Lunatic, and in the Case of a Pauper Lunatic to the Person or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed; and on the Failure, within Fourteen Days from the Despatch of such Copy Certificate of the Person to whom the same was transmitted to take Steps for the Liberation of such recovered Lunatic, such Superintendent shall intimate the Facts to the Board, who may direct such Inquiry into the Circumstances as they deem necessary, and if satisfied that the Lunatic has recovered, or that he may be safely liberated without Risk or Injury to the Public or himself, the Board may order his Discharge forthwith.

18. If any Parochial Board, after Intimation shall have been made to them in Terms of Section One hundred and twelve of the first-recited Act, and after Requisition by the Board, shall refuse or neglect for Twenty-one Days after such Requisition to provide for the Removal of a Pauper Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, the Board may take such Measures as are necessary for the Removal of such Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, and the whole Expense of such Removal, and all subsequent Expenses incurred by the Board for Maintenance and otherwise in respect of such Lunatic, shall be recoverable by the Board, by ordinary Process, from the Parochial Board refusing or neglecting to remove such Pauper Lunatic as aforesaid; but subject to any Right of Relief which such Parochial Board may legally have against the Parish ultimately liable for the Maintenance and Support of such Lunatic.

19. If at any Time within Sixty Days of the Expiration of the Sentence of any Convict or other Prisoner confined in the General Prison at *Perth*, it is certified, on Soul and Conscience, by Two or more Medical Persons, that they have personally visited and carefully examined the Prisoner within the said Sixty Days, and that he is in their Opinion insane, and that his Insanity is of a Kind which renders it advisable that he should be detained in the Lunatic Department of the said General Prison rather than in a Lunatic Asylum, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by a Writing under his Hand, to authorize such Prisoner to be detained in the said General Prison after the Expiration of his Sentence, and such Prisoner may thereupon be detained accordingly; provided that it shall at any Time thereafter be lawful for Her Majesty to give

Superintendent to give Intimation of Recovery of a Lunatic.

If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures.

Insane Prisoners may, on Expiry of Sentence, be detained in General Prison.

Lunacy (Scotland).

such Order for the safe Custody of such Prisoner during Her Majesty's Pleasure in such Place and in such Manner as to Her Majesty shall seem fit.

20. If any Person, having been charged under an Indictment or Criminal Libel, shall be ordered by the Court, under the Provisions of the first-recited Act, to be kept in strict Custody until Her Majesty's Pleasure shall be known, such Order, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of any other Prison or Place be mentioned therein or not, shall be deemed and is hereby declared to be an Order which may be carried into effect in the said General Prison (unless such Order expressly directs that such Person shall not be removed to the said General Prison); and the Person to whom such Order applies may (excepting in the Case above provided) be removed thereto, under the Provisions for the Removal of Prisoners contained in the "Prisons (*Scotland*) Administration Act, 1860," and shall be detained in such Prison until Her Majesty's Pleasure be known; and it shall thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit; provided that within Eight Days after the Reception of such Person within the said General Prison, Intimation of such Reception, under the Hand of the Governor of the General Prison, shall be transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Secretary of the Board.

Orders may be carried out in General Prison.

21. When any such Order shall be pronounced, the Clerk of Court shall within Eight Days of the Date thereof send Intimation of such Order, as nearly as may be, in the Terms provided in Section Fifty-nine of the said Prisons Administration Act, to the Managers appointed under the said Act.

Orders to be intimated to Managers of Prisons.

22. If it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined a Prisoner confined under Sentence in a Local Prison, in Terms of the said Prisons Administration Act, and that such Prisoner is insane, the Sentence, although for a shorter Period than Nine Months, shall be deemed to be a Sentence which may be carried into effect in the said General Prison, and such Prisoner may be removed thereto, in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners.

Sentences for less than Nine Months may be carried out in General Prison.

23. If, within Fourteen Days of the Period when a Prisoner in the said General Prison would fall to be liberated by Expiry of Sentence or otherwise, it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined such Prisoner, and that he is insane, such Prisoner may be removed back to the Local Prison to which he had been committed until liberated in due Course of Law, and such Removal may be carried out in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners; and if Arrangements shall have been completed for the Reception of such Prisoner within a Lunatic

Insane Prisoners may be removed to an Asylum.

*Lunacy (Scotland).**Jamaica Loan (Settlement).*

Asylum in any Part of *Scotland* in which he can be lawfully received and detained, he may be removed to such Asylum as if the same were such Local Prison, in Terms of such Provisions for the Removal of Prisoners.

Secretary of State may give Orders for Custody of Persons, &c.

24. The Provisions of the first-recited Act and of this Act, authorizing Her Majesty to give Orders for the safe Custody of any Person during Her Pleasure, may be carried into effect by a Writing under the Hand of One of Her Principal Secretaries of State, and such Writing shall be binding on all Persons concerned.

Certain Provisions of recited Acts repealed. General Board continued.

25. Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed; and the General Board of Commissioners as established by the said first-recited Act and this Act shall be continued until Parliament shall otherwise determine.

C A P. LV.

An Act for the Settlement of a Loan due from the Island of *Jamaica* to the Imperial Government. [29th July 1862.]

‘ **W**HEREAS by an Imperial Statute passed in the Session holden in the Second and Third Years of the Reign of King *William* the Fourth, Chapter One hundred and twenty-five, and an Act passed by the Legislature of the Island of *Jamaica* in the Fourth Year of His said Majesty, the Sum of Two hundred thousand Pounds was advanced out of the Imperial Exchequer for the Benefit of the said Island, and the Repayment of the said Principal Sum on or before the Fifth Day of *February* One thousand eight hundred and forty-four, together with Interest at the Rate of Four Pounds *per Centum*, was secured by a Charge on the Revenues of the said Island: And whereas by an Act of the Imperial Parliament, passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Forty, and an Act of the Legislature of the said Island, passed in the Seventh Year of the Reign of Her present Majesty, the Time for the Repayment of the said Principal Sum was extended to the Fifth Day of *February* One thousand eight hundred and fifty-four, on Condition that such Sum should be paid by Ten equal Instalments of Twenty thousand Pounds each, commencing on the Fifth Day of *February* One thousand eight hundred and forty-five, with Interest after the Rate aforesaid, to be computed from the Fifth Day of *February* One thousand eight hundred and forty-four: And whereas up to the Fifth Day of *February* One thousand eight hundred and sixty-two there is due on account of the said Loan, in respect of Principal and Interest, a Sum amounting in the whole to Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence: And whereas it has been agreed on the Part of the Imperial Government, in consideration of the Financial Difficulties of the said Island, and with a view of promoting its good and quiet Government,

Jamaica Loan (Settlement).

‘ that the Debt so due from the said Island shall be commuted for a Perpetual Annuity of Six thousand four hundred Pounds, payable annually out of the Revenues of the said Island, and to be applied in manner herein-after mentioned :’ 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 :

1. If within the Period of One Year from the Date of the passing of this Act the Legislature of the said Island of *Jamaica* pass an Act making the Sum of Six thousand four hundred Pounds payable annually out of such Revenues of the said Island to such Persons and in such Manner as is herein-after mentioned, and if such Payment is duly made at the Times herein-after mentioned, or within Forty Days afterwards, the said Debt of Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence shall be deemed to be extinguished, otherwise the same shall remain in full Force, and shall become payable from and after such Time as the Governor may, by Message to the Legislature of the Island, determine.

Commutation of Debt for a fixed Annuity.

2. The said Sum of Six thousand four hundred Pounds shall be charged by way of Perpetual Annuity on the Duties and Sources of Revenue mentioned in the Schedule annexed hereto.

Charge of Annuity.

The Charge so created shall be postponed to the Sum of Thirty thousand Pounds appropriated to the Payment of the Principal and Interest of the Public Debt, and to the Sum of Twenty-five thousand Pounds appropriated to defraying certain Expenses of the Government of the Island, in pursuance of an Act of the Legislature of the said Island passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, but shall have Priority over all other Charges.

The said Annuity of Six thousand four hundred Pounds shall be deemed to become due on the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, but shall be paid to such Persons and at such Time or Times as the Governor of the said Island for the Time being may by Warrant under his Hand from Time to Time direct.

The said Annuity of Six thousand four hundred Pounds shall be applied in Payment of such Expenses of the Government of the said Island and Objects connected therewith, and of the local Improvements therein, as the Governor of the said Island may from Time to Time direct, in pursuance of such Instructions as may from Time to Time be issued by One of Her Majesty’s Principal Secretaries of State.

3. Save as herein-before provided, and save in the event of the Conditions of this Act being complied with, nothing herein contained shall affect or prejudice the Right of the Imperial Government to recover the Debt so due as aforesaid from the Island of *Jamaica*, or any Act of the Imperial Government or of the Legislature of the Island relating thereto.

Saving Clause.

Jamaica Loan (Settlement).

SCHEDULE.

All Duties or Sums of Money authorized to be collected under any of the following Acts ; that is to say,

Under an Act of the Legislature of the Island of Jamaica, passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, and intituled "An Act for " the better Government of this Island, and for raising a " Revenue in support thereof :"

Under the Thirty-eighth Section of an Act of the Legislature of the said Island, passed in the Twenty-first Year of the Reign of Her present Majesty, Chapter Thirty-four, and intituled "An Act to provide Funds for the Improvement " and Repair of the main Roads and Bridges to be trans- " ferred to the Management of Main Road Commissioners, " to appropriate the Land and Quit-rent Taxes, and declare " the same redeemable for that Purpose."

All Duties larger or equal in Amount to the Duties under the first-mentioned Act which may be collected or raised under any other Act of the said Legislature.

C A P. LVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[29th July 1862.]

14 & 15 Vict.
c. 38.

‘ WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, “ to facilitate Arrangements for “ the Relief of Turnpike Trusts, and to make certain Provisions “ respecting Exemptions from Tolls,” herein-after referred to as the Principal Act, Power is given to One of Her Majesty’s Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon : And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid : And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred to in the Schedule hereto have been made by Her Majesty’s Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified : And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute :’

Turnpike Trusts Arrangements.

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 several Provisional Orders the Dates of which are set forth in the First Column of the said Schedule are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

Provisional
Orders in
Schedule con-
firmed.

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1861. 29 Oct.	11 Geo. 4. c. 113., "An Act for more effectually repairing the Road from the Town of Rickmersworth in the County of Hertford, through the Village of Pinner, to or near the Swan Public House at Sudbury Common in the Turnpike Road leading from Harrow to London."	£ s. d. 2,400 0 0	3 <i>l.</i> per Cent.	25 Dec. 1860.
4 Nov.	11 Geo. 4. c. 32., "An Act for repairing, amending, and maintaining the Road from Congleton in the County of Chester to a Branch of the Leek Turnpike Road at Thatchmarsh Bottom in the Parish of Hartington in the County of Derby, and from the Lowe to the Havannah Mills in the said County of Chester."	4,675 0 0	1 <i>l.</i> per Cent.	30 June 1861.
4 Nov.	10 Geo. 4. c. 92., "An Act for improving and maintaining the Road from the Town of Kingston-upon-Hull to Kirk-Ella in the County of the said Town."	2,890 0 0	3 <i>l.</i> 10 <i>s.</i> per Cent.	31 Dec. 1860.
6 Nov.	4 Geo. 4. c. 120., "An Act for repairing the Roads from Oxdown Gate in Popham Lane to the City of Winchester, and from the said City through Hursley to Chandler's Ford, and from Hursley aforesaid to the Turnpike Road at Romsey, and from the Hundred at Romsey, through Chilworth, to the River at Swathling in the County of Southampton; and from the said Turnpike Road at Romsey, through Ringwood in the said County, to Longham Bridge and Wimborne Minster in the County of Dorset," so far as the same relates to the Romsey and Ringwood or Third Division of Road.	1,000 0 0	3 <i>l.</i> per Cent.	17 Dec. 1860 (Arrears extinguished).

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1861. 11 Nov.	1 Geo. 4. c. 5., "An Act for enlarging the " Term and Powers of Two Acts of " His late Majesty, for repairing the " Road from Buildwas Bridge to join " the Watling Street Road at Tern " Bridge in the County of Salop."	£ s. d. 1,108 0 0	2l. 10s. per Cent.	31 Dec. 1861.
11 Nov.	11 Geo. 4. c. 26., "An Act for maintain- " ing the Road from Catterick Bridge " in the County of York, by the Towns " of Yarm and Stockton, and through " the Town of Sedgfield, to the City of " Durham."	6,970 0 0	3l. per Cent.	5 Sept. 1861.
11 Nov.	4 Geo. 4. c. 41., "An Act for more effec- " tually repairing the Road from Alfre- " ton in the County of Derby to the " Town of Derby."	6,605 0 0	4l. per Cent.	31 Dec. 1861.
15 Nov.	11 Geo. 4. c. 85., "An Act for more effec- " tually repairing the Road from Black- " burn to Walton Cop within Walton- " in-le Dale in the County of Lan- " caster."	7,506 10 0	3l. per Cent.	1 Jan. 1862.
19 Nov.	10 Geo. 4. c. 23., "An Act for repairing " the Road from Stockershead at the " Top of Charing Hill to a Place called " Bagham's Cross in the Parish of " Chilham in the County of Kent."	2,075 0 0	One Penny per Cent.	31 Dec. 1860.
29 Nov.	11 Geo. 4. c. 37., "An Act for more " effectually repairing the Road from " Wootton Bassett in the County of " Wilts to the Two Mile Stone in the " Turnpike Road leading from Swindon " to Marlborough in the said County."	3,150 0 0	1l. per Cent.	1 Jan. 1862 (Arrears extinguished).
5 Dec.	11 Geo. 4. c. 95., "An Act for more " effectually repairing and improving " certain Roads between the Towns of " Derby, Mansfield, and Nutthall in " the Counties of Derby and Notting- " ham."	6,400 0 0	3l. per Cent.	26 April 1862.
9 Dec.	11 Geo. 4. c. 81., "An Act for more " effectually repairing and improving " the Road from Wendover to the " Town of Buckingham in the County " of Buckingham."	4,500 0 0	4l. per Cent.	31 Dec. 1861.
11 Dec.	11 Geo. 4. c. 96., "An Act for making and " maintaining a new Turnpike Road " from the Town of Kingston-upon- " Hull in the County of the said Town " to Hedon in the County of York."	11,562 16 3	1l. 15s. per Cent.	31 Dec. 1860 (Arrears extinguished).
1862. 29 Jan.	11 Geo. 4. c. 19., "An Act for more " effectually repairing and improving " the Roads from the Town of Malmes- " bury to Copped Hall Turnpike, Sutton " Benger Church, and Dauntsey Gate, " in the County of Wilts."	7,560 0 0	2l. per Cent.	31 Dec. 1861.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862. 17 Feb.	11 Geo. 4. c. 103., "An Act for more effectually repairing and improving the Roads from Saltfleet to the Town of Horncastle, and other Roads therein mentioned, all in the County of Lincoln."	£ s. d. 4,541 13 0	3l. per Cent.	1 Aug. 1862.
12 Mar.	5 Geo. 4. c. 90., "An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from Bradford to Wakefield in the West Riding of the County of York, near Holme Lane End in the Parish of Birstal in the said Riding, to the Turnpike Road leading from Birstal to Huddersfield in the said Riding at the Township of Heckmondwike in the Parish of Birstal aforesaid, with a Branch Road therefrom."	2,500 0 0	4l. per Cent.	31 Dec. 1861.
19 Mar.	11 Geo. 4. c. 6., "An Act for more effectually repairing and improving the Road from Horsham to the Road leading to Guildford at Aldford Cross Ways, with Two Branches therefrom, and for making and maintaining a new Branch of Road to communicate therewith, all in the Counties of Sussex and Surrey," so far as the same relates to the Old Roads.	13,887 12 0	10s. per Cent.	31 Dec. 1861.
8 May	11 Geo. 4. c. 105., "An Act for improving and maintaining the Turnpike Roads from the Wirksworth Turnpike Road in the Hamlet of Ideridgehay to the Town of Duffield, and from the Market Place in Wirksworth to the Turnpike Road leading from Derby to Brassington, and from the said Market Place to the Turnpike Road leading from Wirksworth Moor to Matlock Bath, all in the County of Derby," so far as the same relates to the Ideridgehay and Duffield Road.	2,862 10 0	2l. per Cent.	1 July 1862 (Arrears extinguished).
8 May	Ditto Ditto so far as the same relates to the Wirksworth and Hlland Ward Road.	3,075 0 0	1l. 10s. per Cent.	1 July 1862 (Arrears extinguished).
30 June	4 Geo. 4. c. 83., "An Act for amending and maintaining the Roads from the North Gate of the City of Winchester, over Worthy Cow Down, through Whitchurch and other Places, to Newtown River, and from Worthy Cow Down aforesaid through Wherwell to Andover in the County of Southampton," so far as the same relates to the Whitchurch or First District.	2,475 0 0	3l. per Cent.	31 Dec. 1861 (1 Year's Arrears extinguished).

*Turnpike Trusts Arrangements.**Windsor Castle (Bakehouse).*

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862. 30 June	4 Geo. 4. c. 121., "An Act for more effectually repairing the Roads leading from a Place called the Welsh Harp in the Township of Stonnall in the County of Stafford to Stone Bridge, and from Castle Bromwich to Birmingham in the County of Warwick."	£ s. d. 1,100 0 0	4l. per Cent.	24 June 1862.

C A P. LVII.

An Act to authorize the Sale of Her Majesty's Bakehouse in *Peascod Street, Windsor*, and the Application of the Proceeds in the Purchase of Land or Buildings to be held with *Windsor Castle*. [29th July 1862.]

WHEREAS Her most Gracious Majesty in right of Her Crown is or claims to be absolutely entitled to the Land and Hereditaments described in the Schedule to this Act, and the same are now in the actual Occupation of Her Majesty in connexion with Her Royal Residence of *Windsor Castle*: And whereas the said Land and Hereditaments being situate at some Distance from the said Castle, and being otherwise inconvenient for Her Majesty's Use, it is expedient that the same should be sold, and the Proceeds thereof applied, under the Direction of the Commissioners of Her Majesty's Treasury, as herein-after mentioned: 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:

Land and Hereditaments in Schedule to be sold.

1. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and they are hereby required, with the Consent or by the Direction in Writing of the Commissioners of Her Majesty's Treasury, to make Sale of, convey, and dispose of, for and on behalf of Her Majesty, Her Heirs or Successors, all the said Land and Hereditaments described in the said Schedule to this Act, either altogether or in Lots, and either at one Time or at several Times, for such Price or Prices and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct or approve of.

Proceeds to be applied in the Purchase of other Lands to be annexed to Windsor Castle.

2. The net Proceeds of such Sale as aforesaid, after discharging the Expenses thereof, shall be laid out and applied by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Direction of the Commissioners of Her Majesty's Treasury, in the Purchase of other Lands, Buildings, or Hereditaments, either in one Parcel or several Parcels, ad-

Windsor Castle (Bakehouse). Parochial Buildings (Scotland).

joining or near to the said Royal Residence of *Windsor Castle*, and such as may be conveniently annexed thereto or be held and enjoyed therewith, and the same shall thereupon be conveyed to and vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions of the Crown.

3. All Acts to be done and Powers to be executed under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may be done or executed by such One of the same Commissioners as may for the Time being have the Management and Direction of the Land Revenues of the Crown in the County of *Berks*.

Commissioner of Woods, &c. managing Crown Lands in Berks may act.

4. Saving and reserving always to all Persons and Bodies Politic or Corporate soever, excepting the Queen's Majesty, Her Heirs and Successors, all such Right, Title, Interest, Claim, and Demand whatsoever (if any), in, to, or out of the said Buildings, Land, and Hereditaments comprised in the Schedule to this Act or any Part thereof, as they or any of them had before the passing of this Act, or could or might have enjoyed in case this Act had not been passed.

General Saving.

The SCHEDULE above referred to.

All that Piece of Land situate on the South Side of Peascod Street in the Borough of Windsor, having a Frontage to the said Street of Thirty-three Feet Three Inches or thereabouts, and extending in Depth on the West Side One hundred and seventy-seven Feet or thereabouts, on the South Side Forty-four Feet Nine Inches or thereabouts, and on the East Side One hundred and ninety-eight Feet Six Inches or thereabouts, and containing about Seven hundred and ninety-two Yards Superficial or thereabouts, together with the Sheds and other Erections and Buildings thereon, all which Premises are commonly known by the Name of the Old Bakehouse.

C A P. LVIII.

An Act to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in *Scotland*. [29th July 1862.]

WHEREAS it is expedient that Provision should be made for raising the Money required for the Erection and Improvement of Parochial Buildings in *Scotland* by annual Assessments extending over a limited Period: 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:

1. The Expression "Parochial Building" in this Act shall mean and include Church, Manse, Churchyard Walls, Schoolhouse, and Schoolmaster's House respectively; and the Word "Sheriff" shall include Sheriff Substitute.

Interpretation.

2. The Heritors of any Parish in *Scotland* in which any new or additional Parochial Building is to be erected, or any existing Parochial

Heritors may resolve that Expense of

Parochial Buildings (Scotland).

Parochial Buildings may be raised by annual Assessments.

Parochial Building is to be improved or enlarged, may at any Meeting of such Heritors resolve that the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building shall be raised by annual Assessments extending over any Period not exceeding Ten Years ; and on the Adoption of such Resolution such annual Assessments for the Period specified therein shall be imposed, levied, and recovered on and from the Heritors of such Parish in the same Manner, and with the same Liabilities and Rights of Relief, as Assessments for the Erection, Improvement, or Enlargement of such Parochial Building are or may be levied under the Authority of any existing Act relating thereto, or otherwise according to the Law of *Scotland*.

Power to borrow Money.

3. On the Adoption of such Resolution it shall be lawful for the Heritors of such Parish, if they think fit, to borrow the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building, and in security of the Repayment of the Money so borrowed, and the Interest thereof, to charge and assign the said annual Assessments by a Bond and Assignation, signed by any Two Heritors authorized to sign the same at the Meeting at which it shall be resolved to borrow such Money ; and in case of Nonpayment of the Money so borrowed, or any Instalment thereof, and the Interest thereon, when the same become due, the Creditor in or Person having Right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due or to become due under such Bond and Assignation as are competent to the Heritors of such Parish by any existing Act, or otherwise by the Law of *Scotland*, for levying and recovering Assessments for the Erection, Improvement, or Enlargement of such Parochial Building.

Procedure in Cases where there is only One Heritor in a Parish.

4. Where there is only One Heritor in any Parish in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, such Heritor may apply by summary Petition to the Sheriff of the County in which such Parish is situate for Authority to raise the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building by annual Assessments extending over any Period not exceeding Ten Years, and to borrow the Money required for that Purpose, and to charge and assign such annual Assessments in security of the Payment thereof and of the Interest thereon ; and on considering such Petition the Sheriff shall order Intimation thereof to be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published or generally circulated in such County ; and after such Intimation it shall be lawful for the Sheriff to grant Warrant and Authority to such Heritor to raise the Money so required by annual Assessments as aforesaid, and to charge and assign the same in security of the Repayment of the Money to be borrowed, and the Interest thereof, by a Bond and Assignation signed by such Heritor ; and the Creditor in or Person having Right to such Bond and Assignation

*Parochial Buildings (Scotland).**Sheep (Ireland).*

Assignment shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due and to become due under such Bond and Assignment, as are herein-before provided with respect to Bonds and Assignations signed by any Two Heritors.

5. The Money borrowed to defray the Expense of erecting, improving, or enlarging any Parochial Building shall be repaid by annual Instalments of not less in any One Year than One Tenth Part of the Principal Sum borrowed, exclusive of the Payment of Interest thereon.

Money borrowed to be repaid by annual Instalments.

C A P. LIX.

An Act to render Owners of Dogs in *Ireland* liable for Injuries to Sheep. [29th July 1862.]

‘ WHEREAS it is expedient to amend the Law as to the Liability of the Owners of Dogs for Injuries done to ‘ Sheep by such Dogs:’ 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 Owner of every Dog shall be liable in Damages for Injury done to any Sheep by his Dog ; and it shall not be necessary for the Party seeking such Damages to show a previous mischievous Propensity in such Animal, or the Owner’s Knowledge of such previous mischievous Propensity, or that the Injury was attributable to Neglect on the Part of such Owner : Such Damages shall be recoverable by the Owner of the Sheep killed or injured in any Court of competent Jurisdiction ; where the Amount of the Damages claimed shall not exceed Five Pounds, the same shall be recoverable in a summary Way before any Justice or Justices sitting in Petty Sessions under the Provisions of “The Petty Sessions, *Ireland*, Act, 1851,” or of any Act amending the same.

Owner of Dog to be liable in Damages for any Injury committed by his Dog.

Recovery of Damages.

2. The Occupier of any House or Premises where any Dog was kept, or permitted to live or remain, at the Time of such Injury, shall be deemed to be the Owner of such Dog, and shall be liable as such, unless the said Occupier can prove that he was not the Owner of such Dog at the Time the Injury complained of was committed, and that such Dog was kept, or permitted to live or remain, in the said House or Premises without his Sanction or Knowledge : Provided always, that where there are more Occupiers than One in any House or Premises let in separate Apartments, or Lodgings, or otherwise, the Occupier of that particular Part of the Premises in which Part such Dog shall have been kept, or permitted to live or remain, at the Time of such Injury, shall be deemed to be the Owner of such Dog.

Who shall be deemed the Owner of the Dog.

3. This Act shall extend to *Ireland* only.

Extent of Act.

*Indemnity.**Highways.*

C A P. LX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [29th July 1862.]

C A P. LXI.

An Act for the better Management of Highways in *England*. [29th July 1862.]

‘ **W**HEREAS it is expedient to amend the Law relating to Highways in *England*.’ 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.

Limits of Act.
Definition of
“County” and
“Borough;”

1. This Act shall not extend to *Scotland* or *Ireland*.

2. The Word “County” in this Act shall not include a “County of a City” or “a County of a Town,” but where a County, as herein-before defined, is divided into Ridings or other Divisions having a separate Court of Quarter Sessions of the Peace, it shall mean each such Division or Riding, and not the entire County ; and for the Purposes of this Act all Liberties and Franchises, except the Liberty of *Saint Albans* which shall be considered a County, and except Boroughs as herein-after defined, shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary ; the Word “Borough” shall mean a Borough as defined by the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, “for the Regulation of Municipal Corporations in *England* and *Wales*,” or any Place to which the Provisions of the said Act have been or shall hereafter have been extended.

Of “Parish,”
“Highway
District,” and
“Highway
Board ;”

3. The Word “Parish” shall include any Place maintaining its own Highways ; the Expressions “Highway District” and “Highway Board” shall refer only to Highway Districts formed and Highway Boards constituted in pursuance of this Act.

Of “Principal
Act” and
“Highway
Acts.”

4. The Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty, and intitled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, is herein-after distinguished as “the Principal Act ;” and this Act and the Principal Act, and the other Acts amending the Principal Act, are herein-after included under the Expression “the Highway Acts.”

Highways.

Formation of Highway Districts.

5. Any Five or more Justices of a County may by Writing under their Hands require the Clerk of the Peace to add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked (A.) in the Schedule, or as near thereto as Circumstances admit, that at the Court therein mentioned a Proposal will be made to the Justices to divide the County or some Part thereof into Highway Districts or to constitute the whole or some Part thereof a Highway District, and also require the Clerk of the Peace to send by Post in a prepaid Letter Notices in the aforesaid Form to the Churchwardens or Overseers of every Parish mentioned in the said Notice; and upon such Requisition being complied with the Justices assembled at the Court of General or Quarter Sessions mentioned in the Notice may entertain such Proposal, and make a Provisional Order dividing their County or some Part thereof into Highway Districts, or constituting the whole or some Part of their County a Highway District, for the more convenient Management of Highways, but such Order shall not be of any Validity unless it is confirmed by a Final Order of the Justices assembled at some subsequent Court of General or Quarter Sessions: Provided that when it is proposed that only a Part of a County shall be divided into a Highway District not less than Two out of the Five Justices making such Proposal shall be resident in the said District.

Power to Justices, in General or Quarter Sessions assembled, to issue Provisional Orders for forming Highway Districts.

6. The following Regulations shall be enacted as to the Making, Confirmation, and Approval of the Orders of Justices for forming Highway Districts:—

Regulations as to the making, &c. of Orders of Justices,

1. The Justices making a Provisional Order under this Act shall appoint some subsequent Court of General or Quarter Sessions, to be held within a Period of not more than Six Months, for the taking into consideration the Confirmation of the Provisional Order by a Final Order:
2. The Clerk of the Peace shall add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked (B.) in the Schedule hereto, or as near thereto as Circumstances admit, of the Appointment so made by the Justices in relation to the Confirmation of the Provisional Order:
3. The Justices assembled at the appointed Court of General or Quarter Sessions may make a further Order quashing the Provisional Order, or confirming it with or without Variations, or respiting the Consideration of such Provisional Order to some subsequent Court of General or Quarter Sessions, provided,—

Firstly, that where the Variations made extend to altering the Parishes constituting any Highway District or Districts as formed in the Provisional Order, the Order shall be deemed to be provisional only, and shall be dealt with accordingly:

Secondly,

Highways.

Secondly, that where a Respite is made to any subsequent General or Quarter Sessions, the Clerk of the Peace shall give Notice of such Respite in manner in which he is required to give Notice in respect of Sessions at which a Provisional or Final Order is proposed to be made :

4. The Provisional Order shall state the Parishes to be united in each District, the Name by which the District is to be known, and the Number of Waywardens (such Number to be at least One) which each Parish is to elect :
5. In addition to the foregoing Matters, the Provisional Order may and the Final Order shall state the Time, not being more than Seven Days after the First Election of Waywardens in pursuance of this Act, and the Place at which the First Meeting of the Highway Board is to be held in the District :
6. Notice of the Provisional and Final Orders shall as soon as possible after the making thereof be given by the Clerk of the Peace, by publishing a Copy in the *London Gazette* and in One or more Newspapers circulating in the County, or if the whole County is not affected by such Order in One or more Newspapers circulating in the District affected by such Orders, and by sending a Copy by Post in a prepaid Letter to the Overseers of every Parish within the proposed Highway District, and there shall be added to the Notice of the Provisional Order the Date of the Sessions at which the Confirmation of such Order will be considered.

Restrictions on
Formation of
Highway Dis-
tricts.

7. The following Restrictions shall be imposed with respect to the Formation of Highway Districts in pursuance of this Act :

Firstly, there shall not be included in any Highway District formed in pursuance of this Act any of the following Places ; that is to say,

Any Part of a County to which the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Sixty-eight, and intituled *An Act for the better Management and Control of the Highways in South Wales*, extends :

The Isle of Wight :

Any District constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts :

Any Parish or Place the Highways of which are at the Time of the passing of this Act, or may be within Six Months afterwards, under the Superintendence of a Board established in pursuance of Section Eighteen of the Principal Act, unless with the Consent of such Board :

Highways.

Any Parish or Place within the Limits of the Metropolis as defined by the Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, and intituled *An Act for the better Local Management of the Metropolis* :

Any Parish or Place, or Part of a Parish or Place, the Highways whereof are maintained under the Provisions of any Local Act of Parliament :

Secondly, there shall not be included in any Highway District formed in pursuance of this Act any Parish or Place or Part of a Parish or Place within the Limits of a Borough without the Consent, firstly, of the Council of such Borough, and, secondly, of the Vestry of the Parish which, or Part of which, is proposed to be included :

Thirdly, where any Parish separately maintaining its own Highways is situate in more than One County the whole of such Parish shall, for the Purposes of this Act, be deemed to be within the County within which the Church of such Parish, or (if there be no Church) the greater Part of such Parish, is situate :

Lastly, where a Parish separately maintaining its own Poor is divided into Townships, Tithings, Hamlets, or Places, each of which separately maintains its own Highways, it shall be lawful for the Justices, if they think fit, in their Provisional Order to combine such Townships, Tithings, Hamlets, and Places, and to declare that no separate Waywardens shall be elected for such Townships, Tithings, Hamlets, and Places, and that such Parish shall be subject to the same Liabilities in respect of all the Highways within it which were before maintained by such Townships, Tithings, Hamlets, and Places separately, as if all their several Liabilities had attached to the whole Parish ; and that a Waywarden or Waywardens shall be elected for such Parish as a whole ; and where such Order is made, all the Provisions herein contained in relation to Parishes within the Meaning of this Act shall be applicable to the Parish formed by such Combination.

Legal Objections to Formation of District.

8. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Formation of a Highway District, after the Expiration of Three Calendar Months from the Date of the Publication in the Gazette of the Order under which the District is formed ; and the Production of a Copy of the *London Gazette* containing a Copy of the Order of Justices forming a Highway District shall be receivable in all Courts of Justice, and in all legal Proceedings, as Evidence of the Formation of the District and of the Matters in the said Order mentioned. :

Rules as to
Objections and
Evidence.

Highways.

Highway Board.

Constitution of
Highway
Board.

9. There shall be enacted, with respect to the Constitution of the Highway Board in each Highway District, the Provisions following ; (that is to say,)

- (1.) The Highway Board shall consist of the Waywardens elected in the several Places within the District, in manner herein-after mentioned, and of the Justices acting for the County and residing within the District :
- (2.) The Board shall be a Body Corporate, by the Name of the Highway Board of the District to which it belongs, having a perpetual Succession and a Common Seal, with a Power to acquire and hold Lands for the Purposes of the Highway Acts, without any Licence in Mortmain :
- (3.) No Act or Proceeding of the Board shall be questioned on account of any Vacancy or Vacancies in their Body :
- (4.) No Defect in the Qualification or Election of any Person or Persons acting as Members or Member of the Board or Committee of a Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act :
- (5.) Any Minute made of Proceedings at Meetings of the Board or of Committees of the Board, if signed by any Person purporting to be the Chairman of the Board or Committee of the Board, either at the Meeting of the Board or Committee of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board or Committee of the Board, shall be receivable in Evidence in all legal Proceedings without further Proof ; and until the contrary is proved every Meeting of the Board or Committee of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified :
- (6.) No Member of a Board, by being Party to, or executing in his Capacity of Member, any Contract, or other Instrument on behalf of the Board, or otherwise lawfully exercising any of the Powers given to the Board, shall be subject to be tried or prosecuted, either individually or with others, by any Person whomsoever ; and the Bodies or Goods or Lands of the Members shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, tried, or executed by them, or by reason of any other lawful Act done by them in execution of any of the Powers of the Board ; and the Members of the Board may apply any Monies in their Hands for the Purpose of indemnifying themselves against any Losses, Costs, or Damages they may incur in execution of the Powers granted to them :

Highways.

(7.) The Rules contained in the Schedule hereto with respect to the Proceedings of Highway Boards, and the other Matters therein contained, shall be observed in the same Manner as if such Rules were enacted in the Body of this Act.

. Election of Waywardens.

10. The following Regulations shall be observed with respect to the Election of Waywardens in Highway Districts : Election of Waywardens.

In every Parish forming Part of a Highway District there shall be elected every Year for the Year next ensuing a Waywarden, or such Number of Waywardens as may be determined by Order of the Justices :

Such Waywarden or Waywardens shall be elected in every Parish forming Part of a Highway District at the Meeting and Time and in the Manner, and subject to the same Qualification and the same Power of Appointment in the Justices in the event of no Election taking place, or in the event of a Vacancy, at, in, and subject to which a Person or Persons to serve the Office of Surveyor would have been chosen or appointed if this Act had not passed :

The Justices shall in their Provisional Order make Provision for the Election of a Waywarden or Waywardens in Places where no Surveyor or Surveyors were elected previously to the Place forming Part of a Highway District :

A Waywarden shall continue to act until his Successor is appointed, and shall be re-eligible.

Consequences of Formation of Highway District.

11. At and after the First Meeting in any Highway District of the Board of such District the following Consequences shall ensue : Consequences of Establishment of Highway Board.

All such Property, Real and Personal, including all Interests, Easements, and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, any Surveyor or Surveyors of any Parish forming Part of the District, shall pass to and vest in the Highway Board of that District for all the Estate and Interest of such Surveyor or Surveyors as aforesaid, but subject to all Debts and Liabilities affecting the same :

All Debts and Liabilities incurred in respect of any Property transferred to the Highway Board may be enforced against the Board to the Extent of the Property transferred :

All such Powers, Rights, Duties, Liabilities, Capacities, and Incapacities (except the Power of making, assessing, and levying Highway Rates) as are vested in or attached to, or would but for this Act have become vested in or attached to, any Surveyor or Surveyors of any Parish forming Part of the District, shall vest in and attach to the Highway Board :

Highways.

All Property by this Act transferred to the Board shall be held by them upon trust for the several Parishes or Places now maintaining their own Highways within their District to which such Property belongs, or for the Benefit of which it was held previously to the Formation of the District.

Appointment of Officers.

Power to Highway Board to appoint Officers.

12. The Highway Board of a District shall, at their First Meeting or at some Adjournment thereof, by Writing under their Seal, appoint a Treasurer, Clerk, and District Surveyor; they may also at any Meeting, if they think fit, appoint an Assistant Surveyor; they may from Time to Time remove any of such Officers, and appoint others in the Room of such as may be so removed, or as may die or resign; they may also, out of any Monies in their Hands, pay such Salaries as they think reasonable to the Clerk and District and Assistant Surveyor, and to the Treasurer, if they think necessary: Provided that before the Treasurer enter upon his Office the Board shall take sufficient Security from him for the due Performance of the Duties of his Office; but no Appointment, except the first, to any of the Offices specified in this Section, shall be made unless Notice in Writing has been sent to every Member of the Board.

Two Offices not to be held by the same Person.

13. Not more than One Office of Treasurer, Clerk, and District or Assistant Surveyor of the same Highway Board shall be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them; and if any Person accepts or holds the Office of Treasurer, Clerk, or District or Assistant Surveyor, contrary to this Provision, he shall be liable to a Penalty not exceeding Fifty Pounds.

Duties of Treasurer.

14. The Treasurer of each Highway Board shall receive, and hold to the Account of such Board, all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, on or at such Days or Times as the Board may direct, or oftener if required by the Board, make up an Account of all Monies received and paid by him, and deliver the same to the Clerk of the Board.

Duties of Clerk.

15. The Clerk of every Highway Board shall in Person, or by such Deputy as may be allowed by such Board, attend all Meetings of the Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct.

Duties of District Surveyor.

16. The District Surveyor shall act as the Agent of the Board in carrying into effect all the Works and performing all the Duties by this Act required to be carried into effect or to be performed by the Board, and he shall in all respects conform to the Orders

Highways.

of the Board in the Execution of his Duties, and the Assistant Surveyor, if any, shall perform such Duties as the Board may require, under the Direction of the District Surveyor.

Works and Duties of Board.

17. The Highway Board shall maintain in good Repair the Highways within their District, and shall, subject to the Provisions of this Act, as respects the Highways in each Parish within their District, perform the same Duties, have the same Powers, and be liable to the same legal Proceedings as the Surveyor of such Parish would have performed, had, and been liable to if this Act had not passed. It shall be the Duty of the District Surveyor to submit to the Board at their First Meeting in every Year an Estimate of the Expenses likely to be incurred during the ensuing Year for maintaining and keeping in repair the Highways in each Parish within the District of the Board, and to deliver a Copy of such Estimate as approved or modified by the Board so far as the same relates to each Parish to the Waywarden of such Parish.

Board to maintain Highways.

18. Where Complaint is made to any Justice of the Peace that any Highway within the Jurisdiction of the Highway Board is out of Repair, the Justice shall issue Two Summonses, the one addressed to the Highway Board and the other to the Waywarden of the Parish liable to the Repair of such Highway, requiring such Board and Waywarden to appear before the Justices at some Petty Sessions, in the Summons mentioned, to be held in the Division where such Highway is situate; and at such Petty Sessions, unless the Board undertake to repair the Road to the Satisfaction of the Justices, or unless the Waywarden deny the Liability of the Parish to repair, the Justices shall direct the Board to appear at some subsequent Petty Sessions to be then named, and shall either appoint some competent Person to view the Highway, and report to them on its State at such other Petty Sessions, or fix a Day, previous to such Petty Sessions, at which Two or more of such Justices will themselves attend to view the Highway.

Proceedings where Roads are out of repair.

At such last-mentioned Petty Sessions, if the Justices are satisfied, either by the Report of the Person so appointed, or by such View as aforesaid, that the Highway complained of is not in a State of complete Repair, it shall be their Duty to make an Order on the Board limiting a Time for the Repair of the Highway complained of; and if such Highway is not put in complete and effectual Repair by the Time limited in the Order, the Justices in Petty Sessions shall appoint some Person to put the Highway into repair, and shall by Order direct that the Expenses of making such Repairs, together with a reasonable Remuneration to the Person appointed for superintending such Repairs, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Board; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, in the same Manner as if it were an Order of General or Quarter Sessions, and be enforced accordingly.

Highways.

All Expenses so directed to be paid by the Board in respect of the Repairs of any Highway shall be deemed to be Expenses incurred by the Board in repairing such Highway, and shall be recovered accordingly.

The Highway Board may appear before the Justices at Petty Sessions by their District Surveyor or Clerk, or any Member of the Board.

When Obligation to repair is disputed.

19. When, on the Hearing of any such Summons respecting the Repair of any Highway, the Liability to repair is denied by the Waywarden on behalf of his Parish, or by any Party charged therewith, the Justices shall direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway is situate, against the Inhabitants of the Parish, or the Party charged therewith, for suffering and permitting the said Highway to be out of Repair; and the Costs of such Prosecution shall be paid by such Party to the Proceedings as the Court before whom the Case is tried shall direct, and if directed to be paid by the Parish shall be deemed to be Expenses incurred by such Parish in keeping its Highways in repair, and shall be paid accordingly.

Expenses.

Expenses how charged.

20. The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund, to be contributed by and charged upon the several Parishes within such District in proportion to the Average of the Expenditure incurred during the Three last preceding Years in such Parishes respectively in maintaining and keeping in repair the Highways thereof; but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses in relation to such Highways, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

Mode of defraying Expenses.

21. For the Purpose of obtaining Payment from the several Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Overseers of the said Parishes, stating the Sum to be contributed by each Parish, and requiring the Overseers of such Parish, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board, and the Overseers shall comply with the Requisition of such Precept by paying the Sums to be contributed by their respective Parishes out of any Monies in their Hands applicable to the Relief of the Poor, but no Contribution required to be paid by any Parish at any one Time in pursuance of this Act shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in pursuance of this Act shall not exceed the Sum of Two Shillings and Sixpence in the Pound,

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except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied, present at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting : Provided, that in any Parish where, for a Period of not less than Seven Years immediately preceding the passing of this Act, it has been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rates, the Monies payable in pursuance of the Precept of the Highway Board shall not be paid by the Overseers, but may be raised and paid by the Waywarden of such Parish out of a Highway Rate, to be assessed and levied in manner and in respect of the Property in and in respect of which the same would have been assessed and levied if this Act had not passed.

22. Where any Parish as defined by this Act, and in this Section called a Highway Parish, is not a Parish separately maintaining its own Poor, in this Section called a Poor Law Parish, the Highway Board shall issue their Precept or Precepts to the Overseers of the Poor Law Parish, or of the several Poor Law Parishes if more than One, of which such Highway Parish forms Part, and in the Precept or Precepts so issued shall specify the Part or Parts of the Poor Law Parish or Poor Law Parishes constituting the Highway Parish in which the Sum required by the Board is to be levied, and if there be more than One such Parish shall apportion among such Parts the Amounts to be levied in each Parish.

Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor.

Where any Highway Parish is so situate that there are no Overseers to be found to whom the Precepts of the Board may be issued, or it is uncertain to what Overseers such Precepts should be issued, the Precepts of the Highway Board shall be directed to the Waywarden of such Parish, and it shall be his Duty to levy the Sums therein required to be levied.

23. Subject to the above-mentioned Restrictions as to the Amount of Rates to be levied in pursuance of this Act, all Overseers or other Persons to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall have the same Powers, Remedies, and Privileges for and in respect of levying the Rates hereby authorized to be levied for making Payments to a Highway Board as they would have in the Case of levying ordinary Rates for the Relief of the Poor.

Power to Overseers, &c. to levy Rates for making Payments to Highway Board.

24. If any Payment required to be made by the Overseers of any Parish, or other Persons authorized to levy Rates by this Act, of Monies due to a Highway Board is in arrear, it shall be lawful for any Two Justices, on Application under the Hand of the Chairman for the Time being of such Board, to summon the said Overseers or other Persons to show Cause at Petty Sessions why such Payment has not been made ; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, cause the Amount of Payment in arrear, together with the Costs occasioned by such

Mode of enforcing Payments to Highway Boards.

Highways.

Arrear, to be levied and recovered from the said Overseers or other Persons or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Accounts.

Accounts to be made up to 25th March, and Statement to be published.

25. The Accounts of every Highway Board shall be made up and balanced to the Twenty-fifth Day of *March* in every Year, and for the Space of Seven clear Days immediately following shall be open for the Inspection at the Office of the Clerk, or any other convenient Place, of every Ratepayer in the several Parishes within the District, between the Hours of Ten and Four; at the Expiration of such Time the Accounts shall be audited by such Board, and signed by the Chairman, on or before the Twenty-fifth Day of *April*; and such Board shall cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as herein-after mentioned, to be printed and sent within Thirty Days after the said Audit, by Post or otherwise, to each Member of the Board and to the Overseers of every Parish within the District; and the Clerk of the Board shall furnish a Copy of such Statement to any Ratepayer within the District on his Application, and on the Payment of a Sum not exceeding One Penny.

Power to appeal in respect of Account of Board.

26. Where a Waywarden or any Ratepayer of any Parish is of opinion that the Amount charged to his Parish for maintaining and keeping the Highways therein, or in respect of the other Expenses in relation to such Highways, is more than the Sum that has actually been expended in his Parish, or than ought to have been charged thereto, he may appeal to the Justices assembled at any Court of General or Quarter Sessions held within the Period of Four Months from the Time at which the Accounts were audited by the Board, but no such Appeal shall be entertained unless Notice of the Intention to appeal, specifying the Amount complained of, is given to the Board by the Appellant in Writing under his Hand within Fourteen Days after the Statement of such Accounts shall have been sent to the Overseers of such Parish.

On the Hearing of such Appeal the Court may rectify the Accounts complained of, and may also rectify the Sum to be contributed to the Common Fund, and calculated on the Expenditure complained of.

If the Appellant is successful the Costs shall, unless the Court otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which Appellant belongs, in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful the Board, if the Waywarden be the Appellant, may charge the Costs of the Appeal to the Parish

Highways.

Parish to which the Appellant belongs, in the same Manner as if they were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board ; but if some Ratepayer other than the Waywarden is the Appellant the Court may order the Costs of the Appeal to be paid by such Appellant, and such Costs shall be recoverable in the same Manner as a Penalty is recovered under this Act.

27. The Clerk to every Highway Board shall, within such Thirty Days after the said Audit, transmit such Statement to One of Her Majesty's Principal Secretaries of State ; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Clerk to transmit Statement to Secretary of State.

28. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Penalty for Neglect.

Abstract of Statements to be laid before Parliament.

29. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Secretary of State may cause Form of Statement to be prepared.

30. The Highway Board shall, at the End of each Quarter, deliver or send in a prepaid Letter to the Overseers of every Parish an Account of the Expenses of maintaining and keeping in repair the Highways within their respective Parishes during the preceding Quarter.

Quarterly Account to be sent to Overseers.

31. All Officers appointed by the Highway Board shall, as often as required by them, render to them or to such Persons as they appoint a true, exact, and perfect Account in Writing under their respective Hands, with the Proper Vouchers, of all Monies which they may respectively to the Time of rendering such Accounts have received and disbursed on account or by reason of their respective Offices, and in case any Money so received by any such Officer remains in his Hands the same shall be paid to the Board, or to such Person or Persons as they in Writing under their Hands empower to receive the same ; and if any Officer refuses or wilfully neglects to render and give such Account, or to deliver up such Vouchers, or for the Space of Fourteen Days after being thereunto required by the Board

Officers appointed by Highway Board to account to them when required.

Highways.

refuses or wilfully neglects to give up to them or to such Person or Persons as they appoint all Books, Papers, Writings, Tools, and Things in his Hands, Custody, or Power relating to the Execution of his Office, it shall be lawful for any Justice of the Peace for the County where the Officer so making Default is or resides, upon Application made to him for that Purpose by or on behalf of the Board, to make Inquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, and by Warrant under his Hand and Seal to cause such Money as may appear to him to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any), on Demand, after Payment of the Money remaining due and deducting the Charges and Expenses of making such Distress and Sale; and if sufficient Distress cannot be found, or if it appears to any such Justice in manner aforesaid that any such Officer has refused or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, the Justice shall commit him to the House of Correction or Common Gaol of the County where such Offender is or resides, there to remain without Bail until he gives a true and perfect Account and verifies the same in manner aforesaid, and produces and delivers up the Vouchers relating thereto, and pays the Money (if any) remaining in his Hands as aforesaid according to the Direction of the Board, or has compounded with the Board for such Money and paid such Composition (which Composition the Board are hereby empowered to make and receive), or until he delivers up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or has given Satisfaction to the Board concerning the same; but no Officer who may be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Supplemental Provisions.

Provision as to
Extra-paro-
chial Places.

32. Where in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen, and intituled *An Act for the Relief of the Poor in Extra-parochial Places*, any Place is declared to be a Parish, or where Overseers of the Poor are appointed for any Place, such Place shall for the Purposes of this Act be deemed to be a Parish separately maintaining its own Highways; and where in pursuance of the same Act any Place is annexed to any adjoining Parish, or to any District in which the Relief of the Poor is administered under a Local Act, such Place shall for the Purposes of this Act be deemed to be annexed to such Parish or District for the Purposes of the Maintenance of the Highways, as well as for the Purposes in the said Act mentioned.

Provision for
outlying Part
of Parishes.

33. Where Part of a Parish is not contiguous to the Parish of which it is a Part, such outlying Part may at the Discretion of the

Highways.

the Justices be annexed to a District, and, when so annexed, it shall, for all the Purposes of the Highway Acts, be deemed to be a Parish separately maintaining its own Highways.

34. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, shall be adjudged in the Manner provided by the Principal Act to be out of Repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

Expenses of Repair of Highways may be recovered from Party liable to repair *ratione tenuræ*.

35. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable may apply to any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same is situate; and such Justice shall thereupon issue Summonses requiring the Waywarden of such Parish, the District Surveyor, and the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix a certain Sum to be paid by such Person or Corporation to the Highway Board of the District, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such Sum the Board may proceed for the Recovery thereof in the same Manner as for the Recovery of Penalties or Forfeitures recoverable under this Act: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds Fifty Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in some Public Government Securities, and the Interest and Dividends arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed Fifty Pounds the same or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish: Provided that any Person aggrieved by any Order of Justices made in

Highways repairable *ratione tenuræ* may be made repairable by the Parish.

Highways.

pursuance of this Section may appeal to a Court of General or Quarter Sessions holden within Four Months from the Date of such Order ; but no such Appeal shall be entertained unless the Appellant has given to the other Party to the Case a Notice in Writing of such Appeal, and of the Matter thereof, within Fourteen Days after such Order, and Seven clear Days at the least before such Sessions, and has entered into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as may be by the Court awarded ; and upon such Notice being given, and such Recognizance being entered into, the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order thereon, with or without Costs to either Party, as to the Court may seem meet :

From and after the making of such Order by the Justices, or by the Court on Appeal, as the Case may require, such Highway shall be repaired in like Manner and at the like Expense as Highways which a Parish is liable to repair.

Provision as to
Roads laid out.

36. Where the Inhabitants of any Parish are desirous of undertaking the Repair and Maintenance of any Driftway, or any private Carriage or Occupation Road, within their Parish, in return for the Use thereof, the District Surveyor may, at the Request of the Inhabitants of such Parish assembled in a Vestry duly convened for the Purpose, and with the Consent in Writing of the Owner and the Occupier of every Part thereof, apply to the Justices in Petty Sessions to declare such Driftway or Road to be a public Highway to be repaired at the Expense of the Parish ; and upon such Application being made it shall be lawful for the Justices to declare the same to be a public Carriageroad to be repaired at the Expense of the Parish.

Surveyor of
Highway
Board ex-
empted from
Turnpike Tolls.

37. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road from the Surveyor of a Highway Board when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, shall apply to the Case of the Exemptions conferred by this Enactment.

Limiting Juris-
diction of
Justices.

38. No Justice of the Peace shall act as such in any Matter in which he has already acted as a Member of the Highway Board, and in which the Decision of such Board is appealed against.

Power to alter
Highway Dis-
tricts.

39. Any Highway District formed under this Act may from Time to Time be altered by the Addition of any Parishes in the same or in any adjoining County, or the Subtraction therefrom of any Parishes, and new Highway Districts may be formed by the Union of any existing Highway Districts in the same or in any adjoining County, or any Parishes forming Part of any existing Highway Districts, or any Highway District may be dissolved ; but any such Alteration of existing Districts, or Formation of new Districts, or Dissolution of any District, shall be made by Provisional and Final Orders of the Justices ; and all the Provisions of this Act with respect to the Formation of Highway Districts and Provisional

Highways.

Provisional and Final Orders of Justices, and the Notices to be given of and previously to the making of such Orders, and all other Proceedings relating to the Formation of Highway Districts, shall, in so far as the same are applicable, extend to such Alteration of existing or Formation of new Districts, or Dissolution of Districts, as is mentioned in this Section ; and in addition thereto Provision shall be made, if necessary, in any Orders of Justices made under this Section for the Adjustment of any Matters of Account arising between Parishes or Parts of Districts in consequence of the Exercise of the Powers given by this Section. Where any Parish is added to or any District united with any District in another County, the Final Order of the Justices of the County in which such Parish or District is situate shall not be confirmed by them until they shall have received the Approval of their Provisional Order for such Addition or Union from the Justices of the County in which the District is situate to or with which such Addition or Union is to be made. Where any Highway District is dissolved, or where any Parish is excluded from any Highway District, the Highways in such District or Parish shall be maintained, and the Provisions of the Principal Act in relation to the Election of Surveyors and to all other Matters shall apply to the said Highways, in the same Manner as if such Highways had never been included within the Limits of a Highway District.

40. If any Highway Board make default in holding its First Meeting in pursuance of this Act, such Board shall not thereupon become disqualified from acting, but the Justices in General or Quarter Sessions shall, on the Application of any Persons liable to pay Highway Rates within the District, make such Order as they think fit for the holding of such Board at some other Time, and any Order so made shall be deemed to be an Order capable of being removed into the Court of Queen's Bench, in pursuance of the Act passed in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Forty-five, and may be enforced accordingly, and the Costs of any Application to the Court of Quarter Sessions in pursuance of this Section shall be defrayed out of the District Fund of the Board.

Provision in case of Failure of Board to hold First Meeting.

41. Any Parish or Part of a Parish included in a Highway District may adopt the Local Government Act in the same Manner and under the same Circumstances in and under which it might have adopted the same if it had not been included in such District ; and upon such Adoption being made such Parish or Part of a Parish shall cease to form Part of such District, subject nevertheless to the Payment of any Contribution that may at the Time of such Adoption be due from such Parish or Part of a Parish to the Highway Board.

Reservation of Right to adopt Local Government Act.

Application of Principal Act.

42. The following Regulations shall be observed with respect to the Construction of the Principal Act and this Act :

Construction of Principal Act and this Act.

1. This Act shall be construed as One with the Principal Act so far as is consistent with the Provisions of this Act :

Highways.

2. The Ninth Section of the Principal Act, whereby it is enacted that a Surveyor may be appointed by the Inhabitants of a Parish with a Salary, shall not apply to any Parish within any District formed under this Act :
 3. The Tenth Section of the Principal Act, whereby it is enacted that the Surveyor or Surveyors at the Time of passing his or their Accounts as therein mentioned shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person or Persons appointed to succeed him or them as a Surveyor or Surveyors, shall not apply to any Parish within any District formed under this Act :
 4. The Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Sections of the Principal Act, providing for the Formation of Parishes into Districts, and the Eighteenth and Nineteenth Sections of the Principal Act, providing for the Appointment of a Board in large Parishes, shall not apply to any Parish within any District formed under this Act :
 5. The Penalty imposed by Section Twenty of the Principal Act on the Surveyor for Neglect of Duty shall not apply to a Highway Board constituted under this Act :
 6. Any Summons or Notice, or any Writ or any Proceeding, at Law or in Equity, requiring to be served upon the Board, may be served by the same being left at or transmitted through the Post in a pre-paid Letter directed to the Office of the Board, or being given personally to the District Surveyor or Clerk of the Board :
 7. The Thirty-fifth Section of the Principal Act, whereby it is provided that the Ratepayers of any Parish may divide amongst themselves the Carriage of Materials in manner therein mentioned, shall not apply to any Parish within any District formed under this Act :
 8. The Thirty-ninth, Fortieth, Forty-third, Forty-fourth, and Forty-fifth Sections of the Principal Act relating to the Accounts of Surveyors shall not apply to the Highway Board of any District formed under this Act :
- 43.** On the Formation of a Highway District the following Regulations shall be enacted with respect to the Surveyors and the Highway Board :
1. No Surveyor shall be appointed under the Principal Act for any Parish within such District :
 2. The outgoing Surveyor of every Parish within the District shall continue in Office until Seven Days after the Appointment of the District Surveyor by the Highway Board of the District of such outgoing Surveyor, and no longer ; and he may recover any Highway Rate made and then remaining unpaid, in the same Manner as if this Act had not been passed, and the Money so recovered shall be applied, in the first place, in reimbursing any Expenses incurred by him as such Surveyor, and in discharging any Debts legally owing by him on account of the Highways

Relative Duties
of outgoing
Surveyors and
Highway
Board.

Highways.

within his Jurisdiction, and the Surplus (if any) shall be paid by him to the Treasurer of the Highway Board; and he shall be entitled to receive from the Highway Board any Sum not exceeding Five Pounds, which on the Allowance of his Accounts shall be found to be due to him as such Surveyor after the Collection and Expenditure of the whole of the Highway Rate made in such Parish during the last Year :

3. The Highway Board shall, for all the Purposes of the Principal Act except that of levying Highway Rates, be deemed to be the Successor in Office of the Surveyor of every Parish within the District.

44. All the Provisions of the Principal Act for widening, diverting, and stopping up Highways shall be applicable to all Highways which now are or may hereafter be paved, repaired, or cleansed under or by virtue of any Local or Personal Act or Acts of Parliament, or which may be situate within the Limits of any such Act or Acts, except Highways which any Railway Company, or the Owners, Conservators, Commissioners, Trustees, or Undertakers of any Canal, River, or Inland Navigation, are liable by virtue of any Act of Parliament relating to such Railway, Canal, River, or Inland Navigation to make, maintain, repair, or cleanse.

Provisions of Principal Act to be applicable to Highways under Local or Personal Acts.

45. 'Whereas there are in certain Boroughs in *England* and *Wales* Roads and Highways that are now and have heretofore been repaired by the Inhabitants of the several Parishes or Townships within which such Roads and Highways are situated, and who also contribute and pay to the General Rates levied for the Repair of the public Streets, Roads, and Highways maintained and kept in repair by the Council of such Boroughs, by reason whereof a great Burthen is imposed upon the Ratepayers of the said Parishes and Townships; and it being doubtful whether the Council of such Boroughs have the Power to adopt such Parish Roads and Highways, or to apply the Rates collected in such Boroughs in repairing the same: Be it enacted, That it shall and may be lawful for the Council of every such Borough in *England* and *Wales*, upon the Petition of the Majority of the Ratepayers of such Parishes or Townships present at a Public Meeting duly convened, to adopt all or any of such Parish Roads and Highways as the Council shall in its Discretion consider advisable, and to apply the Rates levied and collected by the said Council for the Repair of the public Streets, Roads, and Highways within such Borough in repairing and maintaining such Parish Roads and Highways: Provided always, that it shall be competent for such Council, previous to adopting such Parish Roads and Highways, to require the Provisions contained in any Local Act applying to the public Streets, Roads, and Highways of such Borough to be complied with.

Enabling Councils of certain Boroughs to adopt Parish Roads and Highways, and to apply Rates for their Repair.

46. No Person through whose Land a Highway passes, which is to be repaired by the Parish, shall become liable for the Repair of such Highway by erecting Fences between such Highway and the adjoining Land, if such Fences are erected with the Consent in Writing of the Highway Board of the District within which

District Boards may permit Landowners to erect Fences without incurring Liability to repair.

Highways.

such Highway is situate in the Case of a Place within the Jurisdiction of a Highway Board, and in the Case of any other Place with the Consent of the Surveyor or other Authority having Jurisdiction over the Highway.

Recovery of Penalties.

47. All Penalties under this Act, and all Monies recoverable as Penalties, may be recovered summarily before any Two or more Justices in the Manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, and any Act amending the same ; but where any Sum adjudged to be paid under this Act in respect of such Penalties or Monies exceeds Five Pounds, an Appeal may be had by any Person aggrieved to a Court of General or Quarter Sessions in manner provided by the One hundred and tenth Section of the Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled *An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.*

SCHEDULE.

Proceedings of Highway Boards.

- (1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions :
 - (a.) The First Meeting shall be held at the Time and Place fixed by the Order of the Justices in that Behalf :
 - (b.) Not less than Four Ordinary Meetings shall be held in each Period of Twelve Months :
 - (c.) An Extraordinary Meeting may be summoned at any Time on the Requisition of Three Members of the Board addressed to the Clerk of the Board :
 - (d.) The Quorum to be fixed by the Board shall consist of not less than Three Members :
 - (e.) All Questions shall be decided by a Majority of Votes of the Members present :
 - (f.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.
- (2.) The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice Chairman for the Year following such Choice.
- (3.) If any casual Vacancy occur in the Office of Chairman or Vice Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman or Vice Chairman so elected as

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- last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.
- (4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice Chairman shall be the Chairman of the Meeting, and if neither the Chairman nor Vice Chairman shall be present then the Members present shall choose some One of their Number to be Chairman of such Meeting.
- (5.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.
- (6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be signed by the Chairman for the Time being of the Meeting, and Two other Members of the Board, and countersigned by the Clerk.

FORM (A.)

NOTICE is hereby given, That at the Court of *General* or *Quarter* Sessions to be held on the _____ Day of _____ a Proposal will be made to *divide the County of Lincoln into Highway Districts* [or to *divide the Parts of Holland in the County of Lincoln into Highway Districts*, or to *constitute the County of Rutland a Highway District*, or to *constitute the Parishes of Alford, Castle Carey, and Lovington, in the County of Somerset, a Highway District*].

FORM (B.)

WHEREAS at a Court of *General* or *Quarter* Sessions, held on the _____ Day of _____ last, a Provisional Order was made in the Words following; that is to say, [*here set out the Provisional Order*]

Notice is hereby given, that the Confirmation of the said Provisional Order by a Final Order will be taken into Consideration by the Justices at the Court of *General* or *Quarter* Sessions to be held on the _____ Day of _____ next.

C A P. LXII.

An Act to amend the Law relating to the Duration of contested Elections for Counties in *Ireland*, and for establishing additional Places for taking the Poll thereat.

[29th July 1862.]

‘ WHEREAS an Act was passed in the Thirteenth and
 ‘ Fourteenth Years of the Reign of Her Majesty, intituled
 ‘ *An Act to shorten the Duration of Elections in Ireland, and*
 ‘ *for establishing additional Places for taking the Poll thereat;*
 ‘ and it is expedient to amend certain Provisions of the said Act
 ‘ relating to contested Elections for Counties in *Ireland*, and to
 ‘ limit the Time of taking the Poll at such Elections to One Day,
 ‘ and to establish additional Places for taking the Poll at such
 ‘ Elections:’

13 & 14 Vict.
c. 68.

Elections for Counties (Ireland).

'Elections:' 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 :

Commence-
ment of Act.

1. This Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and sixty-three, save as herein-after excepted.

This Act in-
corporated with
recited Act.

2. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Repeal of certain
Provisions of
13 & 14 Vict.
c. 68.

3. So much of the said recited Act as authorizes the Continuance of the polling at every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* for Two Days, and prescribes the Duties of the Sheriff and Sheriff Deputies and Clerk at such Poll during those Days, and fixes the Commencement; and limits the Hours of polling on such Days, and prevents the Commencement of such polling on a *Saturday*, shall be and the same is hereby repealed.

Regulating
Time for poll-
ing at Elections
for Knights of
the Shire in
Ireland, &c.

4. At every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* which shall take place after the Commencement of this Act, the polling shall commence on the next Day but Two after the Day fixed for the Election (such Day not being *Sunday*, *Good Friday*, or *Christmas Day*), and shall continue for One Day only, save in the Cases herein-after mentioned, and shall commence at the Hour of Eight in the Forenoon of the Day next but Two after the Day fixed for the Election, and be kept open until Five in the Afternoon of such Day, any Statute to the contrary notwithstanding : Provided always, that when such next Day but Two after the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then in case it be *Sunday* the Poll shall be on the *Monday* next following and in case it be *Good Friday* then on the *Saturday* next following, and in case it be *Christmas Day* then on the next Day following if the same shall not be *Sunday*, and, if it be *Sunday*, on the next following *Monday* : Provided always, that in case any Election shall take place for any County in *Ireland* before or on the said First Day of *January* One thousand eight hundred and sixty-three, the Poll and Proceedings thereat shall be taken in the same Manner as if this Act had not been passed.

Elections on or
before the 1st
January 1863
not to be
affected.

Duty of Poll
Clerks at such
Elections.

5. The Clerks appointed to take the Poll at the several Places appointed for polling for the several Baronies or Half Baronies, or any Division thereof respectively, and in the several Polling Booths, shall, at the final Close of the Day's Poll, enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the Sheriff or Sheriff's Deputy presiding at such Poll ; and every such Deputy who shall have received any such Poll Books shall forthwith deliver the same, so enclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next but One after the Close of the Poll,

Elections for Counties (Ireland).

unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier than Eleven in the Forenoon of the said Day, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear in the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before the Hour of Two in the Afternoon of the said Day, any Statute to the contrary notwithstanding.

6. Nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, from closing the Poll at any contested Election for any County in *Ireland*, previous to the Expiration of the Time fixed by this Act, in any Case where the same might have been lawfully closed before the passing of this Act.

Poll may be closed in certain Cases as heretofore.

7. Where the Proceedings at any Election after the Commencement of this Act (whether such Proceeding shall consist of the Nomination of a Candidate or Candidates or of the taking of the Poll) shall be interrupted or obstructed by any Riot or open Violence at or near the Place of Election or a Polling Place, or shall be interrupted or obstructed by any Riot or open Violence taking place elsewhere by the violent or forcible Prevention, Obstruction, or Interruption of Voters proceeding on their Way to such Election or Polling Place, (such last-mentioned Prevention, Obstruction, or Interruption of Voters proceeding on their Way as aforesaid being shown by Affidavit,) the Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination, or the taking of the Poll, at the particular Polling Place or Polling Places at or near to which, or on the Way to which, such Interruption or Obstruction shall have happened, until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Sheriff or Returning Officer, or his Deputy, shall again proceed with the Business of the Nomination or with the taking the Poll, as the Case may be, at the Place or Places at or near to which, or on the Way to which, the same respectively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not at such Place or Places be reckoned the Day of polling at such Election within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer,

Proceedings in Cases of Riot.

Elections for Counties (Ireland).

Officer, anything herein-before contained, or in any other Statute, to the contrary notwithstanding : Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*, but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled to Lord Lieutenant.

8. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council in *Ireland*, from Time to Time hereafter, on Petition from the Justices of any County or Riding in *Ireland* in Quarter Sessions assembled, representing that the Polling Places for such County or Riding are insufficient in Number, or inconveniently situated, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, or may be discontinued as such Polling Place or Places, and that a Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively, in such Petition mentioned, may constitute a District for polling at a Polling Place in such Petition mentioned, (anything in the said recited Act, providing that a Barony or Half Barony shall not be divided, to the contrary notwithstanding,) or praying that any Polling District or Districts may be altered, and that any Barony or Half Barony, or any Portion thereof respectively, may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling Places for that County or Riding, or shall be discontinued as such Polling Place or Places, and that the Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively in such Petition mentioned, shall constitute a District for Polling at such Polling Place, and that the other Polling Districts of the said County or Riding shall be altered accordingly ; or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony, or Portion thereof respectively, shall be detached from any such Polling District, and be annexed to any other Polling District.

Place in which the Court for Revision of Lists may be held.

9. Notwithstanding the Provisions of the Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-nine, Section Forty-six, it shall not be necessary for the Assistant Barrister or Chairman of Quarter Sessions to hold a separate Court for the Revision of the List of Parliamentary Voters who are to poll in any such new District so to be constituted and declared at the Polling Place appointed for such new District ; but it shall be lawful for the said Assistant Barrister or Chairman, if he shall so think fit, to revise the said List of Voters for such new District at a Court to be held at the Place in which the List of Parliamentary Voters for the Barony or Half Barony out of which such District shall be constituted had been held previous to the Constitution of such new District,

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or at such other Place as the Lord Lieutenant or other Chief Governor of *Ireland* shall appoint.

10. Every such Declaration or Order for creating additional Polling Places and the Polling Districts for the same, or for discontinuing or altering any Polling District or Districts, shall be certified under the Hand of the Clerk of the said Privy Council, and when so certified shall be published in the *Dublin Gazette*, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament: Provided always, that no such Petition as aforesaid shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, One Month at the least before the holding of such Quarter Sessions, to the Clerk of the Peace of the County or Riding wherein the same are held, signed by Two Justices of the Peace for such County or Riding, and residing therein, or by Ten Inhabitants, being registered Voters for such County or Riding, which Notice shall state that the Court will, when such Sessions are held, be moved to make such Petition; nor unless the Clerk of the Peace shall, Ten Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted twice at the least in Two of the Newspapers of such County or Riding, if Two Newspapers are published therein, or, if not, in a Newspaper published or commonly circulated therein, together with a Notice of the Day upon which, and the Place at which, such Quarter Sessions will be held; provided also, that when such Motion is made any Person objecting to the same shall be heard by such Court against the same, or any Part thereof, if he thinks fit.

Declaration or Order to be certified by Clerk of Privy Council, and published in *Dublin Gazette*.

C A P. LXIII.

An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."

[29th July 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853": 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:

17 & 18 Vict. c. 104.
18 & 19 Vict. c. 91.
16 & 17 Vict. c. 107.

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as Part of "The Merchant Shipping Act, 1854," herein-after termed the Principal Act.

Short Title.

2. The Enactments described in Table (A.) in the Schedule to this Act shall be repealed as therein mentioned, except as to any Liabilities incurred before such Repeal.

Enactments in Table (A.) repealed.

Registry and Measurement of Tonnage (Part II. of Merchant Shipping Act, 1854).

3. It is hereby declared that the Expression "Beneficial Interest," whenever used in the Second Part of the Principal Act,

Equities not excluded by Merchant Shipping Act.

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includes Interests arising under Contract and other equitable Interests; and the Intention of the said Act is that, without Prejudice to the Provisions contained in the said Act for preventing Notice of Trusts from being entered in the Register Book or received by the Registrar, and without Prejudice to the Powers of Disposition and of giving Receipts conferred by the said Act on registered Owners and Mortgagees, and without Prejudice to the Provisions contained in the said Act relating to the Exclusion of unqualified Persons from the Ownership of *British* Ships, Equities may be enforced against Owners and Mortgagees of Ships in respect of their Interest therein, in the same Manner as Equities may be enforced against them in respect of any other Personal Property.

Tonnage Rates under Local Acts may be levied on the registered Tonnage.

4. Any Body Corporate or Persons having Power to levy Tonnage Rates on Ships may, if they think fit, with the Consent of the Board of Trade, levy such Tonnage Rates upon the registered Tonnage of the Ships as determined by the Rules for the Measurement of Tonnage for the Time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such Rates are levied provides for levying the same upon some different System of Tonnage Measurement.

Certificates for Engineers (Part III. of Merchant Shipping Act, 1854).

Steam Ships to carry Certificated Engineers.

5. On and after the First Day of *June* One thousand eight hundred and sixty-three, every Steam Ship which is required by the Principal Act to have a Master possessing a Certificate from the Board of Trade shall also have an Engineer or Engineers possessing a Certificate or Certificates from the Board of Trade as follows; that is to say,

- (1.) Engineers Certificates shall be of Two Grades, viz., "First-class Engineers Certificates," and "Second-class Engineers Certificates":
- (2.) Every Foreign-going Steam Ship of One hundred nominal Horse Power or upwards shall have as its First and Second Engineers Two Certificated Engineers, the first possessing a "First-class Engineers Certificate," and the second possessing a "Second-class Engineers Certificate" or a Certificate of the higher Grade:
- (3.) Every Foreign-going Steam Ship of less than One hundred nominal Horse Power shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:
- (4.) Every Sea-going Home Trade Passenger Steam Ship shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:
- (5.) Every Person who, having been engaged to serve in any of the above Capacities in any such Steam Ship as aforesaid, goes to Sea in that Capacity without being at the Time entitled to and possessed of such Certificate as is required by this Section, and every Person who employs

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any Person in any of the above Capacities in such Ship without ascertaining that he is at the Time entitled to and possessed of such Certificate as is required by this Section, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

6. The Board of Trade shall from Time to Time cause Examinations to be held of Persons who may be desirous of obtaining Certificates of Competency as Engineers : For the Purpose of such Examinations the Board of Trade shall from Time to Time appoint and remove Examiners, and award the Remuneration to be paid to them ; lay down Rules as to the Qualification of Applicants, and as to the Times and Places of Examination ; and generally do all such Acts as it thinks expedient in order to carry into effect the Examination of such Engineers as aforesaid.

Examinations for Engineers Certificates of Competency.

7. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked (B.) in the Schedule hereto, as the Board of Trade directs ; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose, and shall be carried to the Account of the Mercantile Marine Fund.

Fees to be paid by Applicants for Examination.

8. The Board of Trade shall deliver to every Applicant who is duly reported to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, and Ability, a Certificate of Competency, as First-class Engineer or as Second-class Engineer, as the Case may be.

Certificates of Competency to be granted to those who pass.

9. Certificates of Service for Engineers, differing in Form from Certificates of Competency, shall be granted as follows ; that is to say,

Engineers Certificates of Service to be delivered on Proof of certain Service.

(1.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as First Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or who has attained or attains the Rank of Engineer in the Service of Her Majesty or of the *East India* Company, shall be entitled to a "First-class Engineers Certificate" of Service :

(2.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as Second Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or as First or only Engineer in any other Steam Ship, or who has attained or attains the Rank of First-class Assistant Engineer in the Service of Her Majesty, shall be entitled to a "Second-class Engineers Certificate" of Service :

Each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and the Length and Nature of the previous Service of the Person to whom the same is delivered ; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or

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to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

Certain Provisions of Merchant Shipping Act to apply to Engineers Certificates.

10. The Provisions of the Principal Act, with respect to the Certificates of Competency or Service of Masters and Mates, contained in the 138th, 139th, 140th, 161st, and 162d Sections of the said Act, shall apply to Certificates of Competency or Service granted under this Act in the same Manner as if Certificates of Competency and Service to be granted to Engineers under this Act were specially mentioned and included in the said Sections.

Power of Board of Trade and Local Marine Board to investigate Conduct of Certificated Engineers.

11. The Power by the 241st Section of the Principal Act given to the Board of Trade or to any Local Marine Board of instituting Investigations into the Conduct of any Master or Mate whom it has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, shall extend to any Certificated Engineer whom the Board of Trade or any Local Marine Board has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, in the same Manner as if in the said Section the Words "Certificated Engineer" had been inserted after "Master" wherever "Master" occurs in such Section.

Declaration of Engineer Surveyor to contain Statement concerning Engineers Certificate.

12. The Declaration required to be given by the Engineer Surveyor under Section 309 of the Principal Act shall, in the Case of a Ship by this Act required to have a Certificated Engineer, contain, in addition to the Statements in the said Section mentioned, a Statement that the Certificate or Certificates of the Engineer or Engineers of such Ship is or are such and in such Condition as is required by this Act.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Third Part of Act to apply to Fishing Boats, Lighthouse Vessels, and Pleasure Yachts, with certain Exceptions.

13. The following Vessels ; that is to say,
 (1.) Registered Seagoing Ships exclusively employed in Fishing on the Coasts of the United Kingdom ;
 (2.) Seagoing Ships belonging to any of the Three General Lighthouse Boards ;
 (3.) Seagoing Ships being Pleasure Yachts ;
 Shall be subject to the whole of the Third Part of the Principal Act ; except,—Sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

Local Marine Board may determine Number of Quorum.

14. 'Whereas Doubts have been entertained whether Local Marine Boards have the Power of determining a Quorum :' It is hereby declared, That the Power by the 119th Section of the Principal Act given to every Local Marine Board of regulating the Mode in which its Meetings are to be held and its Business conducted includes the Power of determining a Quorum ; nevertheless, after the passing of this Act such Quorum shall never consist of less than Three Members.

Titles of Shipping Masters.

15. The Offices termed Shipping Offices in the Principal Act shall be termed Mercantile Marine Offices, and the Officers termed Shipping Masters and Deputy Shipping Masters in the Principal Act shall be termed Superintendents and Deputy Superintendents

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dents of such Offices; but nothing in this Section contained shall invalidate or affect any Act which may be done at any such Office under the Title of a Shipping Office, or any Act which may be done by, with, or to any of the said Officers under the Title of Shipping Master or Deputy Shipping Master.

16. Any Person appointed to any Office or Service by or under any Local Marine Board shall be deemed to be a Clerk or Servant within the Meaning of the Sixty-eighth Section of the Act of the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Ninety-six :

Punishment for Embezzlement in Shipping Offices.

If any such Person fraudulently applies or disposes of any Chattel, Money, or valuable Security received by him whilst employed in such Office or Service for or on account of any such Local Marine Board, or for or on account of any other public Board or Department, to his own Use or any Use or Purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any Part thereof contrary to any lawful Directions or Instructions which he is required to obey in relation to such Office or Service, he shall be deemed guilty of Embezzlement within the Meaning of the said Section :

Any such Person shall, on Conviction of such Offence as aforesaid, be liable to the same Pains and Penalties as are thereby imposed upon any Clerk or Servant for Embezzlement :

In any Indictment against such Person for such Offence it shall be sufficient to charge any such Chattel, Money, or valuable Security as the Property either of the Board by which he was appointed, or of the Board or Department for or on account of which he may have received the same; and no greater Particularity in the Description of the Property shall be required in such Indictment in order to sustain the same, or in proof of the Offence alleged, than is required in respect of an Indictment or the Subject Matter thereof by the Seventy-first Section of the said last-mentioned Act.

17. 'Whereas it is expedient to make Provision in certain Cases for holding Examinations of Applicants for Certificates of Competency at Places where there are no Local Marine Boards: ' Be it enacted, That the Board of Trade, if satisfied that serious Inconvenience exists at any Port in consequence of the Distance which Applicants for Certificates have to travel in order to be examined, may, with the Concurrence of any Local Marine Board, send the Examiner or Examiners of that Local Marine Board to the Port where such Inconvenience exists; and thereupon the said Examiner or Examiners shall proceed to such Port, and shall there examine the Applicants in the Presence of such Person or Persons (if any) as the Board of Trade may appoint for the Purpose; and such Examinations shall be conducted in the same Manner and shall have the same Effect as other Examinations under the said Act.

Examinations of Masters and Mates at Ports where there are no Local Marine Boards.

18. It is hereby declared that the 182d Section of the Principal Act does not apply to the Case of any Stipulation made by the Seamen belonging to any Ship, which according to the Terms

Construction of Sect. 182 of Principal Act. Stipulations

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concerning
Salvage.

of the Agreement is to be employed on Salvage Service, with respect to the Remuneration to be paid to them for Salvage Services to be rendered by such Ship to any other Ship or Ships.

Payment of
Wages to Sea-
men abroad
under Section
209 of Princi-
pal Act.

19. The Payment of Seamen's Wages required by the 209th Section of the Principal Act shall, whenever it is practicable so to do, be made in Money and not by Bill; and in Cases where Payment is made by Bill drawn by the Master, the Owner of the Ship shall be liable to pay the Amount for which the same is drawn to the Holder or Indorsee thereof; and it shall not be necessary in any Proceeding against the Owner upon such Bill to prove that the Master had Authority to draw the same; and any Bill purporting to be drawn in pursuance of the said Section, and to be indorsed as therein required, if produced out of the Custody of the Board of Trade or of the Registrar General of Seamen, or of any Superintendent of any Mercantile Marine Office, shall be received in Evidence; and any Indorsement on any such Bill purporting to be made in pursuance of the said Section, and to be signed by One of the Functionaries therein mentioned, shall also be received in Evidence, and shall be deemed to be *primâ facie* Evidence of the Facts stated in such Indorsement.

Wages and
Effects of de-
ceased Seamen.

20. The 197th Section of the Principal Act shall extend to Seamen or Apprentices who within the Six Months immediately preceding their Death have belonged to a *British* Ship; and such Section shall be construed as if there were inserted in the First Line thereof after the Words "such Seamen or Apprentice" as last aforesaid the Words "or if any Seaman or Apprentice who has within the Six Months immediately preceding his Death belonged to a *British* Ship."

Recovery of
Wages, &c.
of Seamen lost
with their Ship.

21. The Wages of Seamen or Apprentices who are lost with the Ship to which they belong shall be dealt with as follows; (that is to say,)

- (1.) The Board of Trade may recover the same from the Owner of the Ship in the same Manner in which Seamen's Wages are recoverable :
- (2.) In any Proceedings for the Recovery of such Wages, if it is shown by some official Return produced out of the Custody of the Registrar General of Seamen or by other Evidence that the Ship has Twelve Months or upwards before the Institution of the Proceeding left a Port of Departure, and if it is not shown that she has been heard of within Twelve Months after such Departure, she shall be deemed to have been lost with all Hands on board, either immediately after the Time she was last heard of or at such later Time as the Court hearing the Case may think probable :
- (3.) The Production out of the Custody of the Registrar General of Seamen or of the Board of Trade of any Duplicate Agreement or List of the Crew made out at the Time of the last Departure of the Ship from the United Kingdom, or of a Certificate purporting to be a Certificate from a Consular or other public Officer at

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any Port abroad, stating that certain Seamen or Apprentices were shipped in the Ship from the said Port, shall, in the Absence of Proof to the contrary, be sufficient Proof that the Seamen or Apprentices therein named were on board at the Time of the Loss :

- (4.) The Board of Trade shall deal with such Wages in the Manner in which they deal with the Wages of other deceased Seamen and Apprentices under the Principal Act.

22. 'Whereas under the 211th and 212th Sections of the Principal Act, and the 16th Section of "The Merchant Shipping Act Amendment Act, 1855," Provision is made for relieving and sending home Seamen found in Distress abroad: And whereas Doubts are entertained whether Power exists under the said Sections of making Regulations and imposing Conditions which are necessary for the Prevention of Desertion and Misconduct and the undue Expenditure of Public Money: Be it enacted and it is hereby declared, That the Claims of Seamen to be relieved or sent home in pursuance of the said Sections or any of them shall be subject to such Regulations and dependent on such Conditions as the Board of Trade may from Time to Time make or impose; and no Seaman shall have any Right to demand to be relieved or sent home except in the Cases and to the Extent provided for by such Regulations and Conditions.

Relief of distressed Seamen to be regulated by Board of Trade.

23. The following Rules shall be observed with respect to the Cancellation and Suspension of Certificates, that is to say:

Power of cancelling Certificate to rest with the Court which hears the Case.

- (1.) The Power of cancelling or suspending the Certificate of a Master or Mate by the 242d Section of the Principal Act conferred on the Board of Trade shall (except in the Case provided for by the Fourth Paragraph of the said Section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or Tribunal by which the Case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:
- (2.) Such Power shall extend to cancelling or suspending the Certificates of Engineers in the same Manner as if "Certificated Engineer" or "Certificated Engineers" were inserted throughout such Section after "Master" or "Masters":
- (3.) Every such Board, Court, or Tribunal shall at the Conclusion of the Case, or as soon afterwards as possible, state in open Court the Decision to which they may have come with respect to cancelling or suspending Certificates, and shall in all Cases send a full Report upon the Case, with the Evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any Certificate, forward such Certificate to the Board of Trade with their Report:
- (4.) It shall be lawful for the Board of Trade, if they think the Justice of the Case require it, to re-issue and return any Certificate which has been cancelled or suspended,

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or shorten the Time for which it is suspended, or grant a new Certificate of the same or any lower Grade in place of any Certificate which has been cancelled or suspended :

- (5.) The 434th and 437th Sections of the Principal Act shall be read as if for the Word "Nautical" were substituted the Words "Nautical or Engineering," and as if for the Word "Person" and "Assessor" respectively were substituted the Words "Person or Persons" and "Assessor or Assessors" respectively :
- (6.) No Certificate shall be cancelled or suspended under this Section unless a Copy of the Report or a Statement of the Case upon which the Investigation is ordered has been furnished to the Owner of the Certificate before the Commencement of the Investigation, nor, in the Case of Investigations conducted by Justices or a Stipendiary Magistrate, unless One Assessor at least expresses his Concurrence in the Report.

24. Every Master or Mate or Engineer whose Certificate is or is to be suspended or cancelled in pursuance of this Act shall, upon Demand of the Board, Court, or Tribunal by which the Case is investigated or tried, deliver his Certificate to them, or, if it is not demanded by such Board, Court, or Tribunal, shall, upon Demand, deliver it to the Board of Trade, or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Safety (Part IV. of Merchant Shipping Act, 1854).

25. On and after the First Day of *June* One thousand eight hundred and sixty-three, or such later Day as may be fixed for the Purpose by Order in Council, the Regulations contained in the Table marked (C.) in the Schedule hereto shall come into operation and be of the same Force as if they were enacted in the Body of this Act ; but Her Majesty may from Time to Time, on the joint Recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor ; and any Alterations in or Additions to such Regulations made in manner aforesaid shall be of the same Force as the Regulations in the said Schedule.

26. The Board of Trade shall cause the said Regulations and any Alterations therein or Additions thereto hereafter to be made to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same ; and Production of the Gazette in which any Order in Council containing such Regulations or any Alterations therein or Additions thereto is published, or of a Copy of such Regulations, Alterations, or Additions, signed or purporting to be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or sealed or purporting to be sealed with the Seal of the Board of Trade, shall be sufficient Evidence of the due making and Purport of such Regulations, Alterations, or Additions,

Certificate to be delivered up.

Enactment of Regulations concerning Lights, Fog Signals, and Sailing Rules in Schedule, Table (C.)

Regulations to be published.

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27. All Owners and Masters of Ships shall be bound to take notice of all such Regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other Lights and to use no other Fog Signals than such as are required by the said Regulations; and in case of wilful Default, the Master, or the Owner of the Ship if it appear that he was in such Fault, shall, for each Occasion upon which such Regulations are infringed, be deemed to be guilty of a Misdemeanor.

Owners and Masters bound to obey them.

28. In case any Damage to Person or Property arises from the Non-observance by any Ship of any Regulation made by or in pursuance of this Act, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

Breaches of Regulations to imply wilful Default of Person in charge.

29. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasioned by the Non-observance of any Regulation made by or in pursuance of this Act, the Ship by which such Regulation has been infringed shall be deemed to be in fault, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary.

If Collision ensues from Breach of the Regulations, Ship to be deemed in fault.

30. The following Steps may be taken in order to enforce Compliance with the said Regulations; that is to say,

Inspection for enforcing Regulations.

- (1.) The Surveyors appointed under the Third Part of the Principal Act, or such other Persons as the Board of Trade may appoint for the Purpose, may inspect any Ships for the Purpose of seeing that such Ships are properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations, and shall for that Purpose have the Powers given to Inspectors by the 14th Section of the Principal Act:
- (2.) If any such Surveyor or Person finds that any Ship is not so provided, he shall give to the Master or Owner Notice in Writing, pointing out the Deficiency, and also what is, in his Opinion, requisite in order to remedy the same:
- (3.) Every Notice so given shall be communicated in such Manner as the Board of Trade may direct to the Collector or Collectors of Customs at any Port or Ports from which such Ship may seek to clear or at which her Transire is to be obtained; and no Collector to whom such Communication is made shall clear such Ship outwards or grant her a Transire, or allow her to proceed to Sea, without a Certificate under the Hand of One of the said Surveyors or other Persons appointed by the Board of Trade as aforesaid, to the Effect that the said Ship is properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations.

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Rules for Harbours under Local Acts to continue in force.

31. Any Rules concerning the Lights or Signals to be carried by Vessels navigating the Waters of any Harbour, River, or other Inland Navigation, or concerning the Steps for avoiding Collision to be taken by such Vessels, which have been or are hereafter made by or under the Authority of any Local Act, shall continue and be of full Force and Effect notwithstanding anything in this Act or in the Schedule thereto contained.

In Harbours and Rivers where no such Rules exist they may be made.

32. In the Case of any Harbour, River, or other Inland Navigation for which such Rules are not and cannot be made by or under the Authority of any Local Act, it shall be lawful for Her Majesty in Council, upon Application from the Harbour Trust or Body Corporate, if any, owning or exercising Jurisdiction upon the Waters of such Harbour, River, or Inland Navigation, or, if there is no such Harbour Trust or Body Corporate, upon Application from Persons interested in the Navigation of such Waters, to make Rules concerning the Lights or Signals to be carried, and concerning the Steps for avoiding Collision to be taken by Vessels navigating such Waters; and such Rules, when so made, shall, so far as regards Vessels navigating such Waters, have the same Effect as if they were Regulations contained in Table (C.) in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained.

In case of Collision one Ship shall assist the other.

33. In every Case of Collision between Two Ships it shall be the Duty of the Person in charge of each Ship, if and so far as he can do so without Danger to his own Ship and Crew, to render to the other Ship, her Master, Crew, and Passengers (if any), such Assistance as may be practicable and as may be necessary in order to save them from any Danger caused by the Collision :

In case he fails so to do, and no reasonable Excuse for such Failure is shown, the Collision shall, in the Absence of Proof to the contrary, be deemed to have been caused by his wrongful Act, Neglect, or Default; and such Failure shall also, if proved upon any Investigation held under the Third or the Eighth Part of the Principal Act, be deemed to be an Act of Misconduct or a Default for which his Certificate (if any) may be cancelled or suspended.

Surveys of Steamers.

34. Notwithstanding anything in the 311th Section of the Principal Act contained, it shall not be necessary for the Surveys of Passenger Steamers to be made in the Months of *April* and *October*; but no Declaration shall be given by any Surveyor under the Fourth Part of the said Act for a Period exceeding Six Months, and no Certificate issued by the Board of Trade shall remain in force more than Six Months from the Date thereof.

Penalties on drunken or disorderly Passengers.

35. The following Offenders, that is to say,
(1.) Any Person who, being drunken or disorderly, has been on that Account refused Admission into any duly surveyed Passenger Steamer by the Owner or any Person in his Employ, and who, after having had the Amount of his Fare (if he has paid the same) returned

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or tendered to him, nevertheless persists in attempting to enter such Steamer ;

- (2.) Any Person who being drunken or disorderly on board any such Steamer is requested by the Owner or any Person in his Employ to leave the same at any Place in the United Kingdom at which he can conveniently so do, and who, having had the Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request ;
- (3.) Any Person on board any such Steamer who after Warning by the Master or any other Officer of the Steamer molests or continues to molest any Passenger ;
- (4.) Any Person who, after having been refused Admission into any such Steamer by the Owner or any Person in his Employ on account of such Steamer being full, and who after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same ;
- (5.) Any Person, having got on board any such Steamer, who, upon being requested on the like Account by the Owner or any Person in his Employ to leave such Steamer before the same has quitted the Place at which such Person got on board, and who upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request ;
- (6.) Any Person who travels or attempts to travel in any such Steamer without having previously paid his Fare, and with Intent to avoid Payment thereof ;
- (7.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof ;
- (8.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer ; and
- (9.) Any Person on board any such Steamer who does not when required by the Master or other Officer of such Steamer either pay his Fare or exhibit such Ticket or other Receipt (if any) showing the Payment of his Fare as is usually given to Persons travelling by and paying their Fare for such Steamer ;

On Persons molesting Passengers.

Penalties on Persons forcing Way on board the Ship when full.

And on Persons refusing to quit the Ship when full.

Penalties for avoiding Payment of Fares.

Shall for every such Offence be liable to a Penalty not exceeding Forty Shillings ; but such Liability shall not prejudice the Recovery of any Fare payable by him.

36. Any Person on board any such Steamer who wilfully does or causes to be done anything in such a Manner as to obstruct or injure any Part of the Machinery or Tackle of such Steamer, or to obstruct, impede, or molest the Crew or any of them in the Navigation or Management of such Steamer, or otherwise in the Execution of their Duty upon or about such Steamer, shall for every

Penalty for injuring Steamer or molesting Crew.

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every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Manner of apprehending Offenders.

37. It shall be lawful for the Master or other Officer of any duly surveyed Passenger Steamer, and for all Persons called by him to his Assistance, to detain any Person who has committed any Offence against any of the Provisions of the Two last preceding Sections of this Act, and whose Name and Address are unknown to such Officer, and to convey such Offender with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall have Jurisdiction to try the Case, and shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Provisions as to carrying dangerous Goods.

38. The Provisions of the 329th Section of the Principal Act shall extend to Foreign Ships when within the Limits of the United Kingdom.

Pilotage (Part V. of Merchant Shipping Act, 1854).

Power of Pilotage Authorities to exempt from compulsory Pilotage.

39. 'Whereas it is enacted by the Principal Act that every Pilotage Authority shall have Power, in manner and subject to the Conditions therein mentioned, to do the following Things; (that is to say),

To alter and reduce Rates of Pilotage.

'To exempt the Masters of any Ships or of any Classes of Ships from being compelled to employ qualified Pilots:
'To lower and modify the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority:

To arrange the Limits of Pilotage Districts.

'To make Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority, and transferring its own Powers to such last-mentioned Authority:

Power by Provisional Order,—

'And whereas it is expedient that increased Facilities should be given for effecting the Objects contemplated by the said recited Enactments, and for further amending the Law concerning Pilotage, and that in so doing Means should be afforded for paying due Regard to existing Interests and to the Circumstances of particular Cases: Be it enacted, That it shall be lawful for the Board of Trade, by Provisional Order, to do the following Things; that is to say,

To transfer Pilotage Jurisdiction.

(1.) Whenever any Pilotage Authority residing or having its Place of Business at One Port has or exercises Jurisdiction in Matters of Pilotage in any other Port, to transfer so much of the said Jurisdiction as concerns such last-mentioned Port to any Harbour Trust or other Body exercising any local Jurisdiction in Maritime Matters at the last-mentioned Port or to any Body to be constituted for the Purpose by the Provisional Order, or, in Cases where the said Pilotage Authority is not the *Trinity House of Deptford Strond*, to the said *Trinity House*; or to transfer the whole or any Part of the Jurisdiction of the said Pilotage Authority to a

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new Body Corporate or Body of Persons to be constituted for the Purpose by the Provisional Order, so as to represent the Interests of the several Ports concerned :

- (2.) To make the Body Corporate or Persons to whom the said Transfer is made a Pilotage Authority within the Meaning of the Principal Act, with such Powers for the Purpose as may be in the Provisional Order in that Behalf mentioned : And to make consequent Arrangements.

To determine the Limits of the District of the Pilotage Authority to which the Transfer of Jurisdiction is made :

To sanction a Scale of Pilotage Rates to be taken by the Pilots to be licensed by the last-mentioned Pilotage Authority :

To determine to what Extent and under what Conditions any Pilots already licensed by the former Pilotage Authority shall continue to act under the new Pilotage Authority :

To sanction Arrangements for the Apportionment of any Pilotage Funds belonging to the Pilots licensed by the former Pilotage Authority between the Pilots remaining under the Jurisdiction of that Authority and the Pilots who are transferred to the Jurisdiction of the new Authority :

To provide for such Compensation or Superannuation as may be just to Officers employed by the former Pilotage Authority and not continued by the new Authority :

- (3.) To constitute a Pilotage Authority and to fix the Limits of its District in any Place in the United Kingdom where there is no such Authority ; so, however, that in the new Pilotage Districts so constituted there shall be no compulsory Pilotage, and no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots : To constitute new Authorities.

- (4.) To exempt the Masters and Owners of all Ships, or of any Classes of Ships, from being obliged to employ Pilots in any Pilotage District or in any Part of any Pilotage District, or from being obliged to pay for Pilots when not employing them in any District or in any Part of any Pilotage District, and to annex any Terms and Conditions to such Exemptions : To exempt from compulsory Pilotage in any District.

- (5.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to license Pilots and fix Pilotage Rates for any Part of the District within the Jurisdiction of such Authority for which no such Licences or Rates now exist : To enable existing Authorities to grant Licences and fix Rates.

- (6.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any To raise Rates.
Pilotage

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Pilotage Authority to raise all or any of the Pilotage Rates now in force in the District or any Part of the District within the Jurisdiction of such Authority :

To facilitate Recovery of Rates in certain Cases.

(7.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Number of Pilots, or on the Power of duly qualified Persons to obtain Licences as Pilots, to give additional Facilities for the Recovery of Pilotage Rates and for the Prevention of the Employment of unqualified Pilots :

To facilitate Grants of Licences.

(8.) To give Facilities for enabling duly qualified Persons, after proper Examination as to their Qualifications, to obtain Licences as Pilots.

Regulations with respect to Manner of making and confirming Provisional Orders.

40. The following Rules shall be observed with respect to Provisional Orders made in pursuance of this Act :

1. Application in Writing for such Order shall be made to the Board of Trade by some Persons interested in the Pilotage of the District or in the Operation of the Laws or Regulations relating to such Pilotage :
2. Notice of such Application having been made shall be published once at the least in each of Two successive Weeks in the Month immediately succeeding the Time of such Application in the *Shipping Gazette*, and in some Newspaper or Newspapers circulating in the County, or, if there are more than One, in the Counties adjacent to the Pilotage District to be affected by the Order :
3. The Notice so published shall state the Objects which it is proposed to effect by the Provisional Order :
4. The Board of Trade on receiving the Application shall refer the same to the Pilotage Authority or Authorities of the District, and shall receive and consider any Objections which may be made to the proposed Provisional Order, and shall for that Purpose allow at least Six Weeks to elapse between the Time of referring the Application to the Pilotage Authority and the Time of making the Provisional Order :
5. The Board of Trade shall, after considering all Objections, determine whether to proceed with the Provisional Order or not ; and shall, if they determine to proceed with it, settle it in such Manner and with such Terms and Conditions, not being inconsistent with the Provisions of this Act, as they may think fit ; and shall, when they have settled the same, forward Copies thereof to the Persons making the Application and to the Pilotage Authority or Authorities of the District or Districts to which it refers :
6. No such Provisional Order shall take effect unless and until the same is confirmed by Parliament ; and for the Purpose of procuring such Confirmation the Board of Trade shall introduce into Parliament a Public General Bill, or Public General Bills, in which, or in the Schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at Length :

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7. If any Petition is presented to either House of Parliament against any such Provisional Order as aforesaid in the Progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the Order so petitioned against may be referred to a Select Committee, and the Petitioner shall in such Case be allowed to appear and oppose as in the Case of Private Bills.

41. The Masters and Owners of Ships passing through the Limits of any Pilotage District in the United Kingdom on their Voyages between Two Places both situate out of such Districts shall be exempted from any Obligation to employ a Pilot within such District, or to pay Pilotage Rates when not employing a Pilot within such District: Provided that the Exemption contained in this Section shall not apply to Ships loading or discharging at any Place situate within such District, or at any Place situate above such District on the same River or its Tributaries.

Extension of Exemptions from compulsory Pilotage.

42. 'Whereas under the Provisions of the *Bristol Channel Pilotage Act, 1861*, Pilotage Authorities have been established at the Ports of *Newport* and *Gloucester*, and the Pilots theretofore licensed by the *Trinity House of Deptford Strond* for those Parts have ceased to be so licensed: And whereas no Provision has been made by the said Act for dealing with such Interests as the said Pilots may have in the *Trinity House Pilot Fund* mentioned in the Principal Act: Be it therefore enacted, That, notwithstanding the said Pilots have ceased to be licensed by the *Trinity House*, the *Trinity House* may make such an equitable Arrangement in the Administration of the *Trinity House Pilot Fund* mentioned in the Principal Act with reference to the Interests of the Pilots so ceasing to be licensed by them as aforesaid as they may in their Discretion think fit.

Arrangement of Pilot Funds for Bristol Channel Pilots.

Lighthouses (Part VI. of Merchant Shipping Act, 1854).

43. The following Rules shall be observed with respect to the Inspection of local Lighthouses, Buoys, and Beacons; that is to say,

Lights, &c. under Local Authorities to be inspected, &c. by Trinity House, and other General Authorities.

- (1.) It shall be the Duty of each of the General Lighthouse Authorities, or of such Persons as may be authorized by such Authority for the Purpose, to inspect all Lights, Buoys, and Beacons situate within the Limits of the Jurisdiction of such General Authority, but belonging to or under the Jurisdiction of any Local Authorities, and to make such Inquiries in respect thereof and of the Management thereof as they may think fit:
- (2.) All Officers and others having the Care of such Lighthouses, Buoys, or Beacons, or concerned in the Management thereof, shall furnish all such Information and Explanations concerning the same as they may require:
- (3.) All such Local Authorities and their respective Officers shall at all Times give to the Inspecting Authority all such Returns, Explanations, or Information concerning the

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the Lighthouses, Buoys, and Beacons within their Jurisdiction, and the Management thereof, as the said Authority may from Time to Time require :

- (4.) The Inspecting Authority shall communicate to each Local Authority the Results of its Inspection of the Lighthouses, Buoys, and Beacons within its Jurisdiction, and shall also make general Reports of the Results of its Inspection of local Lighthouses, Buoys, and Beacons to the Board of Trade ; and such Reports shall be laid before Parliament :
- (5.) The Powers given by the 394th Section of the Principal Act to the General Lighthouse Authorities shall, so far as the same are applicable, extend and apply to the Case of local Buoys and Beacons, other than local Buoys and Beacons placed or erected for temporary Purposes, as well as to the Case of local Lighthouses.

Liability for
and Recovery
of Light Dues.

44. The following Persons shall be liable to pay Light Dues for any Ship in respect of which Light Dues are payable ; (that is to say,) the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, and in default of Payment such Light Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of the Principal Act.

Powers of
Consignees to
retain Light
Dues paid by
them.

45. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Light Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship, or belonging to the Owner thereof, retain the Amount of all Dues so paid by him, together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Dues may be
levied for local
Lights.

46. If any Lighthouse, Buoy, or Beacon is erected or placed, or reconstructed, repaired, or replaced by any Local Authority having Jurisdiction in the Matter of Lighthouses, Buoys, or Beacons, Her Majesty may, on the Application of the said Local Authority, by Order in Council fix such Dues to be paid to the said Local Authority in respect of every Ship which enters the Port or Harbour under the Jurisdiction of such Local Authority or the Estuary wherein such Lighthouse, Buoy, or Beacon is situate, and which passes the said Lighthouse, Buoy, or Beacon, and derives Benefit therefrom, as Her Majesty may deem reasonable :

The Dues for the Time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the Master of the said Ship or other Person or Persons by whom the said Light Dues, if levied by One of the General Lighthouse Authorities, would be payable, and shall be recoverable in the same Manner as Light Dues payable to such General Authorities are recoverable.

Application of
and Accounts
of such Dues.

47. All Light Dues leviable by any Local Authority under this Act shall be applied for the Purposes of the Construction, Placing, Maintenance, and Improvement of the Lighthouses, Buoys, and Beacons in respect of which the same are levied, and for no other Purpose :

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The Local Authority to whom the same are paid shall keep a separate Account of the Receipt and Expenditure of such Dues, and shall once in every Year, or at such other Time as the Board of Trade may determine, send a Copy of such Account to the Board of Trade, and shall send the same in such Form and shall give such Particulars in relation thereto as the Board of Trade may require :

Her Majesty may by Order in Council from Time to Time reduce, alter, or increase all or any of such Dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the Payment of the Expenses incurred by the Local Authority in respect of the Lighthouses, Buoys, or Beacons for which the Dues are levied.

48. The 431st Section of the Principal Act shall be read as if after the Word "Ships" there were inserted the Words "and Boats."

Construction of Sect. 431. of Principal Act.

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854).

49. The Provisions contained in the Eighth Part of the Principal Act for giving summary Jurisdiction to Two Justices in Salvage Cases, and for preventing unnecessary Appeals and Litigation in such Cases, shall be amended as follows ; (that is to say,)

Extension and Amendment of summary Jurisdiction in small Salvage Cases.

- (1.) Such Provision shall extend to all Cases in which the Value of the Property saved does not exceed One thousand Pounds, as well as to the Cases provided for by the Principal Act :
- (2.) Such Provisions shall be held to apply whether the Salvage Service has been rendered within the Limits of the United Kingdom or not :
- (3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors, to appoint out of the Justices for any Borough or County a Rota of Justices by whom Jurisdiction in Salvage Cases shall be exercised :
- (4.) When no such Rota is appointed, it shall be lawful for the Salvors, by Writing addressed to the Justice's Clerk, to name One Justice, and for the Owner of the Property saved in like Manner to name the other :
- (5.) If either Party fails to name a Justice within a reasonable Time, the Case may be tried by Two or more Justices at Petty Sessions :
- (6.) It shall be competent for any Stipendiary Magistrate, and also in *England* for any County Court Judge, in *Scotland* for the Sheriff or Sheriff Substitute of any County, and in *Ireland* for the Recorder of any Borough in which there is a Recorder, or for the Chairman of Quarter Sessions in any County, to exercise the same Jurisdiction in Salvage Cases as is given to Two Justices :

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(7.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to determine a Scale of Costs to be awarded in Salvage Cases by any such Justices or Court as aforesaid :

(8.) All the Provisions of the Principal Act relating to summary Proceedings in Salvage Cases, and to the Prevention of unnecessary Appeals in such Cases, shall, except so far as the same are altered by this Act, extend and apply to all such Proceedings, whether under the Principal Act or this Act, or both of such Acts.

Receiver may appoint a Valuer in Salvage Cases.

50. Whenever any Salvage Question arises the Receiver of Wreck for the District may, upon Application from either of the Parties, appoint a Valuer to value the Property in respect of which the Salvage Claim is made, and shall, when the Valuation has been returned to him, give a Copy of the Valuation to both Parties ; and any Copy of such Valuation, purporting to be signed by the Valuer, and to be attested by the Receiver, shall be received in Evidence in any subsequent Proceeding ; and there shall be paid in respect of such Valuation, by the Party applying for the same, such Fee as the Board of Trade may direct.

Jurisdiction of Court of Session in Salvage Cases.

51. The Words " Court of Session " in the Four hundred and sixty-eighth Section of the Principal Act shall be deemed to mean and include either Division of the Court of Session or the Lord Ordinary officiating on the Bills during Vacation.

Delivery of Wreck by Receiver not to prejudice Title.

52. Upon Delivery of Wreck or of the Proceeds of Wreck by any Receiver to any Person in pursuance of the Provisions of the Eighth Part of the Principal Act such Receiver shall be discharged from all Liability in respect thereof, but such Delivery shall not be deemed to prejudice or affect any Question concerning the Right or Title to the said Wreck which may be raised by Third Parties, nor shall any such Delivery prejudice or affect any Question concerning the Title to the Soil on which the Wreck may have been found.

Crown Rights to Wreck.

53. ' Whereas by the Principal Act it is provided that the Proceeds of Wreck, if the same is not claimed by the Owner within a Year, and if no Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled thereto, shall, subject to certain Deductions, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and that the same shall be carried to and form Part of the Consolidated Fund of the United Kingdom :

' And whereas Doubts have been entertained whether the said last-recited Provision is consistent with the Arrangements concerning the Hereditary Revenues of the Crown effected by the Act of the First Year of Her present Majesty, Chapter Two : ' And whereas Doubts have also been entertained whether due Provision is made by the said Act for paying to the Revenues of the Duchies of *Lancaster* and *Cornwall* respectively such of the said Proceeds as may belong to those Duchies :

It is hereby declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Crown shall,

1 Vict. c. 2.

Merchant Shipping Acts, &c. Amendment.

during the Life of Her present Majesty (whom God long preserve), be carried to and form part of the Consolidated Fund of the United Kingdom, and shall after the Decease of Her present Majesty (whom God long preserve) be payable and paid to Her Majesty's Heirs and Successors :

And it is hereby further declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Duchy of *Lancaster* shall be paid to the Receiver General of the said Duchy or his sufficient Deputy or Deputies as Part of the Revenues of the said Duchy and be dealt with accordingly :

And it is hereby further declared and enacted, That the Provision in the Principal Act contained regarding the Sale of unclaimed Wreck to which no Owner establishes his Claim within the Period of One Year, and to which no Admiral, Vice Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled, is intended and shall be construed to apply to Wreck of the Sea belonging to Her Majesty, Her Heirs and Successors, in respect of the Duchy of *Cornwall*, or to the Duke of *Cornwall* for the Time being in respect of his Duchy of *Cornwall*: But that the Proceeds of such Wreck shall, subject to such Deductions as are in the same Act mentioned, form Part of the Revenues of the Duchy of *Cornwall*, and be dealt with accordingly.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

54. The Owners of any Ship, whether *British* or Foreign, shall not, in Cases where all or any of the following Events occur without their actual Fault or Privity, that is to say, Shipowners
Liability
limited.

- (1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship ;
- (2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship ;
- (3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Ship as aforesaid caused to any Person carried in any other Ship or Boat ;
- (4.) Where any Loss or Damage is by reason of the improper Navigation of such Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever on board any other Ship or Boat ;

be answerable in Damages in respect of Loss of Life or personal Injury, either alone or together with Loss or Damage to Ships, Boats, Goods, Merchandise, or other Things, to an aggregate Amount exceeding Fifteen Pounds for each Ton of their Ship's Tonnage ; nor in respect of Loss or Damage to Ships, Goods, Merchandise, or other Things, whether there be in addition Loss of Life or personal Injury or not, to an aggregate Amount exceeding Eight Pounds for each Ton of the Ship's Tonnage ; such Tonnage to be the Registered Tonnage in the Case of Sailing Ships, and in the Case of Steam Ships the Gross Tonnage without Deduction on account of Engine Room :

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In the Case of any Foreign Ship which has been or can be measured according to *British Law*, the Tonnage as ascertained by such Measurement shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship :

In the Case of any Foreign Ship which has not been and cannot be measured under *British Law*, the Surveyor General of Tonnage in the United Kingdom, and the Chief Measuring Officer in any *British Possession* abroad, shall, on receiving from or by Direction of the Court hearing the Case such Evidence concerning the Dimensions of the Ship as it may be found practicable to furnish, give a Certificate under his Hand, stating what would in his Opinion have been the Tonnage of such Ship if she had been duly measured according to *British Law*, and the Tonnage so stated in such Certificate shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship.

55. Insurances effected against any or all of the Events enumerated in the Section last preceding, and occurring without such actual Fault or Privity as therein mentioned, shall not be invalid by reason of the Nature of the Risk.

56. In any Proceeding under the 506th Section of the Principal Act or any Act amending the same against the Owner of any Ship or Share therein in respect of Loss of Life, the Master's List or the duplicate List of Passengers delivered to the proper Officer of Customs under the 16th Section of "The Passengers Act, 1855," shall, in the Absence of Proof to the contrary, be sufficient Proof that the Persons in respect of whose Death any such Prosecution or Proceeding is instituted were Passengers on board such Ship at the Time of their Deaths.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

57. Whenever Foreign Ships are within *British Jurisdiction*, the Regulations for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, and all Provisions of this Act relating to such Regulations, or otherwise relating to Collisions, shall apply to such Foreign Ships ; and in any Cases arising in any *British Court of Justice* concerning Matters happening within *British Jurisdiction*, Foreign Ships shall, so far as regards such Regulations and Provisions, be treated as if they were *British Ships*.

58. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that the Regulations for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, or any of the said Regulations, or any Provisions of this Act relating to Collisions, should apply to the Ships of such Country when beyond the Limits of *British Jurisdiction*, Her Majesty may, by Order in Council, direct that such Regulations, and all Provisions of this Act which relate to such Regulations, and all such

Limitation of Invalidity of Insurances.

Proof of Passengers on board lost Ship.

Foreign Ships in British Jurisdiction to be subject to Regulations in Table (C.) in Schedule.

Regulations, when adopted by a Foreign Country, may be applied to its Ships on the High Seas.

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other Provisions as aforesaid, shall apply to the Ships of the said Foreign Country, whether within *British* Jurisdiction or not.

59. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that Salvage shall be awarded by *British* Courts for Services rendered in saving Life from any Ship belonging to such Country when such Ship is beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that the Provisions of the Principal Act and of this Act, with respect to Salvage for Services rendered in saving Life from *British* Ships, shall in all *British* Courts be held to apply to Services rendered in saving Life from the Ships of such Foreign Country, whether such Services are rendered within *British* Jurisdiction or not.

Provisions concerning Salvage of Life may, with the Consent of any Foreign Country, be applied to its Ships.

60. Whenever it is made to appear to Her Majesty that the Rules concerning the Measurement of Tonnage of Merchant Ships for the Time being in force under the Principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty by Order in Council to direct that the Ships of such Foreign Country shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other National Papers; and thereupon it shall no longer be necessary for such Ships to be re-measured in any Port or Place in Her Majesty's Dominions, but such Ships shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other Papers, in the same Manner, to the same Extent, and for the same Purposes in, to, and for which the Tonnage denoted in the Certificates of Registry of *British* Ships is deemed to be the Tonnage of such Ships.

Ships of Foreign Countries adopting the Rule for Measurement of Tonnage need not be re-measured in this Country.

61. Whenever an Order in Council has been issued under this Act, applying any Provision of this Act or any Regulation made by or in pursuance of this Act to the Ships of any Foreign Country, such Ships shall in all Cases arising in any *British* Court be deemed to be subject to such Provision or Regulation, and shall for the Purpose of such Provision or Regulation be treated as if they were *British* Ships.

Effect of Order in Council.

62. In issuing any Order in Council under this Act Her Majesty may limit the Time during which it is to remain in operation, and may make the same subject to such Conditions and Qualifications, if any, as may be deemed expedient, and thereupon the Operation of the said Order shall be limited and modified accordingly.

Orders in Council may be limited as to Time, and qualified;

63. Her Majesty may by Order in Council from Time to Time revoke or alter any Order previously made under this Act.

May be revoked and altered;

64. Every Order in Council to be made under this Act shall be published in the *London Gazette* as soon as may be after the making thereof; and the Production of a Copy of the *London Gazette* containing such Order shall be received in Evidence, and shall be Proof that the Order therein published has been duly made and issued; and it shall not be necessary to plead such Order specially.

To be published in *London Gazette*.

Merchant Shipping Acts, &c. Amendment.

Legal Procedure.

20 & 21 Vict.
c. 43. s. 3.
not to apply
to Proceedings
under Board of
Trade or this
Act, &c.

65. Nothing in the Third Section of the Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, except so much thereof as provides for the Payment of any Fees that may be due to the Clerk of the Justices, shall be deemed to apply to extend to any Proceeding under the Direction of the Board of Trade, or under or by virtue of the Provisions of the Principal Act or this Act, or any Act amending the same.

Delivery of Goods and Lien for Freight.

Interpretation
of Terms.

66. The following Terms used in the Sections of this Act herein-after contained shall have the respective Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; that is to say,

“Report.”

The Word “Report” shall mean the Report required by the Customs Laws to be made by the Master of any importing Ship :

“Entry.”

The Word “Entry” shall mean the Entry required by the Customs Laws to be made for the Landing or Discharge of Goods from an importing Ship :

“Goods.”

The Word “Goods” shall include every Description of Wares and Merchandise :

“Wharf.”

The Word “Wharf” shall include all Wharves, Quays, Docks, and Premises in or upon which any Goods when landed from Ships may be lawfully placed :

“Warehouse.”

The Word “Warehouse” shall include all Warehouses, Buildings, and Premises in which Goods when landed from Ships may be lawfully placed :

“Wharf
Owner.”

The Expression “Wharf Owner” shall mean the Occupier of any Wharf, as herein-before defined :

“Warehouse
Owner.”

The Expression “Warehouse Owner” shall mean the Occupier of any Warehouse, as herein-before defined :

“Shipowner.”

The Word “Shipowner” shall include the Master of the Ship and every other Person authorized to act as Agent for the Owner, or entitled to receive the Freight, Demurrage, or other Charges payable in respect of such Ship :

“Owner of
Goods.”

The Expression “Owner of Goods” shall include every Person who is for the Time being entitled, either as Owner or Agent for the Owner, to the Possession of the Goods, subject in the Case of a Lien, if any, to such Lien.

Power to Ship-
owner to enter
and land Goods
in default of
Entry and
landing by
Owner of
Goods.

67. Where the Owner of any Goods imported in any Ship from Foreign Parts into the United Kingdom fails to make Entry thereof, or having made Entry thereof to land the same or take Delivery thereof and to proceed therewith with all convenient Speed, by the Times severally herein-after mentioned, the Shipowner may make Entry of and land or unship the said Goods at the Times, in the Manner, and subject to the Conditions following ; (that is to say,)

(1.) If a Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Time so expressed :

(2.) If

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- (2.) If no Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Expiration of Seventy-two Hours, exclusive of a *Sunday* or Holiday, after the Report of the Ship :
- (3.) If any Wharf or Warehouse is named in the Charter Party, Bill of Lading, or Agreement, as the Wharf or Warehouse where the Goods are to be placed, and if they can be conveniently there received, the Shipowner in landing them by virtue of this Enactment shall cause them to be placed on such Wharf or in such Warehouse :
- (4.) In other Cases the Shipowner in landing Goods by virtue of this Enactment shall place them in or on some Wharf or Warehouse on or in which Goods of a like Nature are usually placed ; such Wharf or Warehouse being, if the Goods are dutiable, a Wharf or Warehouse duly approved by the Commissioners of Customs for the landing of dutiable Goods :
- (5.) If at any Time before the Goods are landed or unshipped the Owner of the Goods is ready and offers to land or take Delivery of the same, he shall be allowed so to do, and his Entry shall in such Case be preferred to any Entry which may have been made by the Shipowner :
- (6.) If any Goods are, for the Purpose of Convenience in assorting the same, landed at the Wharf where the Ship is discharged, and the Owner of the Goods at the Time of such landing has made Entry and is ready and offers to take Delivery thereof, and to convey the same to some other Wharf or Warehouse, such Goods shall be assorted at landing, and shall, if demanded be delivered to the Owner thereof within Twenty-four Hours after Assortment ; and the Expense of and consequent on such landing and Assortment shall be borne by the Shipowner :
- (7.) If at any Time before the Goods are landed or unshipped the Owner thereof has made Entry for the landing and warehousing thereof at any particular Wharf or Warehouse other than that at which the Ship is discharging, and has offered and been ready to take Delivery thereof, and the Shipowner has failed to make such Delivery and has also failed at the Time of such Offer to give the Owner of the Goods correct Information of the Time at which such Goods can be delivered, then the Shipowner shall, before landing or unshipping such Goods under the Power hereby given to him, give to the Owner of the Goods or of such Wharf or Warehouse as last aforesaid Twenty-four Hours Notice in Writing of his Readiness to deliver the Goods, and shall, if he lands or unships the same without such Notice, do so at his own Risk and Expense.

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If, when Goods are landed, the Shipowner give Notice for that Purpose, the Lien for Freight is to continue.

68. If, at the Time when any Goods are landed from any Ship, and placed in the Custody of any Person as a Wharf or Warehouse Owner, the Shipowner gives to the Wharf or Warehouse Owner Notice in Writing that the Goods are to remain subject to a Lien for Freight or other Charges payable to the Shipowner to an Amount to be mentioned in such Notice, the Goods so landed shall, in the Hands of the Wharf or Warehouse Owner, continue liable to the same Lien, if any, for such Charges as they were subject to before the landing thereof; and the Wharf or Warehouse Owner receiving such Goods shall retain them until the Lien is discharged as herein-after mentioned, and shall, if he fail so to do, make good to the Shipowner any Loss thereby occasioned to him.

Lien to be discharged on Proof of Payment.

69. Upon the Production to the Wharf or Warehouse Owner of a Receipt for the Amount claimed as due, and Delivery to the Wharf or Warehouse Owner of a Copy thereof or of a Release of Freight from the Shipowner, the said Lien shall be discharged.

Lien to be discharged on Deposit with Warehouse Owner.

70. The Owner of the Goods may deposit with the Wharf or Warehouse Owner a Sum of Money equal in Amount to the Sum so claimed as aforesaid by the Shipowner, and thereupon the Lien shall be discharged; but without Prejudice to any other Remedy which the Shipowner may have for the Recovery of the Freight.

Warehouse Owner may at the End of 15 Days, if no Notice is given, pay Deposit to Shipowner.

71. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does not within Fifteen Days after making it give to the Wharf or Warehouse Owner Notice in Writing to retain it, stating in such Notice the Sum, if any, which he admits to be payable to the Shipowner, or, as the Case may be, that he does not admit any Sum to be so payable, the Wharf or Warehouse Owner may, at the Expiration of such Fifteen Days pay the Sum so deposited over to the Shipowner, and shall by such Payment be discharged from all Liability in respect thereof.

Course to be taken if Notice to retain is given.

72. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does within Fifteen Days after making it give to the Wharf or Warehouse Owner such Notice in Writing as aforesaid, the Wharf or Warehouse Owner shall immediately apprize the Shipowner of such Notice, and shall pay or tender to him out of the Sum deposited the Sum, if any, admitted by such Notice to be payable, and shall retain the Remainder or Balance, or, if no Sum is admitted to be payable, the whole of the Sum deposited, for Thirty Days from the Date of the said Notice; and at the Expiration of such Thirty Days, unless legal Proceedings have in the meantime been instituted by the Shipowner against the Owner of the Goods to recover the said Balance or Sum or otherwise for the Settlement of any Disputes which may have arisen between them concerning such Freight or other Charges as aforesaid, and Notice in Writing of such Proceedings has been served on him, the Wharf or Warehouse Owner shall pay the said Balance or Sum

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over to the Owner of the Goods, and shall by such Payment be discharged from all Liability in respect thereof.

73. If the Lien is not discharged, and no Deposit is made as herein-before mentioned, the Wharf or Warehouse Owner may, and, if required by the Shipowner, shall, at the Expiration of Ninety Days from the Time when the Goods were placed in his Custody, or, if the Goods are of a perishable Nature, at such earlier Period as he in his Discretion thinks fit, sell by Public Auction, either for Home Use or Exportation, the said Goods or so much thereof as may be necessary to satisfy the Charges herein-after mentioned.

After 90 Days
Warehouse
Owner may sell
Goods by
Public Auction.

74. Before making such Sale the Wharf or Warehouse Owner shall give Notice thereof by Advertisement in Two Newspapers circulating in the Neighbourhood, or in one Daily Newspaper published in *London* and in One local Newspaper, and also, if the Address of the Owner of the Goods has been stated on the Manifest of the Cargo, or on any of the Documents which have come into the Possession of the Wharf or Warehouse Owner, or is otherwise known to him, give Notice of the Sale to the Owner of the Goods by Letter sent by the Post; but the Title of a *bonâ fide* Purchaser of such Goods shall not be invalidated by reason of the Omission to send Notice as herein-before mentioned, nor shall any such Purchaser be bound to inquire whether such Notice has been sent.

Notices of Sale
to be given.

75. In every Case of any such Sale as aforesaid the Wharf or Warehouse Owner shall apply the Monies received from the Sale as follows, and in the following Order :

Monies arising
from Sale, how
to be applied.

1. If the Goods are sold for Home Use in Payment of any Customs or Excise Duties owing in respect thereof :
 2. In Payment of the Expenses of the Sale :
 3. In the Absence of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, in Payment of the Rent, Rates, and other Charges due to the Wharf or Warehouse Owner in respect of the said Goods :
 4. In Payment of the Amount claimed by the Shipowner as due for Freight or other Charges in respect of the said Goods :
 5. But in case of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, then such Charges shall have Priority according to the Terms of such Agreement :
- and the Surplus, if any, shall be paid to the Owner of the Goods.

76. Whenever Goods are placed in the Custody of a Wharf or Warehouse Owner under the Authority of this Act, the said Wharf or Warehouse Owner shall be entitled to Rent in respect of the same, and shall also have Power from Time to Time, at the Expense of the Owner of the Goods, to do all such reasonable Acts as in the Judgment of the said Wharf or Warehouse Owner are necessary for the proper Custody and Preservation of the said Goods, and shall have a Lien on the said Goods for the said Rent and Expenses.

Warehouse
Owners Rent
and Expenses.

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Warehouse
Owners Pro-
tection.

77. Nothing in this Act contained shall compel any Wharf or Warehouse Owner to take charge of any Goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the Validity of any Lien claimed by any Shipowner under this Act.

Saving Powers
under Local
Acts.

78. Nothing in this Act contained shall take away or abridge any Powers given by any Local Act to any Harbour Trust, Body Corporate, or Persons whereby they are enabled to expedite the Discharge of Ships or the Landing or Delivery of Goods; nor shall anything in this Act contained take away or diminish any Rights or Remedies given to any Shipowner or Wharf or Warehouse Owner by any Local Act.

The SCHEDULE referred to in this Act.

TABLE (A.) See Sect. 2.

Enactments to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 91.	An Act for the Warehousing of Goods.	Section 51 to be repealed immediately on the passing of this Act.
16 & 17 Vict. c. 107.	Customs Consolidation Act, 1853.	The last Proviso in Section 74, and Sections 170, 171, and 172, to be repealed immediately on the passing of this Act.
17 & 18 Vict. c. 104.	Merchant Shipping Act, 1854.	Sections 295, 296, 297, 298, 299, to be repealed from the Date at which the Regulations contained in Table C. in this Schedule come into operation. Sections 300, 322, 323, 504, and 505 to be repealed immediately on the passing of this Act.
19 & 20 Vict. c. 75.	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	Section 8 to be repealed immediately on the passing of this Act.

TABLE (B.) See Sect. 6.

Fees to be charged on Examination of Engineers.

For a First-class Engineers Certificate - £2 0 0
 For a Second-class Engineers Certificate - £1 0 0

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8. Lights for Pilot Vessels.
9. Lights for Fishing Vessels and Boats.

Rules concerning Fog Signals.

10. Fog Signals.

Steering and Sailing Rules.

11. Two Sailing Ships meeting.
12. Two Sailing Ships crossing.
13. Two Ships under Steam meeting.
14. Two Ships under Steam crossing.
15. Sailing Ship and Ship under Steam.
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17. Vessels overtaking other Vessels.
18. Construction of Articles 12, 14, 15, and 17.
19. Proviso to save special Cases.
20. No Ship under any Circumstances to neglect proper Precautions.

Preliminary.

Art. 1. In the following Rules every Steam Ship which is under Sail and not under Steam is to be considered a Sailing Ship ; and every Steam Ship which is under Steam, whether under Sail or not, is to be considered a Ship under Steam.

Rules concerning Lights.

Art. 2. The Lights mentioned in the following Articles, and no others, shall be carried in all Weathers between Sunset and Sunrise.

Art. 3. Scagoing Steam Ships when under weigh shall carry :

(a.) *At the Foremast Head*, a bright White Light so fixed as to show an uniform and unbroken Light over an Arc of the Horizon of 20 Points of the Compass, so fixed as to throw the Light 10 Points on each Side of the Ship, viz., from right ahead to 2 Points abaft the Beam on either Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Five Miles :

(b.) *On the Starboard Side*, a Green Light so constructed as to throw an uniform and unbroken Light over an Arc of the Horizon

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Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Starboard Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles :

(c.) *On the Port Side*, a Red Light, so constructed as to show an uniform unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Port Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles :

(d.) The said Green and Red Side Lights shall be fitted with inboard Screens projecting at least Three Feet forward from the Light, so as to prevent these Lights from being seen across the Bow.

Art. 4. Steam Ships when towing other Ships shall carry Two bright White Mast-head Lights vertically, in addition to their Side Lights, so as to distinguish them from other Steam Ships. Each of these Mast-head Lights shall be of the same Construction and Character as the Mast-head Lights which other Steam Ships are required to carry.

Art. 5. Sailing Ships under weigh or being towed shall carry the same Lights as Steam Ships under weigh, with the Exception of the White Mast-head Lights, which they shall never carry.

Art. 6. Whenever, as in the Case of small Vessels during bad Weather, the Green and Red Lights cannot be fixed, these Lights shall be kept on Deck on their respective Sides of the Vessel ready for instant Exhibition, and shall, on the Approach of or to other Vessels, be exhibited on their respective Sides in sufficient Time to prevent Collision, in such Manner as to make them most visible, and so that the Green Light shall not be seen on the Port Side, nor the Red Light on the Starboard Side.

To make the Use of these portable Lights more certain and easy, they shall each be painted Outside with the Colour of the Light they respectively contain, and shall be provided with suitable Screens.

Art. 7. Ships, whether Steam Ships or Sailing Ships, when at Anchor in Roadsteads or Fairways, shall between Sunrise and Sunset exhibit, where it can best be seen, but at a Height not exceeding Twenty Feet above the Hull, a White Light in a globular Lantern of Eight Inches in Diameter, and so constructed as to show a clear uniform and unbroken Light visible all round the Horizon, and at a Distance of at least One Mile.

Art. 8. Sailing Pilot Vessels shall not carry the Lights required for other Sailing Vessels, but shall carry a White Light at the Mast Head visible all round the Horizon,—and shall also exhibit a Flare-up Light every Fifteen Minutes.

Art. 9. Open Fishing Boats and other open Boats shall not be required to carry Side Lights required for other Vessels ; but shall, if they do not carry such Lights, carry a Lantern having a Green Slide on the one Side and a Red Slide on the other Side ; and on the Approach of or to other Vessels such Lantern shall be

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be exhibited in sufficient Time to prevent Collision, so that the Green Light shall not be seen on the Port Side nor the Red Light on the Starboard Side.

Fishing Vessels and open Boats when at Anchor or attached to their Nets and stationary shall exhibit a bright White Light.

Fishing Vessels and open Boats shall, however, not be prevented from using a Flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Art. 10. Whenever there is Fog, whether by Day or Night, the Fog Signals described below shall be carried and used, and shall be sounded at least every Five Minutes; viz.—

(a.) Steam Ships under weigh shall use a Steam Whistle placed before the Funnel not less than Eight Feet from the Deck.

(b.) Sailing Ships under weigh shall use a Fog Horn.

(c.) Steam Ships and Sailing Ships when not under weigh shall use a Bell.

Steering and Sailing Rules.

Art. 11. If Two Sailing Ships are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port, so that each may pass on the Port Side of the other.

Art. 12. When Two Sailing Ships are crossing so as to involve Risk of Collision, then if they have the Wind on different Sides, the Ship with the Wind on the Port Side shall keep out of the Way of the Ship with the Wind on the Starboard Side, except in the Case in which the Ship with the Wind on the Port Side is close hauled and the other Ship free, in which Case the latter Ship shall keep out of the Way; but if they have the Wind on the same Side, or if One of them has the Wind aft, the Ship which is to windward shall keep out of the Way of the Ship which is to leeward.

Art. 13. If Two Ships under Steam are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port so that each may pass on the Port Side of the other.

Art. 14. If Two Ships under Steam are crossing so as to involve Risk of Collision, the Ship which has the other on her own Starboard Side shall keep out of the Way of the other.

Art. 15. If Two Ships, one of which is a Sailing Ship and the other a Steam Ship, are proceeding in such Directions as to involve Risk of Collision, the Steam Ship shall keep out of the Way of the Sailing Ship.

Art. 16. Every Steam Ship, when approaching another Ship so as to involve Risk of Collision, shall slacken her Speed, or if necessary, stop and reverse; and every Steam Ship shall, when in a Fog, go at a moderate Speed.

Art. 17. Every Vessel overtaking any other Vessel shall keep out of the Way of the said last-mentioned Vessel.

Art. 18. Where by the above Rules One of Two Ships is to keep out of the Way, the other shall keep her Course, subject to the Qualifications contained in the following Article.

Merchant Shipping Acts, &c. Amendment.

Art. 19. In obeying and construing these Rules due regard must be had to all Dangers of Navigation ; and due regard must also be had to any special Circumstances which may exist in any particular Case rendering a Departure from the above Rules necessary in order to avoid immediate Danger.

Art. 20. Nothing in these Rules shall exonerate any Ship or the Owner or Master or Crew thereof from the Consequences of any Neglect to carry Lights or Signals, or of any Neglect to keep a proper Look-out, or of the Neglect of any Precaution which may be required by the ordinary Practice of Seamen or by the special Circumstances of the Case.

C A P. LXIV.

An Act for the better Protection of Her Majesty's Naval and Victualling Stores. [29th July 1862.]

‘ **W**HEREAS the existing Enactments for the Protection of Her Majesty's Naval and Victualling Stores are numerous and complicated, and Difficulties have arisen in their Application, and it is consequently expedient to reduce into One Act and simplify and amend them :’

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 :

Preliminary.

Short Title.

1. This Act may be cited as The Naval and Victualling Stores Act, 1862.

Extent of Act.

2. This Act shall not extend to *Scotland or Ireland.*

Interpretation of Terms.

3. In this Act—

The Term “the Admiralty” shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral :

17 & 18 Vict. c. 104.

The Term “Dealer in Marine Stores” shall be taken to mean a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty :

24 & 25 Vict. c. 110.

The Term “Dealer in old Metals” shall be taken to mean a Person answering the Description of such a Dealer contained in The Old Metal Dealers Act, 1861 :

The Term “Her Majesty's Yards” shall be taken to mean Her Majesty's Dock Yards, Her Majesty's Victualling Yards, and Her Majesty's Steam Factory Yards :

23 & 24 Vict. c. 135.

The Term “Constable of the Metropolitan Force,” shall be taken to mean a Constable belonging to that Force, and being by virtue of the Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty (Chapter One hundred and thirty-five), “for the Employment of “the Metropolitan Police Force in Her Majesty's Yards

and

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and Military Stations," employed and authorized to act in any of Her Majesty's Yards and within the Limits in that Act mentioned.

4. The Enactments described in Schedule (A.) to this Act are hereby repealed to the Extent therein specified, and only as to Her Majesty's Naval and Victualling Stores; but this Repeal shall not extend to *Scotland* or *Ireland*, or affect—

Enactments in Schedule (A.) to this Act, as to Naval and Victualling Stores, repealed, but not as to *Scotland* or *Ireland*.

- (1.) The past Operation of any such Enactment;
- (2.) Any Act done or any Right or Liability already acquired, accrued, or now existing under or by virtue of any such Enactment;
- (3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence already committed; or
- (4.) The Institution or Prosecution of any legal Proceeding or any other Remedy for the ascertaining, enforcing, or recovering of any such Liability, Penalty, Forfeiture, or Punishment.

I.—MARKED STORES.

Imitation of Marks.

5. The Marks mentioned in Schedule (B.) to this Act may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's Property in Stores so marked. It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, and for no other Person, to apply the said Marks or any of them in or on Naval or Victualling Stores. If any Person apply any of the said Marks in or on Naval or Victualling Stores contrary to this Provision he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Marks in Schedule (B.) appropriated for Her Majesty's Use.

Imitation of Marks a Misdemeanor.

Defacing of Marks.

6. If any Person, with Intent to conceal Her Majesty's Property in any Naval or Victualling Stores, take out, destroy, or obliterate, wholly or in part, any such Mark in or on any such Stores, he shall be guilty of Felony, and shall be liable to Imprisonment for not more than Two Years, with or without Hard Labour.

Obliteration of Marks with Intent to conceal Her Majesty's Property in Stores, Felony.

Receiving, &c. of marked Stores.

7. If any Person receive, possess, keep, sell, or deliver any Naval or Victualling Stores marked as aforesaid, knowing them to be so marked, he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Knowingly receiving, &c. marked Stores, a Misdemeanor.

8. Where the Person charged with such a Misdemeanor is a Dealer in Marine Stores or in old Metals, or a Person employed in any of Her Majesty's Yards, Knowledge on his Part that the Stores to which the Charge relates were at the Time of the Commission of the Offence marked as aforesaid shall be presumed,

Knowledge of Stores being marked presumed against Dealers, &c. but to be proved in other Cases

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presumed, until the contrary is shown ; in other Cases Evidence of such Knowledge shall be necessary to support the Charge.

No Conviction where Proof that Stores were lawfully come by.

9. Provided always, That no Person shall be liable to be convicted of such a Misdemeanor who shows (whether such Knowledge as aforesaid is presumed or proved against him or not) that he came by the Stores to which the Charge relates lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully.

Summary Trial of Receivers, &c. in certain Cases, under Criminal Justice Act, 18 & 19 Vict. c. 126.

10. The Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty (Chapter One hundred and twenty-six), "for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases," shall apply in the Case of a Person charged with such a Misdemeanor in manner following :

- (1.) Where, in the Judgment of the Justices at such Petty Sessions as in that Act mentioned, the Value of the Stores to which the Charge relates does not exceed One Pound, Section One of that Act, with all Provisions relative thereto, shall apply :
- (2.) Where, in the Judgment of such Justices, such Value exceeds One Pound, Section Three of that Act, with all Provisions relative thereto, shall apply.

II.—STORES MARKED OR UNMARKED.

Creeping, sweeping, or dredging.

No unauthorized Person to creep, sweep, or dredge for Stores, within 100 Yards of Dockyards, &c.

11. It shall not be lawful for any Person (except a Person in Her Majesty's Service or in the Employment of the Admiralty, or a Constable of the Metropolitan Police Force), without Permission in Writing given by the Admiralty or by some Person authorized by the Admiralty in that Behalf, to creep, sweep, or dredge for Stores lost or supposed to be lost in the Sea or any Tidal Water within the Distance of One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any mooring Place or anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Yards. If any Person creep, sweep, or dredge for Stores contrary to this Provision he shall be liable, on summary Conviction, to a Penalty of not more than Five Pounds.

Arrest of Offenders, Vessels, &c.

Policemen of Metropolitan Force may stop suspected Persons, &c.

12. A Constable of the Metropolitan Police Force may, within the Yard and Limits for which he is sworn, stop, search, and detain any Vessel, Boat, or Carriage in or on which there is Reason to suspect that any of Her Majesty's Naval or Victualling Stores, stolen or unlawfully obtained, may be found, or any Person reasonably suspected of having or conveying any such Stores stolen or unlawfully obtained.

Power of Justices at Petty Sessions in relation to Stores

13. If any Person be brought before Two or more Justices at Petty Sessions charged with having or conveying any of Her Majesty's Naval or Victualling Stores stolen or unlawfully obtained,

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obtained, or reasonably suspected to have been stolen or unlawfully obtained, the following Provisions shall take effect and apply :—

stolen or unlawfully obtained, &c.

- (1.) If such Person do not give an Account to the Satisfaction of the Justices how he came by such Stores he shall be deemed guilty of a Misdemeanor, and, on summary Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Two Months, with or without Hard Labour.
- (2.) If he declare that he received such Stores from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, Two or more Justices at Petty Sessions may cause every such other Person, and every former or pretended Purchaser or other Person through whose Possession the same have or are declared to have passed, to be brought before them and examined, and may examine Witnesses on Oath touching the same :
- (3.) If it appear to Two or more Justices at Petty Sessions that any Person has had Possession of such Stores (for which Purpose the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of his Employer), and had reasonable Cause for believing that the same had been stolen or unlawfully obtained, such Person shall be deemed to have had Possession thereof at the Time and Place when and where they were found or seized, and to be guilty of a Misdemeanor, and, on Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Three Months, with or without Hard Labour.

Searches under Warrants.

14. Where Information on Oath is given to a Justice of the Peace that there is reasonable Cause to believe, and that the Informant believes, that some of Her Majesty's Naval or Victualling Stores, marked as aforesaid, or (whether marked or not) stolen or unlawfully obtained, are in a House or Place within the Jurisdiction of such Justice, he may issue a Search Warrant to a Constable.

Search Warrant on Information on Oath.

15. Every such Search Warrant shall be a sufficient Authority for the Constable to whom the same is directed to enter, in the Daytime, or by Night, if Power for that Purpose be given by the Warrant, with such Assistance as may be found necessary, into such House or Place, and there to search for such Naval or Victualling Stores, and if upon such Search any such Naval or Victualling Stores be found, then to seize the same, and either to convey the same before a Justice of the Peace, or to guard them on the Spot, or otherwise dispose of them in a Place of Safety, until further Proceedings can be taken in relation thereto.

Effect of Search Warrant.

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Dealers in Marine Stores and in old Metals to account for Possession of Stores found on Search.

16. Where under any such Search Warrant any Naval or Victualling Stores, appearing or reasonably suspected to belong or to have belonged to Her Majesty, are found in the Possession or Keeping of a Dealer in Marine Stores or in old Metals, or of a Person employed in any of Her Majesty's Yards, and such Dealer or Person does not prove that he came by the same lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully, such Dealer or Person, on summary Conviction before Two or more Justices at Petty Sessions, shall be liable for the First Offence to a Penalty of not more than Five Pounds, and for a Second or other subsequent Offence to a Penalty of not more than Twenty Pounds, or Imprisonment for not more than Three Months, with Hard Labour.

III.—GENERAL PROVISIONS.

Procedure.

Parts of 24 & 25 Vict. c. 96. (Larceny) incorporated.

17. Subject and without Prejudice to the Application by this Act of the said Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty, and to the other express Provisions of this Act, such of the Provisions of the Act of the last Session of Parliament (Chapter Ninety-six), "to consolidate and amend the Statute Law of *England* and *Ireland* relating to Larceny" and other similar Offences," as are mentioned in Schedule (C.) to this Act, shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted.

Criminal Possession.

18. For the Purposes of this Act, Naval or Victualling Stores shall be deemed to be in the Possession or Keeping of any Person, if he have them in his personal Possession or Keeping, or if he knowingly and wilfully have them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or inclosed, whether occupied by himself or not, and whether the same be so had for his own Use or for the Use or Benefit of another.

Saving for Indictment.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act, or otherwise, to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

Admiralty alone to prosecute.

20. It shall not be competent for any Person, other than the Admiralty, their Officers, Solicitors, or Agents, to institute or carry on under this Act any Prosecution by way of summary Proceeding or otherwise for any Offence by this Act made Felony or Misdemeanor or made punishable on summary Conviction.

Application of pecuniary Penalties.

Penalties, &c. to be applied under Orders of Admiralty.

21. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act contained, any pecuniary Penalty or other Monies recovered

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under this Act shall be paid or applied as the Admiralty shall direct.

Dealers in old Metals.

22. Every Conviction under this Act of a Dealer in old Metals shall, for the Purposes of Registration and its Consequences under the Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

Effect of Conviction of Dealers in old Metals under this Act.

Metropolitan Police.

23. Subject and without Prejudice to the express Provisions of this Act, all Enactments relative to the Powers, Duties, Privileges, and Responsibilities of the Metropolitan Police Force when acting within the Metropolitan Police District shall, in relation to Offences and other Matters connected with Naval and Victualling Stores belonging to Her Majesty, or appearing or reasonably suspected to belong or to have belonged to Her Majesty, extend and apply to Constables of the Metropolitan Force when acting within the Yards and Limits for which they are sworn, and such Enactments shall for the Purposes of this Act be read as if they were here re-enacted.

Incorporation of Provisions of Metropolitan Police Force Acts.

SCHEDULES.

SCHEDULE (A.)

ENACTMENTS REPEALED as to HER MAJESTY'S NAVAL and VICTUALLING STORES, except as to SCOTLAND and IRELAND.

Session and Chapter.	Title.	Extent of Repeal.
9 & 10 Will. 3. c. 41.	An Act for the better preventing the Embezzlement of His Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses, in paying Seamen's Wages.	Sections One, Two, Four, Five, and Eight.
9 Geo. 1. c. 8. -	An Act for continuing some Laws, and reviving others therein mentioned, for exempting Apothecaries from serving Parish and Ward Offices, and upon Juries; and relating to Jurors; and to the Payment of Seamen's Wages, and the Preservation of Naval Stores and Stores of War; and concerning the Militia and Trophy-Money; and against clandestine running of uncustomed Goods, and for more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silk with Stuffs to be exported.	Sections Three, Four, and Five.

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Session and Chapter.	Title.	Extent of Repeal.
17 Geo. 2. c. 40. -	An Act to continue the several Laws therein mentioned for preventing Theft and Rapine on the Northern Borders of England ; for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice ; for continuing Two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank, and to prevent the malicious cutting of Hopbinds ; and for the more effectual Punishment of Persons maliciously setting on fire any Mine, Pit, or Delph of Coal, or Cannel Coal ; and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chaces, or beating or wounding the Keepers or other Officers in Forests, Chaces, or Parks ; and for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in America, from the said Colonies directly to Foreign Parts in Ships built in Great Britain, and navigated according to Law ; and to explain Two Acts relating to the Prosecution of Offenders for embezzling Naval Stores, or Stores of War ; and to prevent the retailing of Wine within either of the Universities in that Part of Great Britain called England without Licence.	Section Ten.
39 & 40 Geo. 3. c. 89.	An Act for the better preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores.	The whole.
54 Geo. 3. c. 60.	An Act for the better preventing the Embezzlement of His Majesty's Cordage.	The whole.
54 Geo. 3. c. 159.	An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers, in the United Kingdom ; and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein ; and for repealing several Acts passed for that Purpose.	Section Ten.

Naval and Victualling Stores.

Session and Chapter.	Title.	Extent of Repeal.
55 Geo. 3. c. 127.	An Act to repeal an Act of the Fifty-third Year of His present Majesty, for preventing the Embezzlement of Stores; and to extend the Provisions of the several Acts relating to His Majesty's Naval, Ordnance, and Victualling Stores to all other public Stores.	The whole.
56 Geo. 3. c. 80.	An Act to enable the principal Officers and Commissioners of His Majesty's Navy resident on Foreign Stations to grant Certificates of Stores or Goods which may be sold by such Officers or Commissioners at such Foreign Stations.	The whole.
4 Geo. 4. c. 53. -	An Act for extending the Benefit of Clergy to several Larcenies therein mentioned.	The whole.
2 & 3 Will. 4. c. 40.	An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments.	Section Thirty-four.

SCHEDULE (B.)

Marks appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Stores.	Marks.
(1.) Hempen Cordage and Wire Rope.	Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
(2.) Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
(3.) Buntin - - - -	A double Tape in the Warp.
(4.) Candles - - - -	A Blue Cotton Thread in each Wick.
(5.) Timber, Metal, and other Naval or Victualling Stores not before enumerated.	The Broad Arrow.

SCHEDULE (C.)

Parts of the Larceny Act of 1861 incorporated with this Act.
Sections 99, 100, 103, 105, 107 to 113, both inclusive, and 115 to 121, both inclusive.

Jurisdiction in Homicides.

C A P. LXV.

An Act for the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act.

[29th July 1862.]

WHEREAS it is expedient that Persons subject to the present or any future Mutiny Act who shall be guilty of the Murder or Manslaughter of any Person subject to the said Act or Acts should be brought to speedy Punishment, and that the Offences of such Persons should in certain Cases be inquired of and tried with all convenient Speed, and that the Inquiry, Trial, and Punishment should in certain Cases be more speedy than the usual Course of Practice in respect of the Times of issuing Her Majesty's Commissions of Oyer and Terminer or Gaol Delivery will allow: And whereas it would contribute to the more speedy Punishment of Persons guilty thereof, and to the Maintenance of good Order and Military Discipline, if, when charged with Murder or Manslaughter committed in *England* or *Wales*, and out of the Jurisdiction of the Central Criminal Court, such Persons were rendered liable to be indicted and tried at the Central Criminal Court, and if when charged with Murder or Manslaughter committed in *Ireland* and elsewhere than in the County of the City of *Dublin* or the County of *Dublin* such Persons were rendered liable to be indicted and tried before and by the Commissioners appointed by virtue of any Commission of Oyer and Terminer or of Gaol Delivery under the Great Seal of *Ireland* for the County of the City of *Dublin*: 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:

L. Whenever any Person shall have been committed for any Murder or Manslaughter committed or supposed to have been committed at any Place in *England* or *Wales*, and out of the Jurisdiction of the Central Criminal Court, or at any Place in *Ireland* other than the County of the City of *Dublin* or the County of *Dublin*, and it shall appear to Her Majesty's Court of Queen's Bench in that Part of the United Kingdom wherein the said Offence was committed or supposed to have been committed, in Term Time, or to any Judge thereof, or of any of Her Majesty's Superior Courts of Common Law in the same Part of the United Kingdom, in Vacation, that the said Person (herein-after called the Prisoner) was at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the present or any future Mutiny Act, and that the Person (herein-after called the Deceased) for the Murder or Manslaughter of whom the Prisoner shall have been committed was at the Time last aforesaid subject to the said Act or Acts, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge in Vacation, without the Prisoner being brought or appearing in Person before the said Court or Judge, upon the Application of

The Queen's Bench or a Judge may order certain Prisoners to be indicted and tried under the Provisions of this Act.

Jurisdiction in Homicides.

Her Majesty's Principal Secretary of State for the War Department, and upon his Certificate in Writing, in the Form numbered 1. in the Schedule to this Act annexed, or to the like Effect, duly signed, that it would contribute to the Maintenance of good Order and Military Discipline if the said Prisoner were to be indicted and tried under the Provisions of this Act, to order that the said Prisoner shall be indicted and tried under the Provisions of this Act, and such Order may be in One of the Forms numbered 2. in the Schedule to this Act annexed, or to the like Effect.

2. Whenever any such Order shall have been made, the Gaoler or Keeper of any Gaol or House of Correction in which the said Prisoner shall be confined shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Prisoner, with his Commitment and Detainer, to be safely removed to Her Majesty's Gaol of *Newgate* in the City of *London* if the said Prisoner shall be confined in *England* or *Wales*, and to Her Majesty's Gaol called the *Richmond Bridewell* in the County of the City of *Dublin* if the said Prisoner shall be confined in *Ireland*, and thereupon the Keeper of such Gaol shall receive such Prisoner into his Custody in such Gaol, there to remain until he shall be delivered by due Course of Law; and the Justice or Coroner by whom the Prisoner was committed, or any other Person having the Custody or Possession thereof, shall forthwith upon the Delivery to him of an Office Copy of such Order transmit any Recognizances, Depositions, Examinations, or Informations relating to the Murder or Manslaughter mentioned in such Order which shall be in his Custody or Possession to the proper Officer of the Court at and before which the Prisoner shall be rendered liable to be indicted under the Provisions of this Act, to be by him kept among the Records of the Court.

And upon such Order the Prisoner shall be removed to the Gaol of *Newgate* in *London* or the *Richmond Bridewell* in *Dublin*, and the Depositions, &c. returned to the Court at which the Prisoner is to be indicted.

3. Whenever any Prisoner shall have been removed to the said Gaol of *Newgate* in the City of *London* under the Provisions of this Act, the Murder or Manslaughter of the Deceased by the Prisoner may be inquired of, heard, and determined, and the Prisoner may be indicted, arraigned, tried, and convicted for the Murder or Manslaughter of the Deceased, in the same Manner in all respects as if such Murder or Manslaughter had been committed within the Jurisdiction of the Central Criminal Court; and whenever any Prisoner shall have been removed to the *Richmond Bridewell* in the County of the City of *Dublin* under the Provisions of this Act, the Murder or Manslaughter of the Deceased by the Prisoner may be inquired of, heard, and determined, and the Prisoner may be indicted, arraigned, tried, and convicted for the Murder or Manslaughter of the Deceased, in the same Manner in all respects as if such Murder or Manslaughter had been committed in the County of the City of *Dublin*.

A Prisoner removed may be indicted and tried in *London* or *Dublin*.

4. Whenever any Prisoner so removed to One of the said Gaols shall be indicted under the Provisions of this Act, an Office Copy of the before-mentioned Order of the Court of *Queen's Bench*, or of a Judge, shall be delivered to the proper Officer of

A Certificate of his Removal under this Act and of the Cause of his

Jurisdiction in Homicides.

Committal shall be endorsed on the Indictment.

the Court at and before which the Prisoner shall be rendered liable to be indicted under the Provisions of this Act, and such Officer shall thereupon, by Indorsement on the Back of the Bill of Indictment, before its Presentment by the Grand Jury, or by Direction of the Justices, Judges, or Commissioners of the Court before whom such Indictment shall be tried, or any Two or more of them, at any other Time, certify that the Prisoner was committed for the Murder or Manslaughter of the Deceased, and was removed to the Gaol of *Newgate* or the *Richmond Bridewell* as the Case may be, under the Provisions of this Act; and such Indorsement, which may be in the Form numbered 3. in the Schedule to this Act annexed, or to the like Effect, and which may be amended by the said last-mentioned Justices, Judges, or Commissioners, or any Two or more of them, at any Time, and in such Manner, and as often as to them shall seem fit, shall be conclusive Proof that the said Prisoner was committed for the Murder or Manslaughter of the Deceased, and was removed to the said Gaol of *Newgate* or the said *Richmond Bridewell* under the Provisions of this Act; and such Indorsement shall not constitute or be deemed or taken to be a Portion of the Indictment.

When Indorsement to be amended.

5. Whenever any Indictment found under the Provisions of this Act shall be amended in any Manner, the before-mentioned Indorsement thereon shall, if it be necessary, be amended in the like Manner.

Indictment need not follow the Commitment.

6. A Prisoner committed for Murder may be indicted under the Provisions of this Act for Manslaughter, and a Prisoner committed for Manslaughter may be indicted under the same Provisions for Murder.

No Objection to be taken to any Order, and no Proof to be required of the Subject of any Person to the Mutiny Act.

7. It shall not be lawful for any Person, either by himself or his Counsel, to take any Objection, either in the Court at, before, or by which the Prisoner shall be indicted, arraigned, tried, convicted, or sentenced under the Provisions of this Act, or in any Court of Error, to any Order of the said Court of Queen's Bench or of any Judge, or to any other Proceeding under or by virtue of which the Prisoner shall have been removed to the Gaol of *Newgate* or the *Richmond Bridewell*; and the Form of the Indictment under the Provisions of this Act shall be the same as that of Indictments for Murder or Manslaughter committed within the Jurisdiction of the Court at and before which such Prisoner shall be indicted under the Provisions of this Act; and it shall not be necessary to prove on the Trial of the Prisoner that either the Prisoner or the Deceased was or were at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the Provisions of any Mutiny Act; and the Prisoner shall not be acquitted by reason only of its appearing that the Prisoner or the Deceased was not or were not at the Time last aforesaid subject to the Provisions of any Mutiny Act.

Any Person convicted may be sentenced to be punished either in the County where

8. When any Person shall have been convicted of any Offence upon the Trial of any Indictment found under the Provisions of this Act, it shall be lawful for the Justices, Judges, or Commissioners of the Court before which any such Conviction shall have taken place, or for any Two or more of them, or, in case Sentence shall

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shall not then be passed, for the Justices, Judges, or Commissioners of the said Court, or for any Two or more of them, at any subsequent Sessions of the said Court, to order and adjudge such Convict to be punished according to Law at any Place either within the Jurisdiction of the said Court, or within the County or Place where such Offence shall have been committed or supposed to have been committed; and in Cases where such Justices, Judges, or Commissioners, or any Two or more of them, shall order such Convict to be punished in such County or Place, it shall be lawful for such Justices, Judges, or Commissioners, or any Two or more of them, after passing Sentence upon such Convict, to make an Order commanding the Keeper of the Gaol of *Newgate* or of the *Richmond Bridewell* to cause such Convict to be delivered into the Custody of the Gaoler or Keeper of the Gaol or House of Correction in such County or Place, together with such Order, and commanding such Gaoler or Keeper to receive such Convict into his Custody in such Gaol or House of Correction, and him there safely to keep until such Sentence shall have been executed upon such Convict according to Law, or until he shall be otherwise delivered by due Course of Law, and also to make an Order commanding the Sheriff of such County or Place to execute such Sentence upon such Convict within such County or Place according to Law in the same Manner as if he had been tried and received such Sentence in such County or Place; and every such Sheriff, Gaoler, and Keeper respectively is hereby commanded to perform and execute according to Law each and everything which he shall be commanded to perform and execute by any such Order; and the several Forms in the Schedule to the Act made and passed in the Nineteenth Year of Queen *Victoria*, intituled *An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court*, contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and in the Case of any Order directed to any Sheriff, and commanding him to execute any Sentence, it shall be sufficient to deliver such Order either to such Sheriff or to his Under Sheriff.

9. Every Recognizance which shall have been entered into for the Prosecution of the Prisoner, and every Recognizance of any Witness to give Evidence against him for his said Offence, shall, in case any such Order shall be made as is mentioned in the First Section of this Act, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence, and to do all other Things mentioned with reference to the said Inquiry and Trial at the Court at or before which the Prisoner shall be indicted or tried under the Provisions of this Act, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, or giving Evidence, or doing other Things before the said last-mentioned Court; provided that Notice in Writing shall have been given either personally, or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the said last-mentioned Court upon the Inquiry into and Trial of the

the Offence was committed or within the Jurisdiction of the Court by which he shall be tried.

On Notice given by Prosecutor, Recognizances to bind Parties to give Evidence at the Inquiry and Trial.

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said Offence ; and the Prosecutor is hereby required, on Notice given to him that such Order as is mentioned in the First Section of this Act has been made, to give such Notice or Notices in Writing as are in this Section mentioned.

Power to compel Witnesses to attend Trials.

10. Whenever any Indictment shall have been found at any Court under the Provisions of this Act, it shall be lawful for the said Court to issue Process to compel the Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment, in like Manner as in Cases of Indictments found at the said Court for Offences committed within the Jurisdiction of the said Court ; and every such Process shall and may be lawfully executed at any Place in that Part of the United Kingdom wherein the Gaol to which the Prisoner shall have been removed under the Provisions of this Act shall be situate.

Expenses of Prosecution and Rewards may be ordered to be paid.

11. Whenever any Indictment shall have been found at any Court under the Provisions of this Act, it shall be lawful for the said Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the several Rewards payable in pursuance of any Statute made or to be made as to such Court may seem reasonable and sufficient, to be paid forthwith by the proper Officer of the said Court, and such Monies shall be repaid to the said Officer by the same Persons who would have been liable to pay the same, as if such Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County or Place in which the Prisoner was committed.

Power to order Payment of Expenses of Prisoner's Witnesses.

12. Whenever any Prisoner shall be tried at any Court under the Provisions of this Act, it shall be lawful for the Justices, Judges, or Commissioners of the said Court before whom any such Prisoner shall be tried, or for any Two or more of them, if it shall seem reasonable so to do, to order the Payment of the Expenses of the Witnesses on the Part of the Defence, and such Payment shall be made accordingly in the same Manner in all respects as if such Witnesses were Witnesses on the Part of the Prosecution ; and the Commissioners of Her Majesty's Treasury shall, upon Receipt of such last-mentioned Order, and out of any Monies provided by Parliament for Law Charges in *England* or *Ireland*, as the Case may be, repay such Sum or Sums as shall be therein specified to the Person who shall have paid the same.

No Proof to be required of due Removal of Prisoner.

13. Whenever any such Order shall have been made as is mentioned in the First Section of this Act, it shall not be necessary for any Purpose whatsoever to prove that the Prisoner has been duly removed to the Gaol of *Newgate* or the *Richmond Bridewell* under the Provisions of this Act, or that he was committed for the Murder or Manslaughter of the Deceased ; and no Evidence or Proof to the contrary shall be admitted : And every Verdict and Judgment which shall be given upon any Indictment tried under the Provisions of this Act shall be deemed as good, valid, and sufficient in Law as if the Offence charged in such Indictment had been actually committed within the Jurisdiction of the said Court before which such Indictment shall be tried.

Verdicts and Judgments to be valid.

14. Whenever

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14. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of *Newgate* or of the *Richmond Bridewell* under the Provisions of this Act, such Person shall, without Writ of Habeas corpus or other Writ for that Purpose, be removed into and from the Court at or before which such Indictment shall be found, tried, or proceeded upon, when and as often as it may be necessary, by the Keeper of the said Gaol of *Newgate* or of the *Richmond Bridewell*, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law; and such Removal shall not be deemed an Escape.

The Prisoner may be removed to and from the Central Criminal Court as often as necessary.

15. Whenever any Indictment shall have been found under the Provisions of this Act, the Justices, Judges, or Commissioners of the Court at or before which such Indictment shall be found, tried, or proceeded upon for the Time being, or any Two or more of them, shall possess the same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment had actually been committed within the Jurisdiction of the said Court; and every such Offence may be dealt with, tried, and determined by and before such Justices, Judges, or Commissioners, or any Two or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Court: Provided that nothing in this Section contained shall limit or lessen any Power, Jurisdiction, or Authority conferred upon the said Justices, Judges, or Commissioners, or any Two or more of them, by this Act.

Court before which Indictment found to have the same Authority as if the Offence had been committed within its Jurisdiction.

16. The Provisions of the Twenty-first Section of the said Act made and passed in the Nineteenth Year of Her Majesty Queen *Victoria* shall apply to every Prisoner removed to any Gaol under the Provisions of this Act, in the same Manner in all respects and for all Intents and Purposes as if such Prisoner had been so removed as in any of the preceding Sections of the said Act is mentioned, and as if that Section had been re-enacted herein with reference to Prisoners removed to any Gaol under the Provisions of this Act; and where any Person shall have been removed to any Gaol under the Provisions of this Act, the Provisions of the Twenty-seventh and Twenty-eighth Sections of the same Act shall apply in the same Manner in all respects as in the Case where any Person shall have been removed or committed to the said Gaol of *Newgate* under the Provisions of the said Act.

Sects. 21. 27, and 28 of 19 Vict. c. 16. extended to this Act.

17. Whenever any Prosecutor and Witnesses in any Case where any Indictment shall have been found under the Provisions of this Act shall appear before the Court at or before which such Indictment shall be found, tried, or proceeded upon, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, to require such Prosecutor and Witnesses to enter into such Recognizance in such Sum of Money, and with such Condition as to Appearance at the said Court, and otherwise, as to the said Court shall seem fit.

Prosecutor and Witnesses may be bound by Recognizances to appear again before the said Court.

18. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time

Her Majesty in Council may make Rules

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for Purposes
of this Act.

to make Rules and Regulations touching the said Gaol of *Newgate*, or any other Gaol or Prison, and the Government and Keeping thereof; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council, from Time to Time to make Rules and Regulations touching the said *Richmond Bridewell* for the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the *London* or *Dublin Gazette*, or in such other Manner as Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall think fit to direct.

Act not to
affect any Peer.

19. Nothing in this Act contained shall render any Person claiming the Privilege of Peerage triable under the Provisions of this Act.

Interpretation
of Terms.

20. In the Construction of this Act the Words "present Mutiny Act" shall be understood to mean the Act made and passed in this present Parliament, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*; and the Words "future Mutiny Act" shall be understood to mean any Act hereafter to be made and passed for the Purposes and with the Intents and Objects of the present Mutiny Act, or for the like Purposes, and with the like Intents and Objects.

Short Title.

21. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Jurisdiction in Homicides Act, 1862."

SCHEDULE referred to in the foregoing Act.

1. *Form of Certificate mentioned in the First Section.*

I the undersigned, Her Majesty's Principal Secretary of State for the War Department, having been credibly informed that [*Name or Names of Prisoner or Prisoners*] lately committed for the Murder [*or Manslaughter*] of [*Name of Person killed*] deceased, and now confined in the Gaol [*House of Correction*] at _____ in the County of _____ is a Person [*are Persons*] subject to the Mutiny Act, and that the said [*Name of Person deceased*] deceased was at the Time of the alleged Murder [*or Manslaughter*] also subject to the said Act, and that the said Murder or supposed Murder [*or Manslaughter or supposed Manslaughter*] was committed in England or Wales, and out of the Jurisdiction of the Central Criminal Court, [*or in Ireland and elsewhere than in the County of the City of Dublin, in the County of Dublin,*] and having been credibly informed of the Circumstances relating to the said alleged Crime, and deeming it expedient that a more speedy Trial of the said [*Name or Names of Prisoner or Prisoners*] should be had than the usual Course of Practice allows, do hereby certify my Belief that it would contribute to the Maintenance of good Order and Military Discipline if the said [*Name or Names of Prisoner or Prisoners*] were to

be

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be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862.

Given under my Hand this Day of A.D.
[Signature of the said Secretary of State.]

2. *Form of Order of the Court of Queen's Bench mentioned in the First Section.*

In Her Majesty's Court of Queen's Bench. [Name of Term]
Term, A.D. [Year of our Lord].

WHEREAS it appears by the Affidavit [or Affidavits] of [Name or Names of Deponent or Deponents], that [Name or Names of Prisoner or Prisoners], now in the Custody of the Gaoler or Keeper of the Gaol [or House of Correction] at in the County of was [or were] committed for the Murder [or Manslaughter] of [Name of Deceased] deceased, and that as well the said [Name or Names of Prisoner or Prisoners] as the said [Name of Deceased] deceased were at the Time of the Commission or supposed Commission of the said Murder [or Manslaughter] subject to the Mutiny Act: Now thereupon, and on the Application and Certificate of Her Majesty's Principal Secretary of State for the War Department, it is ordered, That the said [Name or Names of Prisoner or Prisoners] be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862.

By the Court.

2. *Form of Order of a Judge mentioned in the First Section.*

WHEREAS it appears [follow the last preceding Form as far as the Words "Secretary of State for the War Department"], I do order that the said [Name or Names of Prisoner or Prisoners] be indicted and tried under the Provisions of the Jurisdiction in Homicides Act, 1862. Given under my Hand in Vacation, this Day of A.D. [Year of our Lord].
[Signature of Judge.]

3. *Form of Indorsement mentioned in the Fourth Section.*

I certify that [Name or Names of Prisoner or Prisoners] was [or were] committed for the Murder [or Manslaughter] of [Name of Deceased] deceased, and that he [or they] has [or have] been removed to the Gaol of Newgate [or the Richmond Bridewell] under the Provisions of the Jurisdiction in Homicides Act, 1862.
[Signature of proper Officer of the Court.]

C A P. LXVI.

An Act for the Safe-keeping of Petroleum.

[29th July 1862.]

WHEREAS it is expedient to provide for the Safe-keeping of Petroleum and certain Products thereof that are dangerous to Life and Property, from their Properties of giving off inflammable Vapours at low Temperatures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and

Petroleum.

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Definitions :
 " Petroleum :"

1. " Petroleum," for the Purposes of this Act, shall include any Product thereof that gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of *Fahrenheit's* Thermometer :

" Borough:"

" Borough" shall in *England* mean any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales* ; and in *Scotland* any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament ; and in *Ireland* any Place for the Time being subject to the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, intituled *An Act for the Regulation of Municipal Corporations in Ireland* :

" Harbour:"

" Harbour" shall include any Port, Dock, navigable River, Pier, or other Works in or at which Vessels ship or discharge Goods or Passengers :

" Harbour Authority:"

" Harbour Authority" shall include all Persons or Bodies of Persons, corporate or unincorporate, being Proprietors of or entrusted with the Duty of improving, maintaining, or managing any Harbour.

Regulations to be observed by a Ship carrying Petroleum.

2. Every Vessel carrying a Cargo consisting wholly or in part of Petroleum on entering any Harbour within the United Kingdom shall conform to such Regulations in respect to the Place at which she is to be moored as may from Time to Time be issued by the Harbour Authority having Jurisdiction over such Harbour. If any Vessel is moored in any Place in contravention of such Regulations, the Owner or Master of such Vessel shall incur a Penalty not exceeding Twenty Pounds for each Day during which the Vessel remains moored, and it shall be lawful for the Harbour Master, or any other Person acting under the Orders of the Harbour Authority, to cause such Vessel to be removed, at the Expense of the Owner thereof, to such Place as may be in conformity with the said Regulations, and all Expenses incurred in such Removal may be recovered in the same Manner in which Penalties are hereby made recoverable.

Regulations to be observed in storing Petroleum.

3. From and after the First Day of *October* One thousand eight hundred and sixty-two not more than Forty Gallons of Petroleum shall be kept within Fifty Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given by such Local Authority as is herein-after mentioned.

Any Petroleum kept in contravention of this Section shall be forfeited, and, in addition thereto, the Occupier of the Place in which such Petroleum is kept shall incur a Penalty not exceeding Twenty Pounds a Day for each Day during which Petroleum is kept in contravention of this Act.

Petroleum.

4. The following Bodies shall respectively be the Local Authority to grant Licences under this Act in the Districts herein-after mentioned ; (that is to say,) Definition of Local Authority.

1. In the City of *London*, except as herein-after mentioned, the Court of Lord Mayor and Aldermen of the said City :
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, except the City of *London*, and except as herein-after mentioned, the Metropolitan Board of Works :
3. In any Borough in *England* or *Ireland*, except as herein-after mentioned, the Mayor, Aldermen, and Burgesses, by the Council :
4. In any Place in *England* or *Ireland*, except as herein-after mentioned, within the Jurisdiction of any Trustees or Improvement Commissioners, appointed under the Provisions of any Local or General Act of Parliament, the Trustees or Commissioners :
5. In any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council ; but in any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees :
6. In any Harbour within the Jurisdiction of a Harbour Authority, whether situate or not within the Jurisdiction of any Local Authority herein-before mentioned, the Harbour Authority, to the Exclusion of any other Local Authority :
7. In any Place in *England* or *Ireland* in which there is no Local Authority as herein-before defined, the Justices in Petty Sessions assembled, and in *Scotland* any Two Justices of the Peace for the County.

5. Licences in pursuance of this Act shall be valid if signed by Two or more of the Persons constituting the Local Authority, or executed in any other Way in which other Licences, if any, granted by such Authority are executed ; they may be granted for a limited Time, and there may be annexed thereto any Conditions as to Renewal or otherwise which the Local Authority thinks necessary for diminishing the Risk of Damage from Explosion or Fire ; and any Licensee violating any of the Conditions of his Licence shall be deemed to be an unlicensed Person. Mode of Granting Licences.

6. If, on any Application for a Licence under this Act, the Local Authority refuses the Licence, or grants the same only on Conditions with which the Applicant is dissatisfied, the Local Authority shall, if required by the Applicant, certify in Writing under the Hand or Hands of One or more of the Persons constituting the Local Authority the Grounds on which it refused the Licence or annexed Conditions to the Grant thereof, and shall In case of Refusal of Licence, the Applicant may memorialize Secretary of State.

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deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, if the Application is for a Licence in *England* or *Scotland*, and to the Lord Lieutenant or other Chief Governor if the Application is for a Licence in *Ireland*, together with a Memorial, praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as may be set forth in such Memorial; and it shall be lawful for the Secretary of State, Lord Lieutenant, or other Chief Governor, if he think fit, on consideration of such Memorial and Certificate, and if he think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely, or with such Conditions as he thinks fit, or to alter or modify the Conditions imposed by the Local Authority; and the Licence so granted, or altered and modified, as the Case may be, when certified under the Hand of the said Secretary of State, Lord Lieutenant, or other Chief Governor, shall be to all Intents as valid as if granted by the Local Authority.

Forfeitures and Penalties in England and Ireland.

7. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *England* and *Ireland* upon summary Conviction before any Two Justices; and one Moiety of the Forfeiture and Penalty shall belong to Her Majesty, and the other Moiety to the Informer, unless the Informer is a Servant of the Person informed against, in which Case the Moiety of the Forfeiture or Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices in their or his Discretion may think fit.

Recovery of Forfeitures and Penalties in Scotland.

8. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *Scotland* upon summary Conviction, at the Instance of the Procurator Fiscal, before any Sheriff, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed, who may sentence the Offender to Imprisonment, until such Forfeiture or Penalty and the Expenses of Conviction are paid, for a Period not exceeding Three Months; and one Moiety of such Forfeiture or Penalty shall belong to Her Majesty, and the other Moiety shall be applied in such Manner and to such Purposes as such Sheriff, Justices, Magistrates, or Magistrate in their or his Discretion may think fit.

Search for Petroleum.

9. Petroleum may be searched for in the same Manner, under the same Warrants, and subject to the same Conditions in, under, and subject to which Gunpowder may be searched for, in pursuance of the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine; and all the Provisions of the said Act relating to searching for Gunpowder shall be incorporated with this Act, and be construed as if the Word "Gunpowder" in such Provisions included Petroleum as defined by this Act, and as if the Act therein referred to were this Act.

*Petroleum.**Declaration of Title.*

10. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and the Local Authority may exercise such other Powers in the same Manner as if this Act had not passed ; and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would otherwise be subject in respect of a Nuisance.

Reservation of previous Powers with respect to inflammable Substances.

C A P. LXVII.

An Act for obtaining a Declaration of Title.

[29th July 1862.]

‘ **W**HEREAS it is expedient to enable Persons having Interests in Land to obtain in certain Cases a Judicial Declaration of their Title to the same, so as to enable them to make an indefeasible Title to Persons claiming under them as Purchasers for a valuable Consideration :’ 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. Every Person claiming to be entitled to Land in possession for an Estate in Fee Simple, either absolutely or subject to any Incumbrances, Estates, Rights, or Interests, vested or contingent, or claiming to have a Power of disposing of Land for his own Benefit for an Estate in Fee Simple in possession, either absolutely or subject to any Incumbrances, Estates, Rights, or Interests vested or contingent, and every Person entitled to apply for the Registration of an indefeasible Title to the Registrar appointed under any Act which may be passed in the present Session for the Registration of Real Estates and the Title thereto, may apply to the Court of Chancery by Petition in a summary Way for a Declaration of Title under this Act.

Parties claiming to be entitled to Land may petition Court of Chancery for Declaration of Title.

2. Every such Petition shall state what Incumbrances, Estates, Rights, and Interests, if any, the Petitioner admits to affect his Title, and subject to which he seeks to have his Title declared, and shall be in such Form as the Court shall by General Order direct.

Petition to set forth Particulars affecting Title.

3. Any Two or more Persons claiming to have together such Estate or Interest in Land as would have enabled any One Person to petition as aforesaid may join in such a Petition, and such Proceedings shall be had thereupon as in the Case of a single Petitioner.

Two Persons interested may jointly petition.

4. No such Petition shall be admitted as to Lands of Copyhold or Customary Tenure.

As to Copyhold, &c. Lands.

5. It shall be lawful for the Court, by General Order or otherwise, if it shall think fit, to require that the Registrar who may be appointed under any Act passed during the present Session for the Registration of Real Estates and the Title thereto shall be served with Notice of such Petition, and the Registrar shall thereupon be made a Party to and attend the Proceedings on such

Court may require to be served with Petition.

Declaration of Title.

such Petition, and the Costs thereby properly incurred shall be paid by the Petitioner.

Court may investigate Petitioner's Title.

6. The Court, on the Hearing of any such Petition, on being satisfied that the Petitioner has proved such a Possession, and has stated such a Title as, if established, would entitle him to a Declaration under this Act, shall make an Order for the Investigation of the Title in the same Way as if the Petitioner had obtained as Vendor a Decree for a specific Performance of an Agreement for Sale of the Land in question for the Estate claimed in his Petition.

If Court dissatisfied, Petition to be dismissed.

7. If the Court, on such Investigation, shall not be satisfied that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, then it shall dismiss the Petition, but subject to the Right of Appeal herein-after mentioned.

When Investigation is satisfactory, Court may order a Declaration of Title to be made.

8. In case the Court is satisfied after such an Investigation that the Petitioner has shown such a Title as it would have compelled an unwilling Purchaser to accept, it shall, on the Conditions herein-after mentioned being complied with, make an Order that on some Day, not less than Three Months from the Date of the Order, a Declaration shall be made establishing the Petitioner's Title, unless in the meantime Cause is shown to the contrary; and the Court may enlarge the Time for so showing Cause as often as it may deem proper.

Order not to be made until Security for Costs is given.

9. No such Order shall be made until the Petitioner shall have given Security to the Satisfaction of the Court for Payment of all Costs, if any, which may be awarded to any Person who may oppose the Petitioner's Right to the Declaration prayed for.

Before Order is made Petitioner to file Affidavit that all Documents have been produced.

10. No such Order shall be made until the Petitioner and his Solicitor, and any other Person whom the Court may require, shall have made and filed an Affidavit that to the best of their respective Knowledge, Information, and Belief all Settlements, Deeds, Documents, Instruments, Maps, Plans, and Papers relating to the Title to the Land in question have been produced to the Court, or the Cause of their Non-production has been fully and fairly explained, and that all Facts material to the Title have been fully and fairly disclosed to the Court: Provided always, that the Court may dispense with such Affidavit either from the Petitioner or his Solicitor when it shall think it reasonable so to do, or may permit the same to be modified as Circumstances may seem to require.

Notice of Order to be advertised in Newspapers.

11. The Petitioner after obtaining such Order shall give Notice of the same by Advertisement in such Newspapers and at such Times as the Court may direct, and in any other Manner which the Court may deem expedient for the Purpose of informing all Persons interested thereof, and as may be directed by any General or Special Order in that Behalf.

Court may hear Petition against Declaration of Title, or reserve Rights.

12. Any Person may, at any Time before the proposed Declaration of Title has been made, petition the Court in a summary Way to be heard against the making thereof, and the Court shall thereupon fix a Time for the Hearing of such Petition, and shall,

Declaration of Title.

if necessary, enlarge the Time for making the Declaration until such Petition shall have been disposed of.

13. On the Hearing of such Petition the Court may introduce such Restrictions or Qualifications in the Title sought to be declared as the Justice of the Case requires, or may reserve the Rights of any Person or Class of Persons, or may refuse to make any Declaration of Title.

May refuse Declaration of Title, &c. ;

14. If it shall appear to the Court that all or any of the Title Deeds relating to the Land in question have been lost or destroyed, the Court may, if it shall think fit, reserve the Rights of all Persons under any such lost or destroyed Deeds.

May reserve Rights under lost Deeds.

15. If no Petition has been presented against the proposed Declaration of Title within the Time in that Behalf limited, or if, having been presented, the Court shall be of opinion that no sufficient Ground has been shown for refusing to make a Declaration of Title, then the Court shall, after the Expiration of the Time limited for showing Cause, upon being satisfied that the required Notices have been duly given, and that all other Requisitions have been duly complied with, make a Declaration that the original Petitioner has such Title to the Land in question as he sought to establish by his Petition, or such Title, subject to any Restrictions, Reservations, or Qualifications which it may deem necessary or proper to introduce.

Where Court sees no Reason for Refusal, Declaration of Title to be made.

16. Any Person may, at any Time within Six Months from the making of any such Declaration, appeal therefrom to the Court of Appeal in Chancery ; and such Court shall on the Hearing of the Appeal make an Order confirming, varying, or annulling the Declaration as it may see fit ; but if there is no such Appeal, then the said Declaration shall, at the Expiration of the said Six Months, become final for the Purposes of this Act.

Appeal may be made to Court of Appeal within Six Months after Declaration.

17. Any Person may appeal from any such Order of the Court of Appeal to the House of Lords at any Time within Six Months from the making thereof, and the said House may make an Order confirming, varying, or annulling the said Declaration as to them shall seem just ; but if there is no such Appeal, then the Declaration, as approved by the said Court of Appeal in Chancery, shall at the Expiration of the said Six Months become final for the Purposes of this Act.

Parties may appeal from Court of Appeal to House of Lords.

18. In case of any such Appeal as aforesaid to the House of Lords, the Declaration of Title as finally approved by them shall become final for the Purposes of this Act.

Declaration of Title as approved by them shall be final.

19. In case the Court shall have dismissed the original Petition on the Ground that the Petitioner had not shown such a Title as it would have compelled an unwilling Purchaser to accept, or if, on the Hearing of any Petition against the making of the Declaration of Title prayed for, the Court shall have refused to make any Declaration of Title, the original Petitioner shall have the same Rights of Appeal to the Court of Appeal in Chancery and to the House of Lords as is herein-before given to any Person appealing against a Declaration of Title actually made.

Where Court refuses Title, Petitioner may appeal to Court of Appeal and House of Lords.

20. The Declaration of Title, when it has in manner aforesaid become final for the Purposes of this Act, shall not be set aside

Declaration of Title not to be set aside for Informality.

Declaration of Title.

or called in question by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

To be registered as an indefeasible Title.

21. Every Declaration of Title made under this Act may, at the Option of the Person obtaining the same, be registered as an indefeasible Title under any Act which may be passed in the present Session of Parliament for the Registration of Real Estates and the Title thereto.

Certificate of Court to be given to Party obtaining final Declaration.

22. Any Person who has obtained in manner aforesaid a final Declaration of Title shall be entitled to receive from the Court, on Payment of the proper Fees, and on Production of his Title Deeds for the Purpose next herein-after mentioned, a Certificate under the Seal of the Court setting forth the Title so declared, and further stating that the Time for appealing has expired, and such Certificate shall be conclusive Evidence of the Facts therein stated.

Production of Deeds before sealing of Certificate.

23. Before any such Certificate shall be sealed the Petitioner shall produce to the Court such of his Deeds and Muniments of Title as the Court shall require, and the same shall be stamped or marked by the Officer issuing the Certificate in such Manner as the Court shall by General Orders direct, for the Purpose of showing that a Declaration of Title has been made as to the Land therein comprised, or as to such Part thereof as is comprised in the Declaration.

Declaration of Title to be deemed to have correctly declared Land therein referred to.

24. Such Declaration of Title, as soon as it shall have become final for the Purposes of this Act, shall in favour of any Person thereafter deriving Title as a Purchaser for valuable Consideration of the Land therein referred to, or of any Part thereof, or of any Estate, Right, or Interest therein, by, from, through, or under the Person whose Title has been so declared, be deemed and taken to have correctly declared the same, but save as aforesaid such Declaration shall have no Force or Effect whatever as to the Title of the Land comprised therein.

Court may make separate Declarations, &c. of Title.

25. Instead of a single Declaration of Title, or a single Certificate, the Court may, on the Application of the Petitioner, make separate Declarations, or give separate Certificates as to the Title of separate Parts of the Land referred to in the Petition.

Court may cancel original Certificate, and give Certificates to separate Parts of Land comprised in cancelled Certificate.

26. If for the Purpose of a Sale or other Disposition of the Land comprised in any Certificate of Title, or of any Part thereof, the Holder of any such Certificate shall be desirous of having separate Certificates of Title relating to separate Portions of the Land, it shall be lawful for the Court, on Petition by such Holder, to order his Certificate to be cancelled, and in lieu thereof to give to him separate Certificates for separate Parts of the Land comprised in the Certificate so cancelled; and every such separate Certificate shall refer to and state the Date of the cancelled Certificate, and shall have the same Effect as to the Land therein comprised as if it had been given at the Time of such Date, but no such Substitution of Certificates shall in any way prejudice or affect the Title of any Person who shall previously thereto have become entitled to any Part of the Land comprised in the original Certificate, or any Interest in the same.

27. Whenever

Declaration of Title.

- 27.** Whenever any such Substitution of Certificates shall take place the Land mentioned in every such separate Certificate may be entered upon the Register of Estates with an indefeasible Title, under any such Act for the Registration of Real Estates and the Title thereto as aforesaid; and in that Case any Transactions relating thereto shall, subject to any Regulations to the contrary that may be made by General Order, thenceforth form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.
- 28.** If any Certificate of Title shall be lost or destroyed, the Court may issue a fresh Certificate in lieu of that so lost or destroyed, expressing on the Face thereof that it is a Duplicate, but no such fresh Certificate shall be of any avail against any Person who may have already derived Title under the original Certificate.
- 29.** The Declaration of Title shall not affect any of the Claims, Rights, or Matters herein-after mentioned, that is to say :
 Land Tax, Succession Duty, Tithe Rentcharge, Rights of Common, Rents payable to the Crown, public Rights of Way, Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, Rights of Water and other Easements, or Servitudes, Manorial Rights and Franchises, Leases or Agreements for Leases for any Term not exceeding Twenty-one Years where there is Occupation under the same.
- 30.** From and after the Registration of any Land, as to which any such Declaration of Title as aforesaid shall have been made, in the herein-before mentioned Register of Estates with an indefeasible Title, such Land shall be subject to the Provisions of any such Act for the Registration of Real Estates and the Title thereto as aforesaid, in the same Manner as if the Registration thereof had been made by virtue of Proceedings duly taken under such last-mentioned Act.
- 31.** If, at any Time after any such Declaration of Title as aforesaid has been made, any Person shall consider himself to be aggrieved thereby, it shall be lawful for him to present a Petition praying that the same may be recalled or varied in such Manner as may be just, and the Court shall thereupon proceed in the Hearing of such Petition in the same Manner as if the same had been presented before the Declaration of Title had been made, and the Court may, on the Hearing of the said Petition, annul the Declaration and order the Certificate or Certificates to be given up to be cancelled, or may make such Variations therein as it may deem just, and may, if it shall think fit, also direct the Registry thereof, if made, to be cancelled; but no Proceeding on any such Petition shall prejudice or affect the Title of any Person who before any such annulling or Variation shall have acquired a Title under the said Declaration as a Purchaser for valuable Consideration of the said Land or of any Estate or Interest therein.

Substitution of
Certificates.

If Certificate of
Title is lost a
Duplicate may
be issued.

Declaration of
Title not to
affect certain
Claims, &c.

Registration
of Lands with
Declaration of
indefeasible
Title.

Court may
hear Petition
for Recall or
Variation of
Declaration of
Title.

Declaration of Title.

To prevent dealing with Land until Petition disposed of.

32. The Court may, on the Hearing of any such last-mentioned Petition, make any Order which it may deem just, restraining the Person who has obtained the Declaration, and all Persons claiming by, through, from, or under him otherwise than as a Purchaser for valuable Consideration, from in any Manner dealing with the said Land until such Petition shall have been disposed of.

Proceedings on Petition liable to Appeal.

33. All Proceedings on any such Petition shall be liable to the same Right of Appeal as in the Case of Petitions presented before such Declaration of Title was made.

Power to Court to order Costs.

34. The Court shall have Power to order Costs either as between Party and Party or as between Solicitor and Client to be paid by and to any Person, Party to any Proceeding under this Act, and to give Directions as to the Fund out of which such Costs shall be paid.

Person alienating to invest Trust Money in Purchase of Lands to be settled to certain Uses.

35. ‘ And whereas it may happen that at the Time of making such Declaration of Title as aforesaid there may be Estates, Rights, or Interests in the Land which may not be saved by the Declaration, and the Persons entitled to such Estates, Rights, or Interests may be damnified by the subsequent Alienation of the Land for valuable Consideration:’ Be it therefore enacted, That all Money received by the Person so alienating shall be deemed to have been received by him in trust to invest the same in the Purchase of Lands to be settled to the Uses and on the Trusts to and on which the Lands so alienated stood limited at the Time of such Alienation: Provided always, that this Clause shall not be deemed to impose any Liability on any Person who may have received any Money on such Alienation as a Trustee, so far as relates to Money which he may have duly applied in execution of the Trusts reposed in him.

Provision as to married Women.

36. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband’s Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, “ for the Abolition “ of Fines and Recoveries, and for the Substitution of more “ simple Modes of Assurance;” and the Form and Manner in which such Examination shall be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: Provided always, that a married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

3 & 4 W. 4. c. 74.

Provision for other Persons under Disability.

37. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively

Declaration of Title.

of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act: Provided always, that where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian.

38. Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Court, where it sees fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Court may appear just.

Proceedings
not to abate by
Death, &c.

39. A Register shall be kept in such Place as the Lord Chancellor shall appoint, wherein any Person having or claiming to have any Estate, Right, Title, or Interest in or to any Land, or having or claiming to have any Incumbrance thereon, shall be at liberty to enter his Name and Address, with the Name of the County, Parish, and Township in which such Land is situated, in such Form as the Chancellor shall order; and when any Person shall have made such Entry the Court shall not make an Order under this Act unless it is satisfied, after such Evidence as it shall think sufficient, that Notice of the Application for such Order has been given to such Person as shall have made such Entry in a reasonable Time before such Order is actually made.

Register of
Estates, Titles,
&c. to be kept.

40. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and of giving Notices, and generally the Practice of the Court in respect of the Matters to which this Act relates; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Power to Lord
Chancellor, &c.
to make Rules
and Orders.

41. Until any General Rules and Orders shall be framed under the last preceding Section, the Rules and Orders set forth in the Schedule hereto annexed shall be taken to be Rules and Orders of the Court of Chancery, but the same shall be liable to be rescinded or altered as if they had been made by the Lord

Court of Chan-
cery to adopt
Rules in Sched-
ule until
General Rules
are framed.

Declaration of Title.

Chancellor, with such Advice and Assistance as in the last preceding Section is mentioned.

Power to Lord Chancellor to appoint additional Clerks.

42. It shall be lawful for the Lord Chancellor from Time to Time to appoint such additional Clerks as to him may seem necessary for enabling the Court duly to execute the Duties imposed on it; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor, with the Consent of the Lords of the Treasury, may think proper.

Rules and Orders to be laid before Parliament.

43. All General Rules and Orders made as aforesaid, including all Orders for the Appointment of any additional Clerks, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either House of Parliament, by any Resolution passed within Six Weeks after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

Penalty on making false Statement and Suppression of Deeds and Evidence.

44. If in the course of any Proceeding before the Court under this Act any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from the Court any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Order or Declaration of Title obtained by means of such Fraud or Falsehood shall be null and void for or against all Persons other than a Purchaser for valuable Consideration without Notice.

Penalty on fraudulent Alterations, &c.

45. If in the course of any Proceeding before the Court under this Act any Person shall fraudulently forge or alter or assist in forging or altering any Certificate or other Document relating to such Land or to the Title thereof, or shall fraudulently offer, utter, dispose of, or put off any such Certificate or other Document, knowing the same to be forged or altered, such Person shall be guilty of Felony, and upon Conviction shall be liable, at the Discretion of the Court by which he is convicted, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for a Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Conviction not to affect Civil Remedy.

46. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Enactment of Penalty not to exclude Obligation to make Discovery.

47. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding,

Declaration of Title.

Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

48. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Person" shall include a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; and the Word "Land" shall not include any incorporeal Hereditaments, but shall include all corporeal Tenements and Hereditaments not expressly excepted.

Construction of Terms, &c. in this Act:
"Person:"
"Possession:"
"Land."

49. This Act shall relate to *England* only, and shall come into operation on the First Day of *January* One thousand eight hundred and sixty-three, and may be cited as "The Declaration of Title Act, 1862."

Extent of Act.
Short Title.

SCHEDULE.

1. Every Petition for a Declaration of Title shall contain an exact Description in their actual State of the Lands as to which the Declaration is sought, stating particularly the Boundaries thereof, and the Lands on which the same and every Part thereof abut, and, so far as conveniently may be, the Names and Descriptions of the Owners and Occupiers of such last-mentioned Lands.

2. On the Investigation of the Title to the Lands as to which the Declaration is sought, the Identity of the Lands described in the Petition, with the Parcels as described in the Title Deeds, shall be established by Affidavit or otherwise, as the Court may deem just.

3. The Court may, if it shall deem it necessary or proper, require the Petitioner to lodge in Court a Map or Plan of the Lands in question.

4. The Petitioner, after obtaining the Order for a Declaration of Title, shall cause a Copy thereof, together with the Description of the Lands in question, with any engraved or lithographed Plan thereof (if any exists) to be served on every adjoining Occupier and Owner, or on such of them and on such other Persons (if any) as the Court may direct to be so served.

5. He shall also cause a Copy or Copies thereof to be deposited in some Office or Place, Offices or Places, to be appointed by the Court on or near to the Lands in question, to be accessible at all reasonable Times to all Persons desirous of examining the same, and Notice of every such Deposit shall be affixed in some Public Place or Places on or near to the Lands in question.

6. Every such Copy served on any adjoining Occupier or Owner, or deposited as aforesaid, shall state that any Person wishing to show Cause against the making of the proposed Declaration may do so by presenting a Petition in a summary Way to the Court of Chancery at any Time before the Day appointed for making the proposed Declaration.

7. The Petitioner, after such Deposit shall have been made, shall cause Advertisements to be inserted Three Times at least in

*Declaration of Title.**Copyright (Works of Art).*

such Newspapers on such Days as the Court shall direct, stating the said Order, and stating also where any Copy has been so deposited for Inspection.

8. Unless the last of such Advertisements is made within Four Weeks next after the Date of the Order, the Time thereby fixed for showing Cause against the same shall be enlarged for One Calendar Month, or such further Time as the Court shall direct.

C A P. LXVIII.

An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works. [29th July 1862.]

‘ WHEREAS by Law, as now established, the Authors of Paintings, Drawings, and Photographs have no Copyright in such their Works, and it is expedient that the Law should in that respect be amended:’ 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 Author, being a *British* Subject or resident within the Dominions of the Crown, of every original Painting, Drawing, and Photograph which shall be or shall have been made either in the *British* Dominions or elsewhere, and which shall not have been sold or disposed of before the Commencement of this Act, and his Assigns, shall have the sole and exclusive Right of copying, engraving, reproducing, and multiplying such Painting or Drawing, and the Design thereof, or such Photograph, and the Negative thereof, by any Means and of any Size, for the Term of the natural Life of such Author, and Seven Years after his Death ; provided that when any Painting or Drawing, or the Negative of any Photograph, shall for the First Time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other Person for a good or a valuable Consideration, the Person so selling or disposing of or making or executing the same shall not retain the Copyright thereof, unless it be expressly reserved to him by Agreement in Writing, signed, at or before the Time of such Sale or Disposition, by the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or by the Person for or on whose Behalf the same shall be so made or executed, but the Copyright shall belong to the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or to the Person for or on whose Behalf the same shall have been made or executed ; nor shall the Vendee or Assignee thereof be entitled to any such Copyright, unless at or before the Time of such Sale or Disposition, an Agreement in Writing, signed by the Person so selling or disposing of the same, or by his Agent duly authorized, shall have been made to that Effect.

Copyright in Works here-after made or sold to vest in the Author for his Life and for Seven Years after his Death.

Copyright (Works of Art).

2. Nothing herein contained shall prejudice the Right of any Person to copy or use any Work in which there shall be no Copyright, or to represent any Scene or Object, notwithstanding that there may be Copyright in some Representation of such Scene or Object.

Not to prejudice certain Rights.

3. All Copyright under this Act shall be deemed Personal or Moveable Estate, and shall be assignable at Law, and every Assignment thereof, and every Licence to use or copy by any Means or Process the Design or Work which shall be the Subject of such Copyright, shall be made by some Note or Memorandum in Writing, to be signed by the Proprietor of the Copyright, or by his Agent appointed for that Purpose in Writing.

Assignments, Licences, &c. to be in Writing.

4. There shall be kept at the Hall of the Stationers Company, by the Officer appointed by the said Company for the Purposes of the Act passed in the Sixth Year of Her present Majesty, intituled *An Act to amend the Law of Copyright*, a Book or Books, entitled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a Memorandum of every Copyright to which any Person shall be entitled under this Act, and also of every subsequent Assignment of any such Copyright; and such Memorandum shall contain a Statement of the Date of such Agreement or Assignment, and of the Names of the Parties thereto, and of the Name and Place of Abode of the Person in whom such Copyright shall be vested by virtue thereof, and of the Name and Place of Abode of the Author of the Work in which there shall be such Copyright, together with a short Description of the Nature and Subject of such Work, and in addition thereto, if the Person registering shall so desire, a Sketch, Outline, or Photograph of the said Work, and no Proprietor of any such Copyright shall be entitled to the Benefit of this Act until such Registration, and no Action shall be sustainable nor any Penalty be recoverable in respect of anything done before Registration.

Register of Proprietors of Copyright in Paintings, Drawings, and Photographs to be kept at Stationers Hall as in 5 & 6 Vict. c. 45.

5. The several Enactments in the said Act of the Sixth Year of Her present Majesty contained, with relation to keeping the Register Book thereby required, and the Inspection thereof, the Searches therein, and the Delivery of certified and stamped Copies thereof, the Reception of such Copies in Evidence, the making of false Entries in the said Book, and the Production in Evidence of Papers falsely purporting to be Copies of Entries in the said Book, the Application to the Courts and Judges by Persons aggrieved by Entries in the said Book, and the expunging and varying such Entries, shall apply to the Book or Books to be kept by virtue of this Act, and to the Entries and Assignments of Copyright and Proprietorship therein under this Act, in such and the same Manner as if such Enactments were here expressly enacted in relation thereto, save and except that the Forms of Entry prescribed by the said Act of the Sixth Year of Her present Majesty may be varied to meet the Circumstances of the Case, and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry required by this Act shall be One Shilling only.

Certain Enactments of 5 & 6 Vict. c. 45. to apply to the Books to be kept under this Act.

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Penalties on
Infringement of
Copyright.

6. If the Author of any Painting, Drawing, or Photograph in which there shall be subsisting Copyright, after having sold or disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of Copyright in any Painting, Drawing, or Photograph, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply for Sale, Hire, Exhibition, or Distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for Sale, Hire, Exhibition, or Distribution, any such Work or the Design thereof, or, knowing that any such Repetition, Copy, or other Imitation has been unlawfully made, shall import into any Part of the United Kingdom, or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be imported, sold, published, let to Hire, distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of the said Work, or of the Design thereof, made without such Consent as aforesaid, such Person for every such Offence shall forfeit to the Proprietor of the Copyright for the Time being a Sum not exceeding Ten Pounds; and all such Repetitions, Copies, and Imitations made without such Consent as aforesaid, and all Negatives of Photographs made for the Purpose of obtaining such Copies, shall be forfeited to the Proprietor of the Copyright.

Penalties on
fraudulent Pro-
ductions and
Sales.

7. No Person shall do or cause to be done any or either of the following Acts; that is to say,

First, no Person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any Painting, Drawing, or Photograph, or the Negative thereof, any Name, Initials, or Monogram:

Secondly, no Person shall fraudulently sell, publish, exhibit, or dispose of, or offer for Sale, Exhibition, or Distribution, any Painting, Drawing, or Photograph, or Negative of a Photograph, having thereon the Name, Initials, or Monogram of a Person who did not execute or make such Work:

Thirdly, no Person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Fourthly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any Alteration shall afterwards be made therein by any other Person, by Addition or otherwise, no Person shall be at liberty during the Life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Work so altered as aforesaid, or of any Part thereof, as or for the unaltered Work of such Author or Maker.

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Every Offender under this Section shall, upon Conviction, forfeit to the Person aggrieved a Sum not exceeding Ten Pounds, or not exceeding double the full Price, if any, at which all such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name, Initials, or Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within Twenty Years next before the Time when the Offence may have been committed.

8. All pecuniary Penalties which shall be incurred, and all such unlawful Copies, Imitations, and all other Effects and Things as shall have been forfeited by Offenders, pursuant to this Act, and pursuant to any Act for the Protection of Copyright Engravings, may be recovered by the Person herein-before and in any such Act as aforesaid empowered to recover the same respectively, and herein-after called the Complainant or the Complainer, as follows:

In *England* and *Ireland*, either by Action against the Party offending, or by summary Proceeding before any Two Justices having Jurisdiction where the Party offending resides:

In *Scotland* by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County where the Offence may be committed or the Offender resides, who, upon Proof of the Offence or Offences, either by Confession of the Party offending, or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable to the Penalty or Penalties aforesaid, as also in Expenses, and it shall be lawful for the Sheriff, in pronouncing such Judgment for the Penalty or Penalties and Costs, to insert in such Judgment a Warrant, in the event of such Penalty or Penalties and Costs not being paid, to levy and recover the Amount of the same by Pounding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzicing the Defender, to find the Complainer liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

9. In any Action in any of Her Majesty's Superior Courts of Record at *Westminster* and in *Dublin*, for the Infringement of any such Copyright as aforesaid, it shall be lawful for the Court in which such Action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the Court in which Action is pending may make Order for Injunction, &c.

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the Application of the Plaintiff or Defendant respectively, to make such Order for an Injunction, Inspection, or Account, and to give such Direction respecting such Action, Injunction, Inspection, and Account, and the Proceedings therein respectively, as to such Court or Judge may seem fit.

Importation of
pirated Works
prohibited.

10. All Repetitions, Copies, or Imitations of Paintings, Drawings, or Photographs, wherein or in the Design whereof there shall be subsisting Copyright under this Act, and all Repetitions, Copies, and Imitations of the Design of any such Painting or Drawing, or of the Negative of any such Photograph, which, contrary to the Provisions of this Act, shall have been made in any Foreign State, or in any Part of the *British* Dominions, are hereby absolutely prohibited to be imported into any Part of the United Kingdom, except by or with the Consent of the Proprietor of the Copyright thereof, or his Agent authorized in Writing; and if the Proprietor of any such Copyright, or his Agent, shall declare that any Goods imported are Repetitions, Copies, or Imitations of any such Painting, Drawing, or Photograph, or of the Negative of any such Photograph, and so prohibited as aforesaid, then such Goods may be detained by the Officers of Her Majesty's Customs.

Application in
such Cases of
Customs Acts.

Saving of
Right to bring
Action for
Damages.

11. If the Author of any Painting, Drawing, or Photograph, in which there shall be subsisting Copyright, after having sold or otherwise disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of such Copyright, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for Sale, Hire, Exhibition, or Distribution, any such Work or the Design thereof, or the Negative of any such Photograph, or shall import or cause to be imported into any Part of the United Kingdom, or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be sold, published, let to Hire, exhibited, or distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of such Work, or the Design thereof, or the Negative of any such Photograph, made without such Consent as aforesaid, then every such Proprietor, in addition to the Remedies hereby given for the Recovery of any such Penalties, and Forfeiture of any such Things as aforesaid, may recover Damages by and in a Special Action on the Case, to be brought against the Person so offending, and may in such Action recover and enforce the Delivery to him of all unlawful Repetitions, Copies, and Imitations, and Negatives of Photographs, or may recover Damages for the Retention or Conversion thereof: Provided that nothing herein contained, nor any Proceeding, Conviction, or Judgment, for any Act hereby forbidden, shall affect any Remedy which any Person aggrieved by such Act may be entitled to either at Law or in Equity.

12. This Act shall be considered as including the Provisions of the Act passed in the Session of Parliament held by the Seventh

Provisions of
7 & 8 Vict.
c. 12. to be

*Copyright (Works of Art).**Harbours Transfer.*

and Eighth Years of Her present Majesty, intituled *An Act to amend the Law relating to International Copyright*, in the same Manner as if such Provisions were Part of this Act.

considered as included in this Act.

C A P. LXIX.

An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes. [29th July 1862.]

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 :

1. This Act may be cited as the Harbours Transfer Act, 1862.

Short Title.

2. In this Act—

Interpretation of Terms.

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral; and when the said Term is used in reference to any other Act, it shall be taken to comprise any Term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners :

The Term "the Board of Trade" shall be taken to mean the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Preliminary Inquiries Act, 1851.

3. Whenever after the End of the present Session of Parliament Application is made to Parliament for any such Bill as is described in The Preliminary Inquiries Act, 1851, the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Board of Trade may exercise Powers under 14 & 15 Vict. c. 49.

4. Provided always, as follows :

(1.) In each Year as soon as may be, and not more than Fourteen Days after the Deposit at the Office of the Board of Trade of such Documents as may be required by the Standing Orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a List of all such Bills for which Applications to Parliament may be then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such Bills respectively :

Board of Trade to inform Admiralty of pending Schemes.

(2.) Where in any Case, on Consideration of the Information so furnished, the Admiralty are of opinion that it is proper for them to take Steps for the Protection of the Interests of Her Majesty's Naval Service, they may

Admiralty may intervene where necessary for Protection of Interests of Naval Service.

Harbours Transfer.

exercise the Powers given to them by The Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the Standing Orders of either House of Parliament may or may not have required any Documents to be deposited at the Admiralty Office.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c.
of Board of
Trade as to
Harbour Works
on Tidal Lands,
Lifeboats, &c.

5. With respect to any Special Act that may be passed after the End of the present Session of Parliament, the following Sections of The Harbours, Docks, and Piers Clauses Act, 1847, and all Provisions relative thereto in that Act or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Twelve, Thirteen, Sixteen, Eighteen, and Nineteen.

Railways Clauses Consolidation Acts, 1845.

Consent and
Approval of
Board of Trade
to Railway
Works on
Tidal Lands.

6. With respect to any Special Act that may be passed after the End of the present Session of Parliament, Sections Seventeen of The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (*Scotland*) Act, 1845, respectively, and all Provisions relative thereto in the said Acts or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Tramways (Ireland) Act, 1860.

Plans, &c. to
be deposited
with Board of
Trade under
23 & 24 Vict.
c. 152. s. 41.

7. With respect to Applications made after the Thirty-first Day of December One thousand eight hundred and sixty-two, under The Tramways (*Ireland*) Act, 1860, Section Forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Special Acts for Railways, Harbours, &c.

Powers for Pro-
tection of Na-
vigation, &c.
under Local
Acts for Har-
bours, Rail-
ways, and other
Works on
Tidal Lands,
&c. to be exer-
cised by Board
of Trade.

8. Where any Special or Local or Local and Personal Act, or Act of a Local or Local and Personal Nature, already passed or to be passed before the End of the present Session of Parliament,—

- (1.) Authorizing or regulating the Construction of a Railway, or the Execution of any Work whatever, situate on or affecting Tidal Lands, or the Shore of the Sea or of any navigable River, where and so far up the same as the Tide flows and reflows; or,
- (2.) Authorizing or regulating the Construction or improving of a Harbour, Dock, or Pier, or Works connected therewith, by any Company, Body Corporate, Commissioners, Trustees, Undertakers, Persons or Person; or,
- (3.) Constituting or altering or regulating the Constitution of any Harbour or Conservancy Authority; or,
- (4.) Altering or regulating the Powers or Duties of any Harbour or Conservancy Authority,—

Harbours Transfer.

contains either expressly or by Incorporation or Reference or otherwise any Provision for any of the Purposes following :—

For preventing the Construction or Execution of any Work or the doing of any Thing without the Consent or Approval of the Admiralty, or for authorizing or requiring any Work to be constructed, executed, or maintained, or any Thing to be done with the Consent or on the Requisition or to the Satisfaction of the Admiralty :

For empowering the Admiralty to exercise any Authority concerning Lifeboats, Mortars, Rockets, Tide Gauges, or Barometers to be provided by any Undertakers :

For empowering the Admiralty to make a Local Survey or Examination at the Expense of any Company, Body, or Person :

For empowering the Admiralty, in case of any Work being abandoned or suffered to fall into Disuse or Decay, or in any other Case, to abate, remove, or alter any Work or any Part of it, or restore the Site thereof to its former Condition, at the like Expense :

For empowering the Admiralty to exercise any Authority concerning Lights to be maintained at Night during the Construction or Execution of any Work :

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a Member or Members of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority :

For empowering the Admiralty to determine any Dispute or Difference between or among any Bodies or Persons :

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any Arbitrator, Referee, or Umpire, or any Engineer, Inspector, or Officer, or any Person to fill any Place or discharge any Duty under such Act : or any other Provision for the Protection, Management, or Regulation of Harbours or Navigation, or for the Exercise of any Control or Power over or in relation to any Harbour Authority, or any other Provision in anywise relating to Conservancy, or authorizing or requiring any Act or Thing concerning Harbours or Navigation or Conservancy to be done by or in relation to the Admiralty,—

Then from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, such Acts and all Enactments relative thereto shall be read and construed as if in the respective Provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

9. Provided always, That where it appears to the Admiralty that the Interests of Her Majesty's Naval Service require that the whole or any Part of any Harbour, Port, Bay, Estuary, or navigable River in, on, or adjoining to which there is or shall be any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, Arsenals, or Naval Stations, should be excepted, either

Power to Admiralty to retain Authority over Ports, &c. where Dockyards, &c. are situate.

Harbours Transfer.

either entirely or in some respects, out of the Operation of the last foregoing Section, the Admiralty may give Notice in Writing to the Board of Trade that any such Harbour, Port, Bay, Estuary, or navigable River as aforesaid, or such Part thereof as is in the Notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such Notice shall be published by the Admiralty in the *London, Edinburgh, or Dublin Gazette*, (according as the Place affected may be in *England, Scotland, or Ireland*,) and thereupon the Harbour, Port, Bay, Estuary, or navigable River to which such Notice relates, or the Part thereof therein specified, shall, either entirely or in the respects therein mentioned, as the Case may require, be and remain as if this Act had not been passed, but any such Notice may be from Time to Time varied or at any Time revoked by a like Notice published in like Manner.

10. Provided also, That nothing herein-before contained shall affect—

- (1.) The Act of the Session of the Fifth and Sixth Years of Her Majesty, “for better preserving the Navigation of “the River *Mersey* :”
- (2.) So much of Section Three of the Act of the Session of the Twentieth and Twenty-first Years of Her Majesty, “to provide for the Conservation of the River *Thames*, “and for the Regulation, Management, and Improvement thereof,” as empowers the Admiralty to appoint Two of the Conservators of the River *Thames*.

General Pier and Harbour Act, 1861, and Amendment Act.

11. From and after the End of the present Session of Parliament, the following Provisions of The General Pier and Harbour Act, 1861, shall be repealed; namely, so much of Section Six as shall be then in force, Sections Seven and Eight, and so much of Section Fifteen as relates to the Consent of the Admiralty.

12. From and after the End of the present Session of Parliament, any Provision of The General Pier and Harbour Act, 1861, Amendment Act, requiring any Deposit of Documents to be made at the Admiralty Office, shall be repealed.

13. In each Year, not later than the Seventh Day of *January*, the Board of Trade shall furnish to the Admiralty a List of all Applications for Provisional Orders under the last-mentioned Acts then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such proposed Provisional Orders respectively.

14. From and after the End of the present Session of Parliament, the following Sections of The General Pier and Harbour Act, 1861, Amendment Act, and all Provisions relative thereto in any other Act, or in any Provisional Order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Seven, Eight, Nine, Ten, and Eleven.

Exception as to Mersey and Thames.

5 & 6 Vict. c. cx.

20 & 21 Vict. c. cxlvii. s. 3.

Parts of 24 & 25 Vict. c. 45. relative to Admiralty repealed.

25 Vict. c. 19. repealed as to Deposit, &c.

Board of Trade to furnish to Admiralty Information, &c.

Provisions of same Act made applicable to Board of Trade.

*Harbours Transfer.**Public Harbours: 46 Geo. 3. c. 153.*

15. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Act of the Forty-sixth Year of King *George* the Third (Chapter One hundred and fifty-three) "for the Preservation of the Public Harbours of the United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Notices of Piers, &c. to be given to Board of Trade. 46 G. 3. c. 153.

Ballast: 54 Geo. 3. c. 159.

16. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, Sections Fourteen and Sixteen of the Act of the Fifty-fourth Year of King *George* the Third (Chapter One hundred and fifty-nine), "for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers in the United Kingdom, and of His Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings, and Stores therein, and for repealing several Acts passed for that Purpose," and all Provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Provisions as to Ballast to be administered by Board of Trade.

54 G. 3. c. 159. ss. 14. 16.

Holyhead and Portpatrick.

17. On the First Day of *January* One thousand eight hundred and sixty-three, the Harbours specified in the Schedule to this Act, and all Breakwaters, Piers, Jetties, Quays, Wharves, Light-houses, Roads, Approaches, Works, and Buildings belonging thereto, and the Ground and Soil thereof, and all Lands and Hereditaments acquired for the Purposes thereof, so far as on that Day such Harbours and Property shall be vested in the Admiralty or in any Commissioner for the Execution of any Act for any Estate or Interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and on and after the same Day the Enactments mentioned in the said Schedule, and every other Enactment relating to or affecting the same Harbours shall be read and construed as if the Board of Trade were therein named instead of the Admiralty or instead of any such Commissioner, as the Case may be.

Transfer of Harbours in Schedule.

Powers, &c. under Acts in Schedule and other Acts to be exercised by Board of Trade.

Savings.

18. Nothing in this Act shall affect—

- (1.) Any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or belonging to Her Majesty the Queen, Her Heirs or Successors, in right of Her Crown, or of Her Office of Admiral, or otherwise:
- (2.) Any Right, Duty, Power, Jurisdiction, or Authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, otherwise than under or by virtue of the several Acts and Parts of Acts herein-before expressly mentioned or referred to.

Prerogative of Crown and general Conservancy Powers of Admiralty.

Harbours Transfer.

Acts done,
Contracts and
Appointments
made, Proceed-
ings pending,
&c. under Pro-
visions of for-
mer Acts not to
be prejudicially
affected.

19. Nothing in this Act shall prejudicially affect—

- (1.) Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which before the passing of this Act has been or before the respective Days whereon the several Provisions of this Act commence and take effect shall be made, entered into, executed, or done under or by virtue of any Act or Part of an Act herein-before expressly mentioned or referred to ; and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty :
- (2.) Any Debt or Money Demand, or any Right or Cause of Action or Suit, or other Remedy of, for, or against the Admiralty or any other Body or Person ; and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty :
- (3.) Any Nomination or Appointment of any Member of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority, which before the passing of this Act has been or before the respective Days aforesaid shall be made under any such Act as aforesaid :
- (4.) Any Action, Suit, Prosecution, Proceeding, or Thing which before the passing of this Act has been or before the respective Days aforesaid shall be commenced under or by virtue of any such Act ; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Borrowing Powers of Harbour Authorities.

Power to bor-
row under
24 & 25 Vict.
c. 47. s. 3.

20. The Power given to a Harbour Authority by The Harbours and Passing Tolls, &c. Act, 1861, to borrow from the Public Works Loan Commissioners, shall be deemed to apply whether the Harbour Authority has or has not Power to borrow under a Special Act.

Borrowing
Power not re-
strained by
Limitation of
Amount in
Special Act.

21. A Harbour Authority may, subject and according to the Provisions of the last-mentioned Act, borrow Money to any Amount whatever, notwithstanding any Limitation of the Amount to be borrowed by such Harbour Authority contained in any Special Act ; but nothing in The Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to give to any Loan made or to be made under The Harbours and Passing Tolls, &c. Act, 1861, Equality, as to Order of Charge or of Payment of Principal or Interest, with any Loan made or to be made under any Special Act, except only as to such Portion (if any) of the Monies raised under The Harbours and Passing Tolls, &c. Act, 1861, as might have been raised under the Special Act solely, or to repeal or alter any Provision of any Special Act whereby any Harbour Authority being a Company is restricted from borrowing until a definite Portion of Capital is subscribed for or taken or paid up.

Mutual Surrender of Criminals (Denmark).

22. Section Three, Paragraph Seven, of The Harbours and Passing Tolls, &c. Act, 1861, shall be read and construed as if the Words "not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," were omitted therefrom.

Maximum Rates mentioned in 24 & 25 Vict. c. 47. s. 3. p. 7. repealed.

SCHEDULE.

Harbours.	Enactments.
Holyhead Harbour, and the Harbour of Refuge at or near Holyhead - Portpatrick Harbour -	17 & 18 Vict. c. 44. 1 G. 4. c. 112. sects. 8, 9 (except so much as relates to the signing of Contracts), 10 to 22 (both inclusive), 28, 30, 31, 32. 24 & 25 Vict. c. 106.

C A P. LXX.

An Act for giving effect to a Convention between Her Majesty and the King of *Denmark* for the mutual Surrender of Criminals. [29th July 1862.]

‘ **W**HEREAS a Convention between Her Majesty and the King of *Denmark* for the mutual Surrender of Criminals, in the Words and Figures set forth in the Schedule hereto, was signed at *London* on the Fifteenth Day of *April* One thousand eight hundred and sixty-two, and the Ratifications thereof were exchanged at *London* on the Twenty-seventh Day of *May* One thousand eight hundred and sixty-two : And whereas it is expedient that Provision should be made for carrying the said Convention into effect : 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 Term “Magistrate” in this Act shall mean a Justice of the Peace or any other Person or Court in the United Kingdom, the *Channel Islands*, or any other Part of Her Majesty’s Dominions, having Power to commit for Trial Persons accused of Crimes against the Law of that Part of Her Majesty’s Dominions in which any Offender liable to be delivered up under this Act is found.

Definition of Magistrate.

2. Where Requisition has been made pursuant to the said Convention, in the Name of His Majesty the King of *Denmark* by His Ambassador or other accredited Diplomatic Agent, to deliver up to Justice any Person, who, being accused or convicted of any Crime for which such Person is liable to be delivered up in pursuance of the said Convention, is found within the Dominions of Her Majesty, it shall be lawful for One of Her Majesty’s Princi-

Certain Offenders to be apprehended on Requisition of an Ambassador of the King of Denmark.

Mutual Surrender of Criminals (Denmark).

pal Secretaries of State by Warrant under his Hand and Seal to signify that such Requisition has been made, and to require all Magistrates within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused or convicted, herein-after referred to as the Fugitive, and in committing him to Gaol for the Purpose of his being delivered up to Justice according to the Provisions of the said Convention :

Upon the Issue of any such Warrant as aforesaid, it shall be lawful for any Magistrate acting within the Limits of his Jurisdiction, to issue his Warrant for the Apprehension of the said Fugitive, and to commit him to Gaol, there to remain until delivered up pursuant to such Requisition as aforesaid ; provided that the following Conditions are complied with before the Warrant is issued by the Magistrate :

Firstly. That in the Case of a Fugitive accused of Crime it is proved to the Satisfaction of the Magistrate, upon Oath or by Affidavit, that the Party applying to him for a Warrant is the Bearer of a Warrant of Arrest or other equivalent Judicial Document for the Arrest of the said Fugitive issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in *Denmark*, and clearly setting forth, in the Opinion of the Magistrate to whom the Application for a Warrant under this Act is made, the Acts in respect of which the original Warrant was issued :

Secondly. That in the Case of a Person accused such Evidence is produced to the Magistrate as, according to the Laws of the Part of Her Majesty's Dominions in which the Magistrate is acting, would in his Opinion justify the Apprehension and Committal for Trial of the Fugitive if the Crime of which he is accused had been there committed, with this Qualification, that Depositions or Statements on Oath, certified under the Hand of the Magistrate by whom the original Warrant was issued and attested by the Oath of the Party producing them to be the original Depositions or Statements, or true Copies thereof, may be received in Evidence of the Criminality of the Fugitive apprehended :

Thirdly. That in the Case of a Fugitive convicted of Crime an authenticated Copy of the Conviction is produced and Proof of the Identity of the Person convicted is given to the Satisfaction of the Magistrate :

Where any Person liable to be delivered up in pursuance of the said Convention is found in *Ireland*, a Warrant under the Hand of the Chief Secretary or of the Lord Lieutenant of *Ireland* shall for the Purposes of this Act be equivalent to a Warrant of One of Her Majesty's Principal Secretaries of State :

A Magistrate may administer an Oath for any of the Purposes of this Act :

The Warrant of any Police Magistrate of the Metropolis issued in pursuance of this Act may be executed in any Part of *England* in the same Manner as if the same had been originally issued or subsequently endorsed by a Justice of the Peace having Jurisdiction in the Place where the same is executed.

Mutual Surrender of Criminals (Denmark).

3. Where any such Fugitive as aforesaid has fled from a Colony or Possession of the King of *Denmark* and is found in a Colony or Possession of Her Majesty, the Requisition herein-before required to be made in the Name of His Majesty the King of *Denmark* by His Ambassador or other accredited Agent, may be made directly by the Governor of the first-mentioned Colony or Possession to the Governor of the other Colony or Possession, subject to this Proviso, that the Governor upon whom the Requisition may be made shall be at liberty either to grant the Surrender or to refer the Matter to his Government, and any Warrant issued by the Governor upon whom such Requisition is made shall have in such Colony or Possession the same Effect as a Warrant issued in pursuance of this Act by One of Her Majesty's Principal Secretaries of State has in *England*.

Provision as to Colonies.

4. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in the Case of any Person committed in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in the Case of any Person committed in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order any Fugitive committed in pursuance of this Act to be delivered up to such Person or Persons as may be duly authorized in the Name of the said King of *Denmark* to receive the Person so committed, and convey him to the Dominions of the King of *Denmark*, and such Fugitive shall be delivered up accordingly; and it shall be lawful for the Person or Persons authorized as aforesaid to receive, hold in Custody, and take to the Dominions of the King of *Denmark* the Fugitive so delivered to him; and if the said Fugitive escape out of any Custody to which he may be delivered as aforesaid, it shall be lawful to retake him, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Majesty's Dominions to which he escapes may be retaken upon an Escape.

Offenders to be delivered up.

5. Where any Fugitive who has been committed under this Act, to remain until delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions, within Two Calendar Months after such Commitment, it shall be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such Fugitive is in Custody, upon Application made to him by or on behalf of the Person so committed, and upon Proof that reasonable Notice of the Intention to make such Application has been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad to the Officer administering the Government of any such Colony or Possession, to order the Person so committed to be discharged out of Custody, unless sufficient Cause is shown to such Judge why the Prisoner should not be discharged.

After Two Months the Persons apprehended may be discharged, if not conveyed out of Her Majesty's Dominions.

6. If, by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad, Provision may be made for carrying into complete Effect within such

Limits of Act.

Mutual Surrender of Criminals (Denmark).

such Colony or Possession the Objects of this Act by the Substitution of some other Enactment in lieu thereof, it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this Act so long as such substituted Enactment continues in force there, and no longer.

Continuance of
Act.

7. This Act shall continue in force during the Continuance of the said Convention.

SCHEDULE.

CONVENTION between HER MAJESTY and the KING OF DENMARK, for the Mutual SURRENDER of CRIMINALS. Signed at London, April 15, 1862. Ratifications exchanged at London, May 27, 1862.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Denmark, having judged it expedient, with a View to the better Administration of Justice, and to the Prevention of Crime within their respective Territories and Jurisdictions, that Persons charged with or convicted of the Crimes herein-after enumerated, and being Fugitives from Justice, should under certain Circumstances, be reciprocally delivered up; Their said Majesties have named as their Plenipotentiaries to conclude a Convention for this Purpose; that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs;

And His Majesty the King of Denmark, M. Torben de Bille, His Chamberlain, Commander of the Order of Danebrog, and decorated with the Cross of Honour of the same Order, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

Who, after having communicated to each other their respective full Powers, found in good and due Form, have agreed upon and concluded the following Articles:

ARTICLE I.

It is agreed that the High Contracting Parties shall, on Requisition made in their Name through the Medium of their respective Diplomatic Agents, deliver up to Justice Persons who, being accused or convicted of Murder (comprehending the Crimes of Assassination, Parricide, Infanticide, and Poisoning) or attempt to commit Murder, or of Forgery (comprehending the counterfeiting of Bank Notes, or Public Securities, or Money), or of fraudulent Bankruptcy, committed within the Jurisdiction of the requiring Party, shall be found within the Territories of the other, provided that such Persons are not Subjects of the Party upon which the Requisition is made. Provided also, that in the Case of a Person accused, the Surrender shall be made only when the

Commission

Mutual Surrender of Criminals (Denmark).

Commission of the Crime shall be so established as that the Laws of the Country where the Fugitive or Person so accused shall be found would justify his Apprehension and Commitment for Trial if the Crime had been there committed, and in the Case of a Person convicted, the Surrender shall be made only on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

Consequently, on the Part of the Danish Government, the Surrender shall be made only by the Consent of the Minister to whose Department appertains the Administration of Justice, and after the Production, in the Case of a Person accused, of a Warrant of Arrest or other equivalent Judicial Document issued by a Judge or other competent Authority in the United Kingdom, clearly setting forth the Acts for which the Fugitive shall have rendered himself accountable, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

On the Part of the British Government, the Surrender in the Case of a Person accused shall be made only on the Warrant or other equivalent Judicial Document for the Arrest of a Fugitive, issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in Denmark, and on duly authenticated Depositions or Statements on Oath before such Judge or Magistrate, clearly setting forth the said Acts, or on such other Evidence thereof as, according to the Laws of England, would warrant the Apprehension of the said Fugitive and his Committal for Trial for the said Acts, if they had been therein committed, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

ARTICLE II.

In the Case of a Person accused or convicted of any of the Crimes mentioned in the preceding Article, who may have fled from a Colony or Possession of one of the High Contracting Parties and be found in a Colony or Possession of the other, the Surrender shall be made, subject always to the Conditions prescribed in the preceding Article, on a Requisition addressed by the Governor of the one Colony directly to the Governor of the other. The Governor upon whom the Requisition is made shall be at liberty either to grant the Surrender or to refer the Matter to his Government.

ARTICLE III.

The Expenses of any Detention and Surrender made in virtue of the preceding Articles shall be borne and defrayed by the Government in whose Name the Requisition shall have been made.

ARTICLE IV.

The present Convention shall come into operation as soon as the necessary Legislative Acts shall have been passed. Either of the High Contracting Parties shall be at liberty to give Notice to

Mutual Surrender of Criminals (Denmark).

the other at any Time for its Termination ; and in such Case it shall altogether cease and determine at the Expiration of Six Months from the Date of such Notice.

ARTICLE V.

The present Convention shall be ratified, and the Ratifications shall be exchanged at London in One Month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the Seal of their Arms.

Done at London, the Fifteenth Day of April, in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) RUSSELL.
(L.S.) TORBEN BILLE.

C A P. LXXI.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-two, and to appropriate the Supplies granted in this Session of Parliament. [7th August 1862.]

- § 1. There shall be applied for the Service of the Year 1862 the Sum of £7,858,537 2s. 10d. out of the Consolidated Fund.
2. The Treasury may cause £7,858,537 2s. 10d. of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.
3. The Clauses, &c. in recited Acts extended to this Act.
4. Interest on Exchequer Bills.
5. Bank of England may advance £7,858,537 2s. 10d. on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
6. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.
7. Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.
8. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
9. Treasury may apply, for the Service of the Year 1862, £6,569,355 1s. 9d. Surplus of Ways and Means.
10. Appropriation of Ways and Means to Services hereafter expressed. 25 Vict. c. 1.; 25 Vict. c. 2.; 25 & 26 Vict. c. 31.
11. There shall be issued,

£364,338	0	0	For Naval Services for	}	For the Year ended
			1861-2; viz.:		
100,000	0	0	For Wages to additional		
			Seamen, &c. - - -		
30,000	0	0	For Provisions, &c. -		
234,338	0	0	For Freight of Ships,	31st March 1862.	
			Victualling, and Con-		
			veyance of Troops		

Consolidated Fund (Appropriation).

§ 12.	£11,794,305	0	0	For Navy Services, viz. :	} For the Year ending 31st March 1863.
	3,078,121	0	0	For Wages to 76,000 Seamen and Marines, &c. -	
	1,362,093	0	0	For Victuals, &c. in the Navy -	
	170,832	0	0	For Salaries, &c. in Admiralty Office -	
	297,602	0	0	For Salaries, &c. of Coast Guard, Naval Coast Volunteers, and Naval Reserve -	
	68,045	0	0	For the Navy Scientific Departments -	
	176,624	0	0	For Naval Establishments at home -	
	33,610	0	0	For Naval Establishments abroad -	
	1,147,678	0	0	For Wages of Artificers, &c. at home -	
	66,801	0	0	For Wages of Artificers, &c. abroad -	
	1,744,184	0	0	For Naval Stores -	
	1,453,561	0	0	For Steam Machinery, &c. -	
	464,170	0	0	For new Works in Naval Establishments -	
	66,000	0	0	For Medicines, &c. -	
	98,708	0	0	For Naval Miscellaneous Services -	
	702,308	0	0	For Naval Half Pay, &c. -	
	194,282	0	0	For Civil Pensions -	
	481,036	0	0	For Military Pensions -	
	188,650	0	0	For Freight of Ships, Victualling and Conveyance of Troops, &c.	
13.	609,409	0	0	For Army Services for 1861-62; viz.:	
	11,785	0	0	For Pay, &c. of Land Forces.	
	76,510	0	0	For Miscellaneous Charges.	
	11,000	0	0	For Manufacturing Departments, &c.	
	27,275	0	0	For Wages.	
	178,500	0	0	For Clothing and Necessaries.	
	126,900	0	0	For Provisions, &c.	
	170,077	0	0	For Stores for Land and Sea Service.	
	7,362	0	0	For Barracks.	
14.	6,057,522	0	0	For Army Services, viz.:	} For the Year ending 31st March 1863.
	766,091	0	0	For Wages of Artificers, &c.	
	597,264	0	0	For Clothing and Necessaries -	

Consolidated Fund (Appropriation).

	£1,634,317	0	0	For Provisions, Barrack Furniture, &c. -	} For the Year ending 31st March 1863.
	2,060,276	0	0	For Stores for Land and Sea Service -	
	163,491	0	0	For Fortifications -	
	158,128	0	0	For Civil Buildings -	
	677,955	0	0	For Barracks -	
	10,002,828	0	0	For other Army Services, viz.:	
	5,355,596	0	0	For Pay, &c. of Land Forces exclusive of India -	
	706,892	0	0	For Miscellaneous Charges of ditto -	
	218,167	0	0	For Volunteer Corps -	
	209,901	0	0	For Departments of Secretary for War and Commander-in-Chief -	
	334,151	0	0	For Manufacturing Departments, &c. -	
	24,360	0	0	For Rewards for Military Services -	
	77,600	0	0	For General Officers -	
	479,722	0	0	For Reduced and Retired Officers -	
	179,876	0	0	For Pensions to Widows of Officers, and Compassionate List -	
	35,633	0	0	For Pensions, &c. to wounded Officers -	
	33,923	0	0	For In-Pensioners, &c. of Chelsea and Kilmainham Hospitals -	
	1,156,380	0	0	For Out-Pensioners of Chelsea Hospital -	
	143,364	0	0	For Superannuation and Retired Allowances -	
	296,283	0	0	For Educational and Scientific Branches -	
	750,980	0	0	For Disembodied Militia -	
§ 15.	1,000,000	0	0	For Exchequer Bonds, 1862.	
16.	28,934	4	7	To make good Deficiency for Post Office Services	} For the Year ended 31st March 1862.
	25,587	0	0	To make good Deficiency of Post Office Packet Service -	
17.	750,000	0	0	For Customs Department	} For the Year ending 31st March 1863.
	1,382,274	0	0	For Inland Revenue Department -	
	2,084,687	0	0	For Post Office, &c. -	
	915,897	0	0	For Packet Service	

Consolidated Fund (Appropriation).

	£535,834	0	0	For Superannuations, &c., Customs, Inland Revenue, and Post Office -
	CIVIL SERVICES.— <i>Class 1.</i>			
§ 18.	33,588	0	0	For Repair of Royal Palaces -
	89,510	0	0	For Maintenance, &c. of Public Buildings, temporary Accommodation, &c. -
	14,611	0	0	For Furniture for Public Departments -
	86,664	0	0	For Maintenance, &c. of Royal Parks, Pleasure Grounds, &c. -
	32,647	0	0	For New Houses of Parliament -
	5,104	0	0	For Embassy Houses, &c. abroad -
	450	0	0	For new Consular Offices and Prison at Constantinople -
	2,500	0	0	For Approaches to Westminster Bridge -
	1,231	0	0	For Westminster Bridge -
	15,000	0	0	For new Foreign Office -
	1,250	0	0	For temporary Accommodation for Department for Foreign Affairs -
	10,000	0	0	For Industrial Museum, Edinburgh -
	903	0	0	For King's and Marischal Colleges, Aberdeen University -
	10,000	0	0	For Probate Court and Registries -
	1,705	0	0	For National Gallery, Trafalgar Square -
	2,500	0	0	For National Gallery, &c., Dublin -
	101,221	0	0	For New Packet Harbour and Harbour of Refuge at Holyhead, &c. -
	95,342	0	0	For erecting, &c. Public Buildings, Ireland -
	5,000	0	0	For New Record Buildings, Four Courts, Dublin -
	11,994	0	0	For erecting, &c. Light-houses abroad -
	20,000	0	0	For Contributions in aid of Poor Relief Assessments -
	150,000	0	0	For Harbours of Refuge -

For the Year ending
31st March 1863.

*Consolidated Fund (Appropriation).*CIVIL SERVICES.—*Class 2.*

§ 19.	£69,646	0	0	For Salaries, &c. of Houses of Parliament - -
	52,363	0	0	For the Treasury - -
	25,856	0	0	For the Home Department - -
	64,319	0	0	For Foreign Department - -
	30,748	0	0	For the Department of the Colonies - -
	20,566	0	0	For Privy Council - -
	59,787	0	0	For Committee of Privy Council for Trade, &c.
	2,760	0	0	For Lord Privy Seal - -
	6,992	0	0	For Civil Service Commission - -
	19,800	0	0	For Paymaster General's Department - -
	6,565	0	0	For Department of Comptroller General of Exchequer - -
	30,839	0	0	For Office of Commissioners of Works and Public Buildings - -
	26,138	0	0	For Office of Woods, Forests, &c. - -
	20,042	0	0	For Public Record Department and State Paper Office - -
	226,123	0	0	For Administration of Poor Laws - -
	62,734	0	0	For the Mint - -
	26,025	0	0	For Salaries, &c. of Inspectors of Factories, Mines, &c. - -
	6,316	0	0	For Civil Charges, &c., Scotland - -
	6,431	0	0	For Officers, &c. of Lord Lieutenant of Ireland - -
	16,535	0	0	For Chief Secretary, &c., Ireland - -
	3,587	0	0	For Inspection, &c. of Lunatic Asylums, Ireland - -
	24,301	0	0	For Board of Public Works, Ireland - -
	32,931	0	0	For Department of Commissioners for auditing Public Accounts - -
	19,818	0	0	For Copyhold, Inclosure, and Tithe Commission - -
	12,090	0	0	For Imprest Expenses, &c. of Copyhold, Inclosure, and Tithe Commission - -

For the Year ending
31st March 1863.

Consolidated Fund (Appropriation).

£47,578	0	0	For Salaries, &c. of General Register Office, London, Dublin, and Edinburgh	For the Year ending 31st March 1863.	
14,669	0	0	For Salaries, &c., National Debt Office - -		
4,120	0	0	For Salaries, &c., Public Works Loan Commissioners, &c. - -		
6,958	0	0	For Lunacy Commissioners, England, and Salaries, &c., Lunacy Board, Scotland - -		
1,223	0	0	For General Superintendent of County Roads in South Wales -		
2,294	0	0	For Registrars of Friendly Societies, England, Scotland, and Ireland -		
17,743	0	0	For Charity Commission -		
6,955	0	0	For Salaries, &c. of Office under the Local Government Act, and Inspection of Burial Grounds		
3,232	0	0	For collecting Agricultural and Emigration Statistics, Ireland - -		
2,268	0	0	For Salaries in Land Revenue Records and Inrolments, London, &c. - - -		
3,044	0	0	For Quarantine Expenses		
32,000	0	0	For Foreign and other Secret Services -		
342,649	0	0	For Stationery, &c. for Public Departments -		
115,580	0	0	For Postage of Letters on the Public Service -		
CIVIL SERVICES.—Class 3.					
§ 20.	30,510	0	0		For Law Charges and Office of Solicitor to the Treasury, &c. - -
	167,678	0	0	For Prosecutions at Assizes and Quarter Sessions, &c. - - -	
	228,475	0	0	For Police in Counties and Boroughs in England and Wales, and Police in Scotland - -	
	3,098	0	0	For Crown Office, Queen's Bench - -	

Consolidated Fund (Appropriation).

£11,540	0	0	For Department of Registrar of the Admiralty, and Admiralty Court, Dublin	-	-
5,501	0	0	For Insolvent Debtors Court	-	-
78,330	0	0	For Court of Probate, &c.	-	-
165,000	0	0	For County Courts	-	-
21,430	0	0	For Police Courts of the Metropolis	-	-
140,443	0	0	For Metropolitan Police	-	-
3,564	0	0	For Queen's Prison	-	-
18,092	0	0	For Revising Barristers, England and Wales	-	-
3,675	0	0	For Annuities under Divorce and Matrimonial Causes Act	-	-
24,237	0	0	For Compensations, &c. under "The Bankruptcy Act, 1861"	-	-
3,342	0	0	For Lord Advocate and Solicitor General, Scotland	-	-
18,200	0	0	For Salaries, Court of Session, Scotland	-	-
11,076	0	0	For Court of Justiciary, Scotland	-	-
5,000	0	0	For Criminal Prosecutions by Lord Advocate	-	-
1,620	0.	0	For the legal Branch of the Exchequer in Scotland	-	-
38,231	0	0	For Criminal Prosecutions, &c. in Scotland	-	-
23,475	0	0	For Procurators Fiscal in Scotland	-	-
14,330	0	0	For Sheriff Clerks, Scotland	-	-
2,300	0	0	For Expenses in Matters of Tithes, &c.	-	-
15,941	0	0	For General Register House, Edinburgh	-	-
1,305	0	0	For Department of Commissary Clerk, Edinburgh	-	-
1,490	0	0	For Department of Accountant in Bankruptcy, Scotland	-	-
61,134	0	0	For Criminal Prosecutions, &c., Ireland	-	-
5,536	0	0	For Court of Chancery, Ireland	-	-

For the Year ending
31st March 1863.

Consolidated Fund (Appropriation).

£19,052	0	0	For Courts of Queen's Bench, Common Pleas, &c., Ireland - -	} For the Year ending 31st March 1863.	
5,932	0	0	For Registrars to Judges, &c., Ireland - -		
2,000	0	0	For Compensation to Seneschals of Manor Courts, Ireland - -		
2,314	0	0	For Office for Registration of Judgments, Ireland -		
300	0	0	For Fees to Advocates, High Court of Delegates - - -		
6,893	0	0	For Salaries, &c. of Court of Bankruptcy, &c., Ireland - - -		
10,330	0	0	For Court of Probate, &c., Ireland - - -		
11,472	0	0	For Landed Estates Court, Ireland - - -		
1,150	0	0	For Consolidated Office of Writs, Dublin - -		
420	0	0	For Revising Barristers, Ireland - - -		
50,600	0	0	For Salaries of Police Justices, Metropolitan Police, &c., Dublin -		
777,368	0	0	For Constabulary Force, Ireland - - -		
2,717	0	0	For Four Courts Marshalsea, Dublin -		
17,410	0	0	For General Superintendence of Prisons, &c. -		
350,000	0	0	For Government Prisons and Convict Establishments at home -		
227,604	0	0	For Maintenance of Prisoners and Removal of Convicts - - -		
30,510	0	0	For Transportation of Convicts - - -		
142,683	0	0	For Convict Establishments in the Colonies -		
CIVIL SERVICES.— <i>Class 4.</i>					
§ 21.	842,119	0	0		For Public Education, Great Britain - -
	116,695	0	0		For Department of Science and Art, &c. - -
	290,904	0	0		For Public Education, Ireland - - -

Consolidated Fund (Appropriation).

	£795	0	0	For Secretary, &c. of Commissioners of Education, Ireland - -	} For the Year ended 31st March 1863.
	5,473	0	0	For University of London	
	20,161	0	0	For Scottish Universities -	
	2,312	0	0	For Queen's University, Ireland - -	
	4,800	0	0	For Queen's Colleges, Ireland - -	
	500	0	0	For Royal Irish Academy -	
	2,750	0	0	For Expenses, Purchase of Pictures of the National Gallery, Ireland -	
	2,500	0	0	For Theological Professors, Retired Allowances, &c., Belfast - -	
	99,012	0	0	For Salaries, &c. at British Museum, including Buildings, &c. - -	
	11,953	0	0	For Expenses, Purchase of Pictures, &c. of the National Gallery - -	
	1,000	0	0	For Gallery of Portraits of Eminent Persons -	
	7,640	0	0	For Magnetic Observations abroad, &c. - -	
	500	0	0	For Royal Geographical Society - -	
	1,000	0	0	For Experiments by Royal Society - -	
				CIVIL SERVICES.—Class 5.	
§ 22.	4,200	0	0	For Civil Establishment, Bermudas - -	
	6,278	0	0	For Ecclesiastical Establishment of British North American Provinces -	
	1,438	0	0	For Indian Department, Canada - -	
	9,000	0	0	For British Columbia -	
	55,000	0	0	For Expenses of Resumption of Vancouver's Island by the Crown -	
	25,028	0	0	For Salaries of West Indian and Colonial Governors - -	
	10,800	0	0	For Stipendiary Justices in West Indies and Mauritius - -	
	19,634	0	0	For Civil Establishments, West Coast of Africa -	
	5,923	0	0	For St. Helena - -	

Consolidated Fund (Appropriation).

	£700	0	0	For Orange River Territory	
	10,000	0	0	For Improvement of Kaf- firs, and Government of British Kaffraria -	
	79,193	0	0	For Repayment to Treas- ury Chest of Advances for Kaffir Police, &c. -	
	960	0	0	For Heligoland -	
	3,986	0	0	For Falkland Island -	
	4,374	0	0	For Labuan -	
	300	0	0	For Pitcairn's Islanders -	
	10,834	0	0	For Emigration Board and Officers -	
	242,971	0	0	For Expenses on account of Treasury Chest -	
	1,500	0	0	For Expedition to River Niger -	
	55,000	0	0	For Bounties on Slaves, and Tonnage Bounties, &c. -	
	10,750	0	0	For Mixed Commissions for suppressing the Slave Trade -	
	167,783	0	0	For Consular Establish- ments abroad -	
	86,748	0	0	For Establishments in China, Japan, and Siam	For the Year ending 31st March 1863.
	35,000	0	0	For Extraordinary Dis- bursements of Embas- sies and Missions abroad	
	50,000	0	0	For Special Missions, Out- fits, &c. -	
	40,000	0	0	For surveying the Bound- ary Line in Western Part of North America	
	2,827	0	0	For Salaries of Junior Attachés to Embassies and Missions abroad -	
	CIVIL SERVICES.— <i>Class 6.</i>				
§ 23.	184,706	0	0	For Superannuation Allow- ances and Compensa- tions, Public Service -	
	812	0	0	For Toulonese and Corsi- can Emigrants, &c. -	
	325	0	0	For the Refuge for the Destitute -	
	3,062	0	0	For Polish Refugees, &c. -	
	58,700	0	0	For Pensions to Masters and Seamen, Merchant Service, and their Widows and Children -	

Consolidated Fund (Appropriation).

£20,400	0	0	For distressed British Seamen abroad - -
3,726	0	0	For Miscellaneous Allowances formerly defrayed from Civil List, &c. -
2,539	0	0	For Allowances to Treasurers of Public Infirmaries, Ireland -
2,600	0	0	For Westmoreland Lock Hospital, Dublin -
700	0	0	For Rotunda Lying-in Hospital, Dublin -
200	0	0	For Coombe Lying-in Hospital, Dublin -
7,600	0	0	For Hospitals of House of Industry, Dublin -
2,500	0	0	For House of Recovery and Fever Hospital, Dublin -
600	0	0	For Meath Hospital, Dublin -
100	0	0	For St. Mark's Ophthalmic Hospital, Dublin -
1,300	0	0	For Dr. Stevens' Hospital, Dublin -
245	0	0	For Board of Superintendence of Hospitals, Dublin -
9,034	0	0	For Charitable Allowances charged on Concordatum Fund in Ireland, &c. -
39,747	0	0	For Dissenting Ministers, Ireland -

For the Year ending
31st March 1863.

CIVIL SERVICES.—*Class 7.*

§ 24.

3,750	0	0	For Ecclesiastical Commissioners, England -
15,788	0	0	For sundry temporary Commissions -
29,088	0	0	For Fees, &c. under Patent Law Amendment Act -
15,764	0	0	For Board of Fisheries, Scotland -
2,000	0	0	For Annuity to Board of Manufacturers, Scotland -
115,877	0	0	For Payments of Difference of Dues payable under Treaties of Reciprocity -
3,500	0	0	For Inspectors of Corn Returns -

*Consolidated Fund (Appropriation).**Turnpike Trusts Continuance.*

£1,000	0	0	For adjusting Boundaries of Counties, &c., Ireland	} For the Year ending 31st March 1863.
34,550	0	0	For taking the Census -	
3,030	0	0	For Engagements with Telegraph Companies -	
2,647	0	0	For Telegraphic Cable between Malta and Alexandria -	
4,645	0	0	For Expenses formerly paid from Civil Contingencies -	

§ 25. Supplies to be applied only for the Purposes aforesaid.

26. Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

Treasury may in certain Cases of Exigency, authorize Expenditure unprovided for ; provided that the aggregate Grants for the Navy Services and for the Army Services respectively be not exceeded.

27. Rules to be observed in the Application of the Sum appropriating Half Pay.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

28. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

29. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

30. Widows, &c. claiming Pensions to make required Declaration.

31. Declarations to be made as specified in 5 & 6 W. 4. c. 62.

C A P. LXXII.

An Act to continue certain Turnpike Acts in *Great Britain*.

[7th August 1862.]

‘ WHEREAS it is expedient to continue for limited Times the Acts herein-after specified:’ 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 :

1. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three, and no longer, unless Parliament in the meantime continues the same ; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three and to the End of the then next Session of Parliament, except an Act of the Fifty-third Year of King

Continuation of Acts, except
53 G. 3.
c. xxiv.,
11 G. 4. &
1 W. 4. c. vi.
(in part),
11 G. 4. &
1 W. 4.
cc. xxxix., &c.

Turnpike Acts Continuance.

George the Third, Chapter Twenty-four, "for enlarging the " Term and Powers of an Act of His present Majesty, for " repairing the Roads leading from the Parishes of Yoxford, " Saxmundham, and Benhall, in the County of Suffolk, to the " Town of Aldeburgh in the said County;" an Act of the Eleventh Year of King George the Fourth, Chapter Six, "for " more effectually repairing and improving the Road from Hor- " sham to the Road leading to Guildford at Aldford Cross " Ways, with Two Branches therefrom, and for making and " maintaining a new Branch of Road to communicate therewith, " all in the Counties of Surrey and Sussex," so far as the same relates to the Rowhook or new Branch of Road ; an Act of the same Year, Chapter Thirty-nine, "for making a Turnpike Road " from the Bridge over the River Bure at Great Yarmouth to " Acle (with certain Branches therefrom), all in the County of " Norfolk;" and an Act of the same Year, Chapter One hundred, "for more effectually repairing and improving the Road " from Cromford Bridge to the Turnpike Road at or near " Langley Mill in the County of Derby."

Short Title.

2. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1862."

SCHEDULE.

An Act to continue the Term and alter and enlarge the Powers of an Act passed in the Twenty-third Year of His present Majesty, for completing the Road from Cirencester in the County of Gloucester, through Tetbury, to Woelfield Corner, and a Road from thence to or near Lambridge near the City of Bath, and for other Purposes relating thereto ; and also to repair a certain Road from Duffton to Underbridge in the Parish of Shipton Moigne in the said County.

An Act for continuing and amending Two Acts of His present Majesty, for repairing the Road from Shelton to Blakeley Lane Head, and from Bucknall to Weston Coyney, in the County of Stafford, and also for altering and repairing the Road from Adderley Green to Lane End in the same County.

An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Road from Bowes in the County of York to Brough-under-Stainmore in the County of Westmoreland ; and for repairing and widening the Road from Maiden Castle to Kaber Cross, and other Roads therein mentioned, in the said Counties.

An Act for continuing and amending Three Acts, One of His late Majesty and Two of His present Majesty, for repairing the Road from Middleton Tyas Lane End to Bowes in the North Riding of the County of York.

An Act for repairing the Road from the Cross Hands on the Worcester and Oxford Turnpike Road to Halford Bridge, and other Roads therein mentioned, in the Counties of Gloucester, Warwick, and Worcester.

52 G. 3.
c. xxvii.53 G. 3.
c. cxxxv.53 G. 3.
c. clxxxvii.

54 G. 3. c. xxxi.

57 G. 3. c. v.

Turnpike Acts Continuance.

An Act for more effectually repairing and improving the Road leading from Studley Bridge, through the Borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said Bridge to join the Road at Draycot Cerne in the County of Wilts. 58 G. 3. c. xliiii.

An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Road from Kighley to Halifax in the West Riding of the County of York. 59 G. 3. c. xii.

An Act to repeal so much of an Act of the Fortieth Year of His present Majesty, for repairing certain Roads in the County of Monmouth, as relates to the Pont Pool and Usk Districts of Road, and for granting other Powers in lieu thereof; and for making a new Branch of Road from the said Usk District. 59 G. 3. c. cxxi.

An Act for more effectually repairing and improving the Road from the Town of Pool in the County of Montgomery, through Oswestry in the County of Salop, to Wrexham in the County of Denbigh, and several other Roads therein mentioned, in the said Counties, and in the County of Merioneth; and for making several new Branches of Roads to communicate with the said Roads in the Counties of Salop, Montgomery, and Denbigh. 1 G. 4. c. xlv.

An Act to continue the Term and to alter, amend, and enlarge the Powers of several Acts passed for repairing the Road leading from Burleigh Bridge in Loughborough to Ashby-de-la-Zouch in the County of Leicester; and also the Road branching out of the said Road at Coleorton Church to Rempstone in the Counties of Leicester and Nottingham. 1 & 2 G. 4. c. xxxix.

An Act for amending and more effectually repairing the Highway between Hockliffe and Woburn in the County of Bedford; and for repairing the Road leading through Woburn to Tickford Bridge in Newport Pagnell in the County of Buckingham. 1 & 2 G. 4. c. lxxxv.

An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road from the City of Canterbury to the Town and Port of Sandwich in the County of Kent. 3 G. 4. c. xl.

An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from the Hand and Post in Upton Field in the Parish of Burford in the County of Oxford to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy. 3 G. 4. c. xlvii.

An Act for repairing the Roads from the Borough of Tamworth in the Counties of Stafford and Warwick to the Town of Ashby-de-la-Zouch in the County of Leicester, and from Harrington Bridge (heretofore Sawley Ferry) in the said County of Leicester to a Turnpike Gate at or near the End of Swarcliffe Lane, leading to Ashby-de-la-Zouch aforesaid. 4 G. 4. c. cxxii.

An Act for amending and maintaining the Roads leading from the Town of Newent in the County of Gloucester, and other Roads in the Counties of Gloucester and Hereford. 5 G. 4. c. xi.

An Act for more effectually repairing and improving so much of the Road from Keswick in the County of Cumberland, by Dunmail Raise and Ambleside, to Kirkby in Kendal in the County of Westmorland. 5 G. 4. c. xiv.

Turnpike Acts Continuance.

County of Westmoreland, as is situate in the said County of Westmoreland, and also the Road from Plumbgarth's Cross, near Kirkby in Kendal aforesaid, to the Lake called Windermere, in the County of Westmoreland.

5 G. 4.
c. xxviii. An Act for repairing the Road leading from the Worcester Turnpike Road in the Village of Broadway in the County of Worcester to the Stratford-upon-Avon Turnpike Road in the Village of Mickleton in the County of Gloucester.

5 G. 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.

6 G. 4. c. ix. An Act for enlarging the Term and Powers of several Acts passed for repairing the High Road from Boroughbridge in the County of York to Catterick in the same County, and from thence to Piersbridge on the River Tees.

6 G. 4. c. xlv. An Act for making and maintaining a Turnpike Road from Brighthouse in the Parish of Halifax to Denholme Gate in the Parish of Bradford in the West Riding of the County of York.

6 G. 4.
c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4.
c. cxlviii. An Act for making and maintaining a Turnpike Road from the Town of Denbigh in the County of Denbigh to Pentre Voelas in the said County, and from thence to Fynnnon Eidda in the County of Carnarvon.

6 G. 4.
c. clxxxv. An Act for making and maintaining a Turnpike Road from Doncaster, through Hatfield, to Baln Croft Barn near Thorne, with One Branch therefrom, in the West Riding of the County of York.

7 G. 4. c. xcii. An Act for more effectually repairing and improving several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Moretonhampstead, in the County of Devon.

7 & 8 G. 4.
c. lxiv. An Act for more effectually repairing and improving the Road from Standedge in Saddleworth in the County of York to Oldham in the County of Lancaster, and other Roads in the said County of York, and for making and maintaining Two new Branches to communicate therewith.

7 & 8 G. 4.
c. xevi. An Act for altering and maintaining the Road from Stirling to Drymen Bridge in the Counties of Stirling and Perth.

9 G. 4. c. lxxii. An Act for more effectually repairing so much of the Road from the Town of Newcastle-upon-Tyne to the City of Carlisle as is within the County of Northumberland.

10 G. 4. c. xviii. An Act for amending, altering, and improving the Roads leading to the Town of Okchampton in the County of Devon, and making and maintaining a certain new Road to communicate therewith.

10 G. 4.
c. lxxxix. An Act for maintaining and repairing the Road from the River at Swathling, through Botley, to the Road at Sherril Heath in the County of Southampton.

10 G. 4. c. cxv. An Act for more effectually repairing and improving the Road from the Bottom of Church Lane in the Town of Newcastle-under-

Turnpike Acts Continuance.

under-Lyme in the County of Stafford to the Road leading from Woore to Chester near Nantwich in the County Palatine of Chester, and other Roads therein mentioned.

An Act for more effectually repairing and improving the Roads from Market Harborough to Loughborough, and from Filling Gate to the Melton Mowbray Turnpike Road, in the County of Leicester. 11 G. 4. c. iii.

An Act for repairing and improving the Road from the Nottingham and Mansfield Turnpike Road, through Kirkby and Pinxton, to Carter Lane, and to the Colliery near Pinxton Green in the Counties of Nottingham and Derby. 11 G. 4. c. vii.

An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith. 11 G. 4. c. xxi.

An Act for maintaining the Road from Catterick Bridge in the County of York, by the Towns of Yarm and Stockton, and through the Town of Sedgfield, to the City of Durham. 11 G. 4. c. xxvi.

An Act for repairing the Turnpike Road from the Top of Whitesheet Hill to the Wilton Turnpike Road at or near Barford in the County of Wilts. 11 G. 4. c. lxxxviii.

An Act for repairing, altering, and improving the Roads from Ashbourne to Sudbury, and from Sudbury to Yoxall Bridge, and from Hatton Moor to Tutbury, and from Uttoxeter to or near the Village of Draycott-in-the-Clay, and from Hadley Plain on the late Forest or Chase of Needwood to Callingwood Plain on the same late Forest or Chase. 11 G. 4. c. lxxxix.

An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent. 11 G. 4. c. xcix.

An Act for more effectually repairing and otherwise improving the Road from Highgate in the County of Middlesex, through Whetstone, to Chipping Barnet in the County of Hertford, and the Road from Chipping Barnet to the Thirteen Mile Stone near Gannick Corner in the Parish of South Mims in the said County of Middlesex. 1 W. 4. c. i.

An Act for repairing the Road from Birmingham to Bromsgrove. 1 W. 4. c. xi.

An Act for more effectually repairing the Road from the Rotherham and Mansfield Turnpike Road, at or near Clown in the County of Derby, to the Worksop and Kelham Turnpike Road at or near Buddy in the County of Nottingham. 1 W. 4. c. xiii.

An Act for repairing the Watling Street Road, the Manchester and Wolvey Heath Road, and other Roads communicating therewith, in the Counties of Leicester and Warwick. 1 W. 4. c. xiv.

An Act for more effectually repairing the Road from Albion Street in the Town of Cheltenham in the County of Gloucester to Bunch Lane in or near the Village of Bishop's Cleeve in the said County, to join the Turnpike Road leading from the Town of Evesham in the County of Worcester to the said Town of Cheltenham. 1 W. 4. c. xviii.

Turnpike Acts Continuance.

1 W. 4.
c. xxviii.

An Act for more effectually amending and widening the Road from a Place near the Village of Milford in the County of Surrey, through Haslemere, to the Forty-third Mile Stone at Carpenter's Heath, and from thence to a Bridge near the Blue Bell Inn, over Houndley's Water, at the Boundary of the said County of Surrey.

1 W. 4.
c. xxxii.

An Act for more effectually repairing and improving the Road from the City of Norwich to North Walsham in the County of Norfolk.

1 W. 4.
c. xxxiii.

An Act for more effectually repairing the Road from Stopham Bridge in the Parish of Pulborough to the Direction Post in the Parish of Steyning on the Turnpike Road leading from Steyning to Horsham in the County of Sussex.

1 W. 4. c. xxxv.

An Act for repairing and maintaining the Road from Wakefield to Aberford in the County of York.

1 W. 4.
c. xxxvi.

An Act for more effectually repairing and improving the Roads from Lemsford Mills in the Parish of Bishop's Hatfield, through Welwyn and Stevenage, to Hitchin, and from Welwyn, through Codicot, to Hitchin aforesaid, all in the County of Hertford.

1 W. 4.
c. xxxviii.

An Act for more effectually repairing and improving the Road from the Leicester and Welford Road near Foston Lane to the Road leading from Hinckley to Ashby-de-la-Zouch, and for repairing Hunt's Lane and Wood Lane, in the Parishes of Desford and Newbold in the County of Leicester.

1 W. 4. c. xl.

An Act for making and maintaining a Turnpike Road from the City of Coventry to Stoney Stanton in the County of Leicester, to unite with the present Turnpike Road there leading through Narborough to the Borough of Leicester.

1 W. 4. c. xlii.

An Act for more effectually repairing and maintaining the Road over Horley Common in the County of Surrey to a Place called Black Corner, and from thence to the Bighthelmston Turnpike Road at Cuckfield in the County of Sussex.

1 W. 4. c. xlv.

An Act for repairing and maintaining the Road leading from the High Road between Bromley and Farnborough in the County of Kent to Beggars Bush in the Turnpike Road leading from Tonbridge Wells to Maresfield in the County of Sussex.

1 W. 4. c. lxi.

An Act for maintaining and improving the Road from Titchfield to Cosham in the County of Southampton.

1 W. 4. c. lxii.

An Act for more effectually repairing and improving the Roads called "The Pucklechurch or Lower District of Roads," in the Counties of Gloucester and Wilts.

1 W. 4. c. lxiii.

An Act for repairing the Turnpike Road from the Salutation Inn to Christian Malford Bridge in the County of Wilts, called The Draycot or Upper District; and for disuniting the said Road from a certain other Road called The Pucklechurch Lower District, in the County of Gloucester.

1 W. 4. c. lxvi.

An Act for more effectually repairing several Roads in or near the Town of Bruton and other Roads in the Counties of Somerset and Wilts, and for making and maintaining Two other Roads communicating therewith.

1 W. 4. c. lxx.

An Act for more effectually repairing and improving the Roads from Tunbridge Wells in the County of Kent to the Cross Ways at or near Maresfield Street, and from Florence Farm to Forest Row in the County of Sussex.

Turnpike Acts Continuance.

An Act for making a Turnpike Road (with a Branch therefrom) from the Angel Inn near Darlington in the County of Durham to Barton Lane End in the County of York. 1 & 2 W. 4. c. xiii.

An Act for more effectually repairing and improving several Roads leading into and from the Town of Cheltenham in the County of Gloucester, and for making new Branches of Roads to communicate therewith. 1 & 2 W. 4. c. xvi.

An Act for more effectually repairing and otherwise improving the several Roads from the South Gate in the Borough of King's Lynn into the Parishes of East Walton, Narborough, Stoke Ferry, and Downham Market, in the County of Norfolk. 1 & 2 W. 4. c. xx.

An Act for consolidating the Trusts of certain Roads called the Breamish and Wooler Turnpike Roads in the County of Northumberland, and for more effectually improving and maintaining the same. 1 & 2 W. 4. c. xxiii.

An Act for more effectually maintaining and improving the Road from Soho Hill in the Parish of Handsworth to the Walsall Road on the Northern Side of Hamstead Bridge, and another Road from Brown's Green to the Friary, in the County of Stafford. 1 & 2 W. 4. c. xxiv.

An Act for more effectually repairing certain Roads leading to and from the Town of Abergavenny in the County of Monmouth, and for making and maintaining several new Branches of Road to communicate therewith. 1 & 2 W. 4. c. xxvi.

An Act for making and maintaining a Road from the Bottom of Kirkgate to the Bottom of Westgate, both in the Parish of Wakefield in the West Riding of the County of York. 1 & 2 W. 4. c. xxvii.

An Act to continue and amend an Act of the Fifth Year of His late Majesty, for repairing the Roads from Durweston Bridge to Caundle Bishop, and other Roads, in the Counties of Dorset and Somerset, so far as relates to the Vale of Blackmoor Turnpike Roads. 1 & 2 W. 4. c. xxx.

An Act for improving and maintaining the Road from the South Side of a Bridge over the River Colne, called Engine Bridge, in the Township of Huddersfield in the West Riding of the County of York, to Woodhead in the County Palatine of Chester, and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby. 1 & 2 W. 4. c. xl.

An Act for more effectually repairing and improving certain Roads leading to and from the Town of Cirencester in the County of Gloucester, and Wootton Bassett in the County of Wilts. 1 & 2 W. 4. c. xli.

An Act for repairing the Road from the Town of Wisbech, in the Isle of Ely in the County of Cambridge to the Town of Thorney in the same Isle and County. 1 & 2 W. 4. c. xliii.

An Act for more effectually repairing the Road from North Shields in the County of Northumberland to the Town of Newcastle-upon-Tyne, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road. 1 & 2 W. 4. c. lxxii.

An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King George the Fourth, for more effectually repairing and improving the several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Moretonhampstead, in the County of Devon. 6 W. 4. c. lxxxiv.

Turnpike Acts Continuance. Copyhold, &c. Commission.

13 & 14 Vict.
c. lxxxv.

An Act for repairing the Road leading from a certain Point in the Kennington Road in the Parish of Saint Mary Lambeth in the County of Surrey to Highgate in the County of Sussex, and thence to Witchcross in the same County, and several other Roads therein mentioned.

C A P. LXXIII.

An Act for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance. [7th August 1862.]

‘ WHEREAS in the Year One thousand eight hundred and thirty-six certain Persons were appointed Commissioners for the Purposes of carrying into effect the Act for the Commutation of Tithes in *England* and *Wales*, under the Title of “The Tithe Commissioners for *England* and *Wales* :” And whereas in the Year One thousand eight hundred and forty-one, by the Act of the Session of the Fifth and Sixth Years of Her present Majesty, Chapter Thirty-five, herein-after referred to as “the Copyhold Act,” the Tithe Commissioners for the Time being were appointed Copyhold Commissioners for the Purposes of that Act ; and it was thereby provided, that if the Duties of the Tithe Commissioners ceased before the Copyhold Act was fully carried into execution, it should be lawful for One of Her Majesty’s Principal Secretaries of State to appoint any Number of fit Persons, not exceeding Three, to be Copyhold Commissioners : And whereas in the Year One thousand eight hundred and forty-five Provision was made for the Appointment of Two Persons who, with the First Commissioner of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, were to be the Commissioners for carrying that Act into execution, under the Style of the Inclosure Commissioners for *England* and *Wales* : And whereas in the Year One thousand eight hundred and fifty-one, by the Act of the Session holden in the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Fifty-three, intituled *An Act to consolidate and continue the Copyhold and Inclosure Commissioners, and to provide for the Completion of Proceedings under the Tithe Commutation Acts*, the Powers of Appointment of Commissioners and other Officers contained in the Copyhold Act were continued for a limited Time, and the Commissioners appointed thereunder were continued, but it was provided that all the Duties of the Inclosure Commissioners and all the unperformed Duties of the Tithe Commissioners should be performed by the Commissioners continued or appointed as aforesaid : And whereas, by certain Acts, and ultimately by an Act of the Session holden in the Twenty-third and Twenty-fourth Years of Her present Majesty, Chapter Eighty-one, the said Powers of appointing Commissioners and other Officers have been continued, and the Period limited for holding Office by the Commissioners and other Officers appointed aforesaid has been extended until the First Day of August

*Copyhold, &c. Commission.**Public Offices Extension.*

‘ *August* One thousand eight hundred and sixty-one and
 ‘ thenceforth until the End of the next Session of Parliament :
 ‘ And whereas, under the above Acts and divers other Acts of
 ‘ Parliament, and in particular by the Land Drainage Act, One
 ‘ thousand eight hundred and sixty-one, divers Powers of a per-
 ‘ manent Character relating to Drainage and the Management and
 ‘ Improvement of Estates have been imposed on the Commis-
 ‘ sioners continued or appointed as aforesaid : And whereas,
 ‘ notwithstanding the Length of Time that the said Commissioners
 ‘ have been established, the said Commissioners, including the
 ‘ resident Assistant Commissioner in charge of the Survey De-
 ‘ partment, are not deemed to be in the permanent Civil Service
 ‘ of the State, and consequently are not entitled to Superannua-
 ‘ tion Allowance in pursuance of “The Superannuation Act,
 ‘ 1859 :” And whereas it is expedient that the Powers of Appoint-
 ‘ ment contained in the Copyhold Act should be continued, and
 ‘ the Period limited by the said Act and the Acts for amending
 ‘ the same for the Tenure of Office by the Commissioners should
 ‘ be extended in manner herein mentioned, and that the said
 ‘ Commissioners, including such resident Assistant Commissioner
 ‘ as aforesaid, should be deemed to be entitled to Superannuation
 ‘ Allowance :’ 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 :

1. So much of the Copyhold Act as authorizes the Appoint-
 ment of Commissioners and other Officers as therein mentioned
 shall be continued until the First Day of *August* One thousand
 eight hundred and sixty-seven, and thenceforth until the End of
 the then next Session of Parliament, and the Period limited for
 the holding of Office by the Commissioners and such other Officers
 as aforesaid shall in like Manner be extended until the First
 Day of *August* One thousand eight hundred and sixty-seven, and
 thenceforth until the End of the next Session of Parliament.

Continuation
 of Power of
 Appointment.

2. The Commissioners acting in execution of the several Acts
 herein-before mentioned, including such resident Assistant Com-
 missioner as aforesaid, shall, for the Purposes of the Superan-
 nation Act, 1859, be deemed to have served in the permanent
 Civil Service of the State, and to have held their respective
 Appointments directly from the Crown.

Superannua-
 tion of Officers.

C A P. LXXIV.

An Act to enable the Commissioners of Her Majesty’s
 Works to acquire additional Land for the Purposes of the
 “Public Offices Extension Act of 1859,” by way of Ex-
 change for Land already acquired but not wanted for the
 Purposes of the said Act. [7th *August* 1862.]

‘ **W**HEREAS the Three Pieces of Ground described in the
 ‘ First Schedule to this Act, and colored Blue on the
 ‘ Plan herein-after mentioned, and marked A, B, and C in the
 ‘ same Schedule and Plan, have been acquired by and are now
 ‘ vested

Public Offices Extension.

‘ vested in the Commissioners of Her Majesty’s Works and
 ‘ Public Buildings, for the Purposes of the Act of the Twenty-
 ‘ second Year of Her Majesty, Chapter Nineteen, (called the
 ‘ Public Offices Extension Act, 1859,) under and by virtue of
 ‘ the following Acts ; (namely,) the Piece of Ground marked A,
 ‘ under the Act of the Twenty-fourth and Twenty-fifth Years of
 ‘ Her Majesty, Chapter Thirty-three (called the Supplemental
 ‘ Public Offices Extension Act, 1861); the Piece of Ground
 ‘ marked B, under the Act of the Fifteenth and Sixteenth Years
 ‘ of Her Majesty, Chapter Twenty-eight ; and the Piece of
 ‘ Ground marked C, under the said Public Offices Extension
 ‘ Act, 1859, and the Act of the Twenty-fourth and Twenty-fifth
 ‘ Years of Her Majesty, Chapter Eighty-eight : And whereas
 ‘ the Three Pieces of Ground described in the Second Schedule
 ‘ to this Act and colored Red in the said Plan herein-after
 ‘ mentioned, and marked D, E, and F in the same Schedule and
 ‘ Plan form Part of *St. James’s Park* : And whereas it has been
 ‘ found that the Pieces of Ground described in the said First
 ‘ Schedule will not be required for the Purposes of the said
 ‘ Public Offices Extension Act, 1859, and that the Pieces of
 ‘ Ground described in the said Second Schedule will be required
 ‘ for the Purposes thereof, and it is therefore expedient that an
 ‘ Exchange of the Pieces of Ground comprised in the said Two
 ‘ Schedules respectively should be effected as herein-after men-
 ‘ tioned : And whereas a Plan describing the Ground comprised
 ‘ in the said First and Second Schedules, wherein the Ground
 ‘ comprised in the said First Schedule is colored Blue as afore-
 ‘ said, and the Ground comprised in the said Second Schedule
 ‘ is colored Red as aforesaid, has been prepared by or under
 ‘ the Direction of the Commissioners of Her Majesty’s Works
 ‘ and Public Buildings : And whereas the Ground marked A
 ‘ was Part of the Lands belonging to Her Majesty in right of
 ‘ Her Crown, particularly mentioned in the said Supplemental
 ‘ Offices Extension Act, 1861 ; and the Sum of Two thousand
 ‘ four hundred and seventy Pounds, in the same Act stated to be
 ‘ the ascertained Value of such Lands, has been paid by the said
 ‘ Commissioners of Her Majesty’s Works and Public Buildings
 ‘ to the Commissioners of Her Majesty’s Woods, Forests, and
 ‘ Land Revenues, for the Purchase of the said Lands belonging
 ‘ to Her Majesty as by the said last-mentioned Act is directed :
 ‘ And whereas the said Commissioners of Her Majesty’s Works
 ‘ and Public Buildings have also paid the full Value for the said
 ‘ Piece of Ground marked B, but no Money Consideration has
 ‘ been or was to be paid for the Purchase of the said Piece of
 ‘ Ground marked C, the same being Part of *St. James’s Park* :’
 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 :

1. Copies of the said Plan describing the Ground to be given
 up by, and the Ground to be acquired by the said Commissioners

Public Offices Extension.

of Her Majesty's Works and Public Buildings under the Authority of this Act, shall be signed by the Commissioners for executing the Office of Lord High Treasurer, and shall be deposited in the Office of the Commissioners of Her Majesty's Works and Public Buildings, and in the Office of Land Revenue Records and Enrolments; and all Persons shall be at liberty at all seasonable Times to inspect the Copy of the said Plan deposited in the said Offices, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

2. Immediately on the passing of this Act all the said Ground and Hereditaments described in the said First Schedule to this Act, and colored Blue in the said Plan, shall become and be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of *St. James's Park*, for all the Estate and Interest therein of the said Commissioners of Her Majesty's Works and Public Buildings; and all the Ground and Hereditaments described in the said Second Schedule to this Act, and colored Red in the said Plan, shall become and be vested in the said Commissioners of Her Majesty's Works and Public Buildings, their Successors and Assigns, as incorporated by and for the Purposes of the said Public Offices Extension Act, 1859, for all the Estate and Interest therein of Her Majesty.

3. 'Whereas by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Eighty-eight, after providing for the Transfer to the said Commissioners of Her Majesty's Works and Public Buildings of the Piece of Land forming Part of *St. James's Park* therein mentioned, and which included the said Piece of Ground marked C in the said First Schedule hereto, it was enacted, that Compensation should be made to the Land Revenues of the Crown in respect of the said Transfer in manner following, (namely,) whenever the annual Produce of the said Revenues should cease to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and should be retained by the Crown as Part of its Hereditary Revenues, the Value of the Premises thereby transferred, exclusive of the Value of any Buildings erected thereon, should be determined by Arbitration, and the Amount of such Value, when determined, should be deducted from the Amount for the Time being chargeable upon the said Revenues in respect of Advances made out of the Consolidated Fund, or, if there should be no such Amount then chargeable, should be paid to the Account of the said Revenues: Be it enacted, That the said Provision for Compensation shall be repealed so far as relates to the said Piece of Ground marked C, and in lieu thereof shall be applicable to the Piece of Ground marked F, it being intended that, as regards the Pieces of Ground marked D and E, no such Compensation shall be payable, the same being considered as given in exchange for the said Pieces of Ground marked A and B, which were not Parts of the said *St. James's Park*.

4. Nothing herein contained shall vary or affect the Provisions of the Forty-eighth Section of the said Public Offices Extension Act,

Land, &c. in First Schedule vested in Her Majesty.

Land, &c. in Second Schedule vested in Commissioners of Works, &c.

Provision as to Compensation provided by 24 & 25 V. ct. c. 88. repealed as far as relates to Property herein named.

Saving Rights as to Parishes of Saint Mar-

Public Offices Extension.

garet and
Saint John.

Act, 1859, as altered by the Fifth Section of the said Supplemental Public Offices Extension Act, 1861, relating to the Contribution of the Commissioners towards the Rates of the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, either as regards the maximum Sum payable by the Commissioners or as regards the annual Amount with reference to which the Deficiencies in the Rates are to be calculated and ascertained.

Public Offices
Extension Act
and this Act
to be as One.

5. The said Public Offices Extension Act, 1859, shall be read and construed to all Intents and Purposes whatsoever (except as expressly varied by this Act) as if the Land and Hereditaments comprised in the said Second Schedule to this Act were comprised in the Schedule to the said Public Offices Extension Act, 1859.

Limitation of
Actions.

6. 'Whereas by the Fifty-third Section of the said Public Offices Extension Act, 1859, it is provided that in every Action or Suit brought or prosecuted for anything done in pursuance thereof as therein mentioned, the Defendant shall and may, at his Election, plead specially, or plead the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act : ' Be it enacted and declared, That in case any Defendant shall plead the General Issue as aforesaid in any Action or Suit relating to the Land and Hereditaments comprised in the said Second Schedule hereto or any Part thereof, or to anything done in respect thereof, he may in like Manner give the special Matter in Evidence, and that the same was done in pursuance and by the Authority of the said Public Offices Extension Act, 1859, and of this Act.

General
Saving.

7. Saving and reserving always to all Persons and Bodies Politic or Corporate soever, excepting the Queen's Majesty, Her Heirs and Successors, and the Commissioners of Her Majesty's Works and Public Buildings, all such Right, Title, Interest, Claim, and Demand whatsoever (if any) in, to, or out of the said Ground and Hereditaments comprised in the Schedules to this Act, or any Part thereof, as they or any of them could or might have lawfully claimed in case this Act had not been passed.

The FIRST SCHEDULE.

- A. A Strip of Land containing One thousand four hundred and sixty Superficial Feet or thereabouts, forming Part of the Gardens of Nos. 13, 14, 15, and 16, Duke Street, Westminster.
- B. A triangular Piece of Ground forming the North-west Corner of the late State Paper Office, containing One hundred and sixty Superficial Feet or thereabouts.
- C. A Strip of Land Part of the South Parade and enclosed Lawn in Saint James's Park, containing Three thousand four hundred and fourteen Superficial Feet or thereabouts.

Weights and Measures (Ireland) Acts (1860) Amendment.

The SECOND SCHEDULE.

- D. A Strip of Ground on the West Side of the late State Paper Office, containing Four hundred and sixty Superficial Feet or thereabouts.
- E. A Strip of Ground on the North Side of the late State Paper Office, containing One thousand and sixty-seven Superficial Feet or thereabouts.
- F. A Strip of Ground Part of the South Parade and enclosed Lawn in St. James's Park, containing Two thousand five hundred and five Superficial Feet or thereabouts.

C A P. LXXV.

An Act to revive and continue an Act for amending the Laws relating to Savings Banks in *Ireland*.

[7th August 1862.]

[11 & 12 Vict. c. 133. continued till January 1, 1865, and from thence until the End of the next Session of Parliament.]

C A P. LXXVI.

An Act to amend "The Weights and Measures (*Ireland*) Act, 1860;" to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in *Ireland*.

[7th August 1862.]

‘ WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, intituled *An Act to amend the Law relating to Weights and Measures in Ireland*: And whereas it is expedient that the said Act should be amended in the Manner herein-after mentioned:’ 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 :

23 & 24 Vict.
c. 119.

PART I.

1. This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-three. Commencement of Act.

2. This Act may for all Purposes be cited as "The Weights and Measures (*Ireland*) Amendment Act, 1862." Short Title.

3. The Fourth, Fifth, Sixth, Seventh, Ninth, Eleventh, Twelfth, Thirteenth, and Fourteenth Sections of the said recited Act (except so much of the said Fourth Section as repeals the Eighteenth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851,") shall be and are hereby repealed: Provided always, that, notwithstanding such Repeal of the said Eleventh and Twelfth Sections, all such Expenses as are mentioned in the said Sections respectively which shall have been incurred, and shall not have been paid before the Commencement of this Act, shall be presented, raised, and levied in the Manner directed by the said Sections respectively. Certain Sections of recited Act repealed.

Weights and Measures (Ireland) Act (1860) Amendment.

This Act incorporated with recited Act.

Certain Head and other Constables to be ex-officio Inspectors of Weights and Measures.

4. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

5. From and after the Commencement of this Act, such Head or other Constables only in each Petty Sessions District as shall be selected under this Act by the Inspector General of Constabulary in *Ireland*, with the Approval of the Lord Lieutenant, shall be *ex-officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, and be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties, which any Inspector of Weights and Measures heretofore possessed or exercised or had been liable to under and by virtue of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, or any other Act now in force, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any Manorial Jurisdiction or Claim of Jurisdiction within such District: Provided that if within One Month from the Date of such Selection the Justices shall signify their Disapproval of the Selection of any Head or other Constable, another Selection shall be made by the same Authority, subject to the same Conditions, and the Inspector General of Constabulary shall give Notice, or cause Notice to be given, to the Clerk of the Petty Sessions District, within Three Days of any such Selection having been made in his District, who shall immediately make known the said Selection to the Justices of the District.

Inspector General to appoint One Officer in each County or Borough to have Custody of Imperial Standards, who shall also stamp Sub-Standards.

6. The Inspector General of Constabulary shall, with the Approval of the Lord Lieutenant, also appoint some Sub-Inspector of Constabulary in every County or Borough in *Ireland* to have the Charge of such Copy or Copies of the Imperial Standard Weights and Measures as shall have been provided for such County or Borough under the Provisions of the said first-recited Act, or may be so provided under this Act; and such Sub-Inspector shall duly stamp or cause to be duly stamped from Time to Time such Sub-Standard Weights and Measures as may be transmitted to him for such Purpose; and any Inspector of Weights and Measures in any such County or Borough in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been deposited, under the Provisions of the said first-recited Act, shall, within One Calendar Month after the Commencement of this Act, transmit the same to the Sub-Inspector appointed to have the Custody of the same, under the Provisions of this Act, subject to a Penalty for Neglect or Refusal not exceeding Ten Pounds.

Grand Jury and Town Council to provide One Set of Copies of Imperial Standards for each

7. It shall be lawful for the Grand Jury of each County and the Town Council of each Borough and they are hereby required to provide One complete Set of Copies of the Imperial Standard Weights and Measures for each such County or Borough respectively, where the same has not been already provided, and to have the same from Time to Time duly compared and re-verified in the

Weights and Measures (Ireland) Act (1860) Amendment.

Manner required by the Fifteenth Section of the said first-recited Act, and also to provide for each such County or Borough respectively as many Copies in Iron or other sufficient Material of the County Copies of the Imperial Standard Weights and Measures, and such accurate Beams and Scales, as shall be necessary for such County or Borough respectively; and such Inspector General may direct that such Copies shall be duly stamped by the Sub-Inspector of Constabulary in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been placed, as herein-before mentioned, and the said last-mentioned Copies shall be called "The Sub-Standard Weights and Measures;" and such Grand Jury and Town Council shall also provide such good and sufficient Stamps for stamping or sealing Weights and Measures used or to be used in such County or Borough respectively as they shall consider to be necessary for such Purpose: Provided always, that not less than One Set of "The Sub-Standard Weights and Measures," and One Set of accurate Beams and Scales, shall be provided for each Petty Sessions District in any County, and not less than Two such Sets shall be provided for any Borough.

County or Borough, and also as many Sub-Standards as may be necessary

8. It shall be lawful for every *ex-officio* Inspector of Weights and Measures, in addition to the Powers given to such Inspectors by the said first-recited Act, at all reasonable Times to enter into any Shop, Store, Warehouse, Yard, or Place within his Jurisdiction where Goods shall be purchased or exposed or kept for Sale, and there to inspect all Beams, Scales, Balances, and Weights and Measures, in the Possession of any Person purchasing, selling, offering, or exposing for Sale any Goods; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth or this Act, or if any Fraud shall be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Ex-officio Inspectors of Weights and Measures may enter Shops, &c. to inspect Beams, &c.

9. The Judge of Assize before the Close of the Assizes which shall be held for any County in *Ireland* next after the Commencement of this Act, and at the First Assizes which shall be held in every succeeding Year, shall inquire of the Foreman of the Grand Jury whether One complete Set of such Copies of the Imperial Standard Weights and Measures and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and County Stamps, have been provided in such County; and in every Case in which it shall appear to such Judge, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and County Stamps, have not been so provided, such Judge shall forthwith order the Treasurer of the County to provide One complete Set of

Judge of Assize to order Copies of Standards, &c. in Counties in Ireland when it has not been done by Grand Juries.

Weights and Measures (Ireland) Act (1860) Amendment.

such Copies of the Imperial Weights and Measures, and such Number of Sub-Standard Weights and Measures, Beams and Scales, and County Stamps, as shall, subject to the Provisions herein-before contained, appear to such Judge to be sufficient for such County for the Purposes of this Act ; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure the same ; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds.

10. The Chairman of Quarter Sessions for each County in *Ireland* at the Quarter Sessions of the Peace which shall be held for such County next after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and sixty-three, and at such Quarter Sessions in every succeeding Year, shall inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures, and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and Borough Stamps, have been provided in each Borough within such County ; and in every Case in which it shall appear to such Chairman, upon due Inquiry, that One Set at least of such Copies, and a sufficient Number of Sub-Standard Copies, Beams, Scales, and Borough Stamps, have not been so provided, such Chairman of Quarter Sessions shall forthwith order the Town Clerk or other proper Officer of such Borough to provide One complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as such Chairman shall think sufficient ; and every such Order shall have the Effect of an Order of the Town Council of such Borough to raise such Amount by way of Rate in such Borough as may be necessary to procure a complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Copies of the Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as shall, subject to the Provisions herein-before contained, appear to such Chairman of Quarter Sessions to be sufficient, and as he shall direct ; and such Town Clerk or other Officer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds : Provided always, that in any Borough in which no Rate is levied, and which Borough is liable to the Payment of County Cess, the Expenses incurred under the said recited Act or this Act shall be defrayed by the County in which the said Borough or the greater Part thereof is situate.

PART II.

Denominations of Weight and Mode of Weighing.

‘ And whereas it is expedient to abolish all local and customary Denominations of Weight, and to prohibit improper Deductions in weighing, and otherwise to regulate the Mode of weighing Articles sold :’ Be it therefore enacted as follows :

Chairman of Quarter Sessions to order Copies of Standard Weights and Measures in Boroughs within the County, in case it has not been done by Town Council.

Weights and Measures (Ireland) Act (1860) Amendment.

11. The Provisions of this Part of this Act shall extend and apply throughout *Ireland* to all Contracts, Bargains, Sales, and Dealings, save as herein-after excepted. Extent of Part II.

12. Every Contract, Bargain, Sale, or Dealing—

For any Quantity of Corn, Grain, Pulses, Potatoes, Hay, Straw, Flax, Roots, Carcases of Beef or Mutton, Butter, Wool, or dead Pigs, sold, delivered, or agreed for ;

Or for any Quantity of any other Commodity sold, delivered, or agreed for by Weight (not being a Commodity which may by Law be sold by Troy Weight or by Apothecaries Weight),

shall be made or had by One of the following Denominations of Imperial Standard Weight ; namely,

The Ounce Avoirdupois ;

The Pound Avoirdupois of Sixteen Ounces ;

The Stone of Fourteen Pounds ;

The Quarter Hundred of Twenty-eight Pounds ;

The Half Hundred of Fifty-six Pounds ;

The Hundredweight of One hundred and twelve Pounds ;

Or the Ton of Twenty Hundredweight ;

and not by any local or customary Denomination of Weight whatsoever, otherwise such Contract, Bargain, Sale, or Dealing shall be void : Provided always, that nothing in the present Section shall be deemed to prevent the Use, in any Contract, Bargain, Sale, or Dealing, of the Denomination of the Quarter, Half, or other aliquot Part of the Ounce, Pound, or other Denomination aforesaid, or shall be deemed to extend to any Contract, Bargain, Sale, or Dealing relating to standing or growing Crops.

13. Every Article sold by Weight shall, if weighed, be weighed in full net standing Beam ; and for the Purposes of every Contract, Bargain, Sale, or Dealing, the Weight so ascertained shall be deemed the true Weight of the Article, and no Deduction or Allowance for Tret or Beamage, or on any other Account, or under any other Name whatsoever, the Weight of any Sack, Bag, Cask, Firkin, or other Covering in which such Article may be alone excepted, shall be claimed or made by any Purchaser on any Pretext whatever, under a Penalty of not exceeding Five Pounds. Mode of weighing.
Deductions prohibited.

PART III.

Prevention of Frauds.

14. If any Person commit any of the following Offences he shall for each Offence be liable to a Penalty not exceeding Five Pounds : Penalty on counterfeiting of Brand.

(1.) If he, with Intent to defraud, counterfeit or procure to be counterfeited any Brand or Stamp used by or under the Authority of the Owner or Lessee of a Market or Fair, or of any Person having by Law the Control of a Market or Fair, to denote the Weight, Measure, or Quality of any Article sold in the Market or Fair, or

Weights and Measures (Ireland) Act (1860) Amendment.

- within the prescribed Limits, during the holding of the Market or Fair, or of any Cask, Firkin, or other Vessel, Covering, or Thing in which such Article is sold, or the Impression of any such Brand or Stamp :
- (2.) Or, with the like Intent, use or procure to be used any such counterfeit Brand or Stamp or Impression :
 - (3.) Or, with the like Intent, alter an Impression of any such genuine Brand or Stamp :
 - (4.) Or, with the like Intent, have in his Possession anything having thereon an Impression of any such counterfeit Brand or Stamp, or a fraudulently altered Impression of any such genuine Brand or Stamp :
 - (5.) Or, with the like Intent, transfer or apply any Cask, Firkin, or other Vessel, Covering, or Thing, having thereon an Impression of any such genuine Brand or Stamp, to any Article other than that for denoting the Weight, Measure, or Quality whereof such Impression was made on such Cask, Firkin, or other Vessel, Covering, or Thing, or in any other Manner alter the *bonâ fide* Application of an Impression of any such genuine Brand or Stamp :
 - (6.) Or knowingly weigh or cause to be weighed, contrary to the Provisions of this Act, or act or assist in committing or connive at any Fraud respecting the weighing or the Weight or Measure of any such Article as in Part II. of this Act is mentioned :
 - (7.) Or, with Intent to defraud, alter any Ticket specifying the Weight of any such Article :
 - (8.) Or, with Intent to defraud, make or use, or be privy to the making or using, of any such Ticket, falsely stating the Weight of any such Article, or of any Covering, Cart, or Load :
 - (9.) Or shall dispose of, sell, or cause to be sold any Weight or Measure having a false or counterfeit Stamp, or a Stamp purporting to resemble a genuine Stamp.

Penalty for fraudulently increasing Weight of Butter in Casks.

15. If any Person shall wilfully pack up or mix, or cause to be packed up or mixed, with or in any Butter contained in any Firkin or Cask, any Salt, Pickle, or other Substance, with Intent to increase the Weight of such Butter, and shall bring or send any Butter so packed or mixed to any Market for Sale, he shall be liable to pay a Fine not exceeding Forty Shillings, or be imprisoned for any Period not exceeding One Month, as the Justice or Justices shall determine.

Penalty for fraudulently increasing Weight of Fleeces.

16. If any Person shall wind or cause to be wound in any Fleece any Wool not being sufficiently rivered or washed, or wind or cause to be wound within any Fleeces any deceitful Locks, Cots, Skin, or Lamb's Wool, or any Substance, Matter, or Thing whereby the Fleece may be rendered more weighty, to the Deceit and Loss of the Buyer, such Person shall be liable to a Penalty of Two Shillings for every Fleece so fraudulently made up.

Militia Ballots Suspension.

PART IV.

General Provisions.

17. Any Penalty recoverable under the Provisions of this Act shall be recoverable in a summary Way, with respect to the Police District of *Dublin* Metropolis, subject and according to the Provisions of any Act regulating the Powers and Duties of Justices of the Peace for such District, or of the Police of such District, and with respect to other Parts of *Ireland*, before a Justice or Justices of the Peace sitting in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same.

Penalties how recoverable.

14 & 15 Vict. c. 93.

18. No Penalty imposed by Part Two or Part Three of this Act shall be recovered unless Proceedings for Recovery thereof are commenced within Three Months next after the Commission of the alleged Offence, or in case of a continuing Offence within Three Months after the alleged Offence has ceased to be committed.

Limitation of Proceedings for Penalties.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

Nothing to prevent Persons being indicted for Offences.

C A P. LXXVII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [7th August 1862.]
[*Lists and Ballots for Militia suspended until October 1, 1863.*]

C A P. LXXVIII.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of creating a Central Arsenal.
[7th August 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, having further considered the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United Kingdom, and being desirous to provide forthwith for the Construction of certain Works for the Defence of Your Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and for the Creation of a Central Arsenal, have cheerfully granted to Your Majesty the further Sum of One million two hundred thousand Pounds, to be paid out of the Consolidated Fund, towards defraying the Expenses incurred or to be incurred for those Purposes, and we have re-

Fortifications (Provision for Expenses).

solved that a Sum not exceeding the said Sum of One million two hundred thousand Pounds be raised by such Terminable Annuities as herein-after mentioned, and we do therefore most humbly beseech 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:

The Sum of 1,200,000*l.* to be issued out of Consolidated Fund towards Expenses after mentioned.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums not exceeding in the whole the Sum of One million two hundred thousand Pounds shall be issued and applied out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

2. Such Sum or Sums as may be issued out of the Consolidated Fund or the growing Produce thereof, as aforesaid, shall be applied, as mentioned in the Schedule to this Act, towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at *Haulbowline*), and the Fortifications at *Dover* and *Portland*, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly: Provided always, that it shall not be lawful to apply any of such Sums to any Work not specifically named in the Schedule, nor to apply to any Work any greater Sum than that which is set down in the Schedule as the total estimated Cost of the Work, nor for Her Majesty's Principal Secretary of State for the War Department to enter into any Contract involving the Expenditure in any District of a greater Sum than is hereby and by the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter One hundred and nine, authorized to be expended during the Period ending on the First Day of *August* One thousand eight hundred and sixty-three, without inserting in such Contract a Condition that the same shall not be binding on the said Principal Secretary until it has lain for One Month upon the Table of the House of Commons without Disapproval; and the said Contract shall have no Force or Validity until it shall have lain for One Month upon the Table of the House of Commons without Disapproval, unless previous to the Lapse of that Period such Contract shall have been approved by a Resolution of the said House.

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing this Act, to

Treasury to raise 1,200,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

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raise any Sum or Sums not exceeding in the whole the Sum of One million two hundred thousand Pounds, as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of One million two hundred thousand Pounds, it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of Thirty Years as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the Fifth Day of *April* and the Tenth Day of *October*.

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of One million two hundred thousand Pounds, or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of *England* to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the first half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee,

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions.

Power to Guardians, &c. to subscribe for Infants.

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as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

6. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors or Administrators, Successors or Assigns, in respect of any Portion of the said Sum of One million two hundred thousand Pounds, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of *England*; and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said Commissioners of the Treasury towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled in respect of such Instalment forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England* (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act.

7. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

8. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of *England*.

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending

Time at which Annuities may be transferred.

Contributors may anticipate Payments.

Annuities payable, &c. at the Bank.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, &c.

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attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

10. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

11. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of One million two hundred thousand Pounds shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of One million two hundred thousand Pounds, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall

Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

Fortifications (Provision for Expenses).

account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of One million two hundred thousand Pounds, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of One million two hundred thousand Pounds, which may be raised under this Act, shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in part, and not completed, forfeited.

14. In case any such Contributors to any Portion of the Sum of One million two hundred thousand Pounds which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

Annuities to be deemed Personal Estate.

15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise.

Accountant General to keep Books for entering Transfers.

16. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made, may respectively underwrite

Fortifications (Provision for Expenses).

underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

17. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of One million two hundred thousand Pounds, to contract and provide that all or any of the terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any terminable Annuities transferable at the Bank of *England* and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Power to Treasury to add Annuities created under this Act to Stock of existing terminable Annuities of like Duration.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Six hundred Pounds for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Allowance to Bank of England for the Expense of Management.

19. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Fortifications, &c. to be executed under the Direction of the Secretary for War.

20. The Commissioners of Her Majesty's Treasury shall in the Month of *April* in the Year One thousand eight hundred and sixty-three, and in every subsequent Year in which any Part of the said Sum of One million two hundred thousand Pounds shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of

Accounts to be laid before Parliament.

Fortifications (Provision for Expenses).

One million two hundred thousand Pounds charged on that Fund under this Act up to the First Day of *April*, specially showing the Works or Purposes for or in respect of which the Monies may have been applied, and showing the Amount, if any, which may remain to be raised of the said Sum of One million two hundred thousand Pounds authorized to be raised under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of One million two hundred thousand Pounds charged on the said Consolidated Fund; and every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England* or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than Three Years, or to be imprisoned, with or without Hard Labour, or with or without Solitary Confinement, for any Term not exceeding Two Years.

Bank to continue a Corporation till the Annuities hereby granted cease.

22. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

SCHEDULE.

1.	2.	3.	4.	5.	6.	7.			
Station.	District.	Name of Work.	Estimated Cost of Works and Lands.	Estimated Expenditure upon the Works and Lands to 31 July 1862.	Amount proposed for Works 1862-3.	Further Amount required to complete the Works.			
Portsmouth	Spithead	Horse Sand Fort	£ 260,000	15,000	18,000	823,000			
		No Man's Land	230,000						
	Needles	Sturbridge	306,000	6,000	1,000	—			
		Needles Battery	7,000						
		Hatherwood	4,000				2,000	7,000	4,000
		Warden Point	9,000						
		Cliff End	30,000				2,500	12,000	15,500
		Golden Hill	30,000				8,000	8,000	22,000
	Hurst Castle	108,000	13,000	26,000	70,000				

Fortifications (Provision for Expenses).

1.	2.	3.	4.	5.	6.	7.
Station.	District.	Name of Work.	Estimated Cost of Works and Lands.	Estimated Expenditure upon the Works and Lands to 31 July 1862.	Amount proposed for Works 1862-3.	Further Amount required to complete the Works.
Portsmouth	Isle of Wight-	Puckpool and St. Helen's Batteries.	87,000	-	12,000	75,000
		Sandown Bay Defences -	95,000	25,000	40,000	30,000
		Military Road, and Posts for Defence of South West Coast.	35,000	-	5,000	30,000
	Portsdown -	Fort Wallington - - -	75,000	10,000	20,000	45,000
		Fort Nelson - - -	75,000	10,000	20,000	45,000
		Fort Southwick - - -	85,000	10,000	20,000	55,000
		Fort Widley - - -	75,000	10,000	20,000	45,000
		Fort Purbrook and Out-works.	135,000	25,000	30,000	80,000
	Gosport -	Gilkicker Battery - - -	50,000	-	10,000	40,000
		Stokes Bay Line - - -	40,000	28,000	5,000	9,000
		Fort Grange - - -	60,000	-	-	-
		Fort Rowner - - -	60,000	100,000	55,000	25,000
	Gosport "Advance."	Fort Brockhurst - - -	60,000	-	-	-
		Fort Fareham - - -	113,000	8,000	25,000	80,000
	Hilsea -	Hilsea Lines - - -	120,000	25,000	20,000	75,000
Southsea -	Eastney Batteries - - -	15,000	7,000	6,000	2,000	
	Lump's Battery - - -	5,000	3,000	2,000	-	
	Southsea Castle - - -	35,000	-	5,000	30,000	
Plymouth -	Sea Defences	Picklecombe Battery - - -	85,000	15,000	25,000	45,000
		Studdon Point Battery - - -	80,000	5,000	20,000	55,000
		Breakwater Fort - - -	145,000	10,000	25,000	110,000
		Drake's Island Battery - - -	35,000	12,000	20,000	3,000
		Eastern King Battery - - -	2,000	2,000	-	-
		Western King Battery - - -	3,000	2,500	500	-
		Mount Edgecumbe Battery - - -	8,000	2,000	5,000	1,000
	Staddon -	Staddon Fort - - -	93,000	-	-	-
		Port Stamford - - -	75,000	33,000	50,000	85,000
	Maker -	Knatterbury - - -	5,000	-	-	5,000
		Whitesand Bay - - -	10,000	4,000	6,000	-
		Cawsand Bay - - -	10,000	5,000	5,000	-
		Maker Barracks - - -	20,000	-	-	20,000
North Eastern Devonport -	North Eastern Defences - - -	350,000	-	50,000	300,000	
	Devonport Lines - - -	10,000	7,000	2,500	500	
	Fort Tregantle - - -	130,000	75,000	45,000	10,000	
	Fort Scraesdon - - -	130,000	30,000	40,000	60,000	
Pembroke -	Milford Haven	Stack Rock Fort - - -	60,000	17,000	25,000	18,000
		South Hook Battery - - -	30,000	8,000	15,000	7,000
		Hubberstone Battery - - -	35,000	15,000	20,000	-
		Popton Battery - - -	45,000	17,000	20,000	8,000
		Chapel Bay Battery - - -	10,000	-	5,000	5,000
		Fort Scoveton (North of Milford Haven).	76,000	11,000	15,000	50,000
		Works to Southward of Milford Haven.	80,000	-	-	80,000
Portland -	Portland -	Verne Citadel, and Batteries connected therewith.	127,000	32,000	30,000	65,000
		Nothe Fort - - -	80,000	20,000	30,000	30,000
		Breakwater Batteries - - -	145,000	15,000	30,000	100,000
Gravesend -	Thames -	Coalhouse Fort - - -	90,000	20,000	40,000	30,000
		Cliffe Fort - - -	80,000	18,000	30,000	32,000
		Shornmead - - -	80,000	12,000	30,000	38,000
Medway and Sheerness.	Sea Defences -	Isle of Grain - - -	85,000	50,000	40,000	15,000
		Garrison Point - - -	80,000	6,000	30,000	44,000
		Hoo Fort - - -	50,000	-	20,000	-
		Darnet Fort - - -	59,000	24,000	20,000	45,000
		Slough Battery - - -	15,000	-	10,000	5,000
		Works in front of Mile Town.	20,000	-	5,000	15,000
Chatham -	Eastern -	Queenborough Battery - - -	20,000	-	5,000	15,000
		Eastern Defences - - -	500,000	-	-	500,000

*Fortifications (Provision for Expenses).**Coal Mines.*

1.	2.	3.	4.	5.	6.	7.
Station.	District.	Name of Work.	Estimated Cost of Works and Lands.	Estimated Expenditure upon the Works and Lands to 31 July 1862.	Amount proposed for Works 1862-3.	Further Amount required to complete the Works.
			£	£	£	£
Dover - -	Dover - -	Castle Hill Fort - -	90,000	25,000	25,000	40,000
		Dover Castle - - -	10,000	5,000	1,000	4,000
		Western Heights - -	149,000	60,000	64,000	25,000
Cork - -	Cork - -	Spike Island Defences - -	10,000	2,000	2,000	6,000
		Carlisle Fort - - -	79,000	9,000	20,000	50,000
		Camden Fort - - -	70,000	4,000	8,000	58,000
		Total Works - - -	5,630,000	850,000	1,200,000	3,580,000
Lands - - -			1,030,000	430,000		
Site for Central Arsenal - - -			150,000	-		
Incidental Expenses to 31st July 1862 - - -			50,000	50,000		
			£ 6,860,000	1,330,000		
Available from Amount provided by 23 & 24 Vict. c. 109. } for payments for Lands purchased, and incidental } Expenses - - - - -				670,000		
		Provided for by 23 & 24 Vict. c. 109. - - -		2,000,000		
		Total of this Enactment - - - - -		1,200,000		
		Total of both Enactments - - - - -		3,200,000		

C A P. LXXIX.

An Act to amend the Law relating to Coal Mines.

[7th August 1862.]

‘ WHEREAS it is expedient to amend an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and fifty-one, and intituled *An Act for the Regulation and Inspection of Mines*, and herein-after referred to as the “Principal Act:” 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 :

23 & 24 Vict.
c. 151.Application of
Act.Interpretation
of Terms.Prohibition of
single Shafts.

1. This Act shall apply only to Coal Mines and Ironstone Mines mentioned in the Seventh Section of the Principal Act.

2. The Expression “existing Mine” shall mean a Mine that is actually being worked at the Time of the passing of this Act :

The Expression “new Mine” shall mean a Mine opened after the passing of this Act, or an old Mine the working of which is begun afresh after the passing of this Act.

3. After the passing of this Act it shall not be lawful for the Owner of a new Mine, and after the First Day of *January* One thousand eight hundred and sixty-five it shall not be lawful for the Owner of an existing Mine to employ any Person in working within such Mine, or to permit any Person to be in such Mine for the Purpose of working therein, unless there are in communication with every Seam of such Mine for the Time being at work at least Two Shafts or Outlets, separated by natural Strata of not less than Ten Feet in Breadth, by which Shafts or Outlets distinct Means of Ingress and Egress are available to the Persons employed

Coal Mines.

in the Mine ; but it shall not be necessary for the Two Shafts or Outlets to belong to the same Mine, if the Persons therein employed have available Means of Ingress and Egress by not less than Two Shafts or Outlets, One or more of which may belong to another Mine.

This Section shall not apply to opening a new Mine for the Purpose of searching for or proving Minerals, or to any Working for the Purpose of making a Communication between Two or more Shafts, so long as not more than Twenty Persons are employed at any one Time in the said new Mine or Working.

4. If the Owner of any existing Mine objects, within such Time as is herein-after mentioned, in Writing addressed to One of Her Majesty's Principal Secretaries of State, that by reason of the Nature of the Mine, or from its being nearly exhausted, or from any other special Cause, he ought to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, or that he cannot provide an additional Shaft or Outlet within the Time limited by this Act, a Reference shall be made to Arbitration as to whether the Owner ought or ought not, under the Circumstances, to provide an additional Shaft or Outlet, or ought or ought not to have an Extension of Time for providing an additional Shaft or Outlet : If the Result of the Arbitration is in favour of the Owner, he shall, as the Case requires, be relieved from the Obligation of providing an additional Shaft or Outlet, or have such Extension of Time granted to him for providing an additional Shaft or Outlet as may be determined by the Award : If the Result of the Arbitration be against the Owner, or if no Award is made by reason of any Default or Neglect on the Part of the Owner, he shall be bound to comply with the Provisions of this Act, in the same Manner as if this Section had not been enacted.

Appeal by Owner of existing Mine to Arbitration.

5. Arbitrations, in pursuance of this Act, shall be conducted in manner directed by the Thirteenth Section of the Principal Act in Cases where the Owner, within the Twenty Days therein mentioned, objects to any Alterations in or Additions to Rules, or Rules by way of Substitution proposed by the Secretary of State ; but no Objection made in pursuance of this Act by the Owner of an existing Mine shall be entertained unless it is made within the Times following ; that is to say, if he claims to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, within Six Calendar Months after the passing of this Act ; and if he claims to have an Extension of Time for providing an additional Shaft or Outlet, within the Six Calendar Months immediately preceding the First Day of *January* One thousand eight hundred and sixty-five.

Mode of conducting Arbitrations.

6. Any of Her Majesty's Superior Courts of Law or Equity may, upon the Application of the Attorney General acting on behalf of the said Secretary of State, prohibit by Injunction the working of any Mine in which any Person is employed in working, or is permitted to be for the Purpose of working, in contravention of the Provisions of this Act, and may award such Costs in the Matter of the Injunction as the Court thinks just ; but this

Power to enforce by Injunction Compliance with Act.

*Coal Mines.**Militia Pay.**Divorce Court.*

this Section shall be without Prejudice to any other Remedy permitted by Law for enforcing the Provisions of this Act.

Agreements in
contravention
of Act illegal.

7. No Person shall be precluded by any Agreement made before the passing of this Act from doing such Acts as may be necessary for providing an additional Shaft or Outlet to a Mine where the same is required by this Act, or be liable under any Agreement to any Penalty or Forfeiture for doing such Acts as may be necessary in order to comply with the Provisions of this Act.

Construction of
Act.

8. This Act shall be construed as One with the Principal Act, and the Powers hereby given shall be deemed to be in addition to and not in derogation of any Powers conferred by the Principal Act, and such last-mentioned Powers may be exercised in the same Manner as if this Act had not been passed.

C A P. LXXX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

[7th August 1862.]

[*This Act is to continue in force until September 1, 1863.*]

C A P. LXXXI.

An Act to make perpetual *An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.*

[7th August 1862.]

‘ WHEREAS an Act passed in the Session of Parliament held in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter One hundred and forty-four, and intituled *An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes*, is about to expire; and it is expedient to make the same perpetual? 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 :

23 & 24 Vict.
c. 144.

1. There shall be repealed the Eighth Section of the said Act, whereby it is provided that the same is to continue in force until the Thirty-first Day of *July* One thousand eight hundred and sixty-two and no longer, and the said Act shall be and is hereby made perpetual.

Recited Act
made per-
petual.

C A P. LXXXII.

An Act for the more economical Recovery of Poor Rates and other Local Rates and Taxes. [7th August 1862.]

‘ WHEREAS it is expedient to provide for the more economical Recovery of Poor Rates and other Local Rates and Taxes? Be it therefore enacted by the Queen’s most Excellent Majesty,

*Recovery of Poor Rates, &c.**Poor Relief (Ireland).*

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 :

L. Where any Number of Local Rates and Taxes, whether of the same or of different Kinds, are due from the same Person, the Rates and Taxes so due may be included in the same Information, Complaint, Summons, Order, Warrant, or other Document required by Law to be laid before Justices or to be issued by Justices, and every such Document as aforesaid shall, as respects each Rate or Tax comprised in it, be construed as a separate Document, and its Invalidity as respects any one Rate or Tax shall not affect its Validity as respects any other Rate or Tax comprised in it :

Consolidation of Proceedings for the Recovery of Rates.

No Costs shall be allowed in respect of several Informations, Complaints, Summonses, Orders, Warrants, or other such Documents as aforesaid, in Cases where, in the Opinion of the Justices or Court having Jurisdiction over the said Costs, One Information, Complaint, Summons, Order, Warrant, or other Document as aforesaid might have sufficed, regard being had to the Provisions of this Act.

C A P. LXXXIII.

An Act to amend the Laws in force for the Relief of the destitute Poor in *Ireland*, and to continue the Powers of the Commissioners. [7th August 1862.]

‘ **W**HEREAS it is expedient to amend the Laws in force for the Relief of the destitute Poor in *Ireland* :’ 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 :

L. For the Purpose of charging the Expense of Relief to any Electoral Division, every Person making Application for Relief after the passing of this Act shall be deemed to have been resident in such Electoral Division in which, during the Period of Five Years next before his Application for Relief, he shall have been longest usually resident, whether by usually occupying any Tenement situate, or by usually sleeping, within such District : Provided always, that where any such Person shall not have occupied a Tenement or slept within any such Electoral Division for at least Two Years in the whole during the said Period of Five Years, the Expense of the Relief of such Person shall in such Case be borne by and charged against the whole Union in which he or she is relieved : Provided also, that where any Person chargeable to any Electoral Division shall have received Relief, and shall cease to be relieved, and shall thereafter within the Period of Twelve Months again begin to receive Relief, such last-mentioned Relief shall be chargeable on the Electoral Division to which such Person was in the first instance chargeable : Provided also, that the Cost for the Relief of destitute Poor who shall not have resided in the Union where such

As to charging Expense of Relief to Electoral Divisions.

Poor Relief (Ireland).

Relief is given for the last Five Years next previous to receiving such Relief shall be charged and chargeable according to the Provisions of an Act passed in the Tenth Year of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in Ireland*: Provided also, that in estimating the Time of Residence in the Union or Electoral Division, Residence in the Workhouse shall be considered to be Residence in the Union, and also in the Electoral Division, if there be any such to which the Pauper during such Residence shall be chargeable, but shall not be considered to be Residence in the Electoral Division in which the Workhouse is situate unless the Pauper be chargeable to such Division.

2. 'And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, Section Ten, it is provided that no Person who shall be in the Occupation of any Land of greater Extent than the Quarter of a Statute Acre shall be deemed and taken to be a destitute poor Person under the Provisions of an Act passed in the Second Year of the Reign of Her Majesty, Chapter Fifty-six, for the more effectual Relief of the destitute Poor in *Ireland*, or of the Acts amending the same: And whereas it is expedient that the said Provision of the said Act should be repealed as far as relates to Relief within the Workhouse: Therefore, from and after the passing of this Act the Tenth Section of the said Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, shall be and the same is hereby repealed: Provided always, that any Person who shall be in Occupation of any Land of greater Extent than a Quarter of a Statute Acre, and who shall be considered by the Board of Guardians to require Relief, shall be relieved by them in the Workhouse, and not otherwise.

3. 'And whereas the Guardians of the Poor of Unions in *Ireland* are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for such Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and to provide for their Treatment and Maintenance therein, charging the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability by Residence under the Laws which are or shall be in force for the Relief of the destitute Poor in *Ireland*: Provided that no Person admitted to the Workhouse for Medical or Surgical Treatment in Hospital shall be required by the Guardians to be accompanied by any Member of his or her Family as a Condition of such Person's Admission into the Workhouse.

4. Every poor Person who shall be so admitted into the Infirmary of the Workhouse in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians

Sect. 10 of
10 Vict. c. 31.
repealed.

Power to
Guardians to
admit poor
Persons re-
quiring Medi-
cal or Surgical
Aid into Hos-
pitals.

Poor Persons
of sufficient
Ability to pay
the Cost of
their Mainten-

Poor Relief (Ireland).

Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be considered by the Guardians to be of sufficient Ability to pay the Cost of his or her Maintenance while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Guardians shall determine ; provided that such Proportion shall in no Case exceed the Average of the general Cost of Maintenance, Medical and Surgical Treatment in such Hospital or Infirmary ; and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in *Ireland* ; and all such Sums, or any Part thereof which shall be recovered, shall be lodged with the Treasurer of the Union, to the Credit of the Electoral Division chargeable for the Maintenance of such poor Person, or to the Credit of the Union, as the Case may be : Provided also, that for the Purpose of the Recovery of the Cost of Maintenance as aforesaid, every Master or Mistress shall be deemed liable to maintain his or her Domestic Servant so long as the Service shall continue, and also his or her Apprentice residing under his or her Roof.

ance in a Hospital, or Part thereof appropriated to a Hospital, required to pay same.

5. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse Infirmary or Fever Hospital any Constable or Sub-Constable of the said Force, on Service within the Union, who shall be suffering from Fever or other Disease or bodily Injury requiring Treatment in Hospital ; and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance and Establishment Charges, Medical and Surgical Treatment in such Hospital for the whole Term of his Continuance therein ; and the Amount of such Cost may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in *Ireland*.

As to Admission of Constabulary Patients.

6. Every poor Person admitted into the Fever Hospital or Infirmary of a Workhouse who shall on Admission claim to repay the entire Cost of his or her Maintenance therein, according to the full average Cost thereof, as herein-before stated, and every poor Person admitted into such Fever Hospital or Infirmary on whose Behalf the Person liable by Law to maintain such poor Person shall claim to repay the entire Cost of such Maintenance therein as aforesaid, and every Constable or Sub-Constable so admitted, shall be entered in a separate Register from that in which the other Persons admitted into the Workhouse are registered ; and the Person so relieved and the Person so claiming shall not, after Payment of the said Charges of Maintenance, be subject to any Disfranchisement or Disability as Persons having received Relief from the Poor Rates ; and such Register shall at all reasonable Times be open for the Inspection of those Persons who shall desire to examine or take Extracts from it, without any Charge

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised.

Poor Relief (Ireland).

for such Inspection or Extracts ; and a Copy of such Register, or of any Part of it, signed by the Clerk of the Union, and under the Seal of the Board of Guardians, shall be legal Evidence of the Facts stated in such Copy in any Court of Record, without Proof of the Signature of the Clerk, or of the affixing of such Seal.

Guardians may send Inmates of Workhouse to Hospital or Infirmary.

7. It shall be lawful for the Guardians of any Union in Cases requiring special Treatment to send any Inmate or Inmates of the Workhouse of such Union requiring Medical or Surgical Treatment to any Hospital or Infirmary the Governor, Governors, or Managers of which shall be willing and able to receive such Inmate or Inmates, and to pay to the Governor, Governors, or Managers of such Hospital or Infirmary, out of the Rates of the Union or Electoral Division, as the Case may be, the Cost of the Maintenance and Treatment in such Hospital or Infirmary of the Persons so sent as aforesaid ; and the Guardians may also pay out of the Rates of the Union the Cost of the Conveyance of such Persons from the Workhouse of the Union to such Hospital or Infirmary, and also the Cost of the Conveyance of such Persons, when discharged from such Hospital or Infirmary, to the said Workhouse ; and the entire Cost of such Maintenance, Treatment, and Conveyance as aforesaid shall be deemed Part of the Cost of Maintenance and Treatment of such Inmate or Inmates in the Workhouse of such Union.

Guardians to have same Authority as Parents in Cases of Children under 15 Years of Age relieved without Parents.

8. Every Child under the Age of Fifteen Years, without a Parent, relieved in a Workhouse, shall be subject to the Authority of the Board of Guardians in the same Manner as such Child would be subject to the Authority of its Parents or Parent, if living together with such Parents or Parent, excepting as regards the Religious Denomination of such Child, and no such Child shall be discharged from the Workhouse otherwise than by the Order of the Board of Guardians ; but nothing herein shall authorize the Detention of any Child without a Parent, if any Relative of such Child, who in the Opinion of the Board of Guardians shall be a fit Person to be intrusted with such Child, and of sufficient Ability to maintain such Child, shall claim its Discharge from the Workhouse for the Purpose of its being maintained out of the Workhouse otherwise than at the Charge of the Poor Rates.

Relief to Orphans and deserted Children.

9. ' And whereas it has been found that the Mortality among Infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy ; and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute poor Children who are Orphans, or who have been deserted by their Parents : ' Be it enacted, That it shall be lawful for the Board of Guardians to provide for the Relief of any Orphan or deserted Child out of the Workhouse, if they shall think fit to do so, by placing such Child out at Nurse, according to their Discretion ; provided that no Child shall be placed out with any Person who does not profess the same Religion as that in which the Child has been registered : Provided that no Child shall continue to be so relieved after the Age of Five Years : Provided always,

Poor Relief (Ireland).

always, that the Guardians of the Poor may, with Consent of the Poor Law Commissioners, continue such Relief from Year to Year until the Child attain the Age of Eight Years, should the Guardians consider that such Extension of Outdoor Relief be necessary for the Preservation of the Child's Health.

10. From and after the passing of this Act, when Oath shall have been made before any Two Justices of the Peace in Petty Sessions (which Oath the said Justices are hereby empowered to administer) by the Mother of any illegitimate Child, and the same shall have been supported by corroborative Evidence, it shall be lawful for the Boards of Guardians to recover from the putative Father the Cost of the Maintenance of such illegitimate Child during the Time that he is in receipt of Relief from the Poor Rates, and while under the Age of Fourteen; and such Cost of Maintenance, and the Costs of Suit, shall be recoverable by Process in the Name of the Guardians before the Barrister at Quarter Sessions from the Person who shall have been adjudged to be the Father of the Child.

11. 'And whereas by the Act of the Second Year of the Reign of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in Ireland*, it is provided, that no Order of the Commissioners nor any Byelaw shall authorize the Education of any Child in a Workhouse in any Religious Creed other than that professed by the Parents or Parent of the Child, and to which such Parents or Parent shall object, and in the Case of an Orphan to which the Guardian or Guardians, Godfather or Godmother, shall object; but no such Provision is made for the Case of a Child not being an Orphan, the Religion of whose Parents or Parent is unknown: 'Be it enacted, That in every such last-mentioned Case the Guardian or Guardians, Godfather or Godmother of the Child, shall have the like Power to object as the Parents or Parent of a Child would have if living, or as the Guardian or Guardians, Godfather or Godmother, would have in the Case of an Orphan.

12. 'And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, and it is expedient to remove such Doubts: 'Be it enacted, That from and after the passing of this Act the Guardians shall, in making every Rate for the Relief of the destitute Poor, specify on the Face thereof the Period for the Service of which the Rate is estimated to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the destitute Poor in *Ireland* is unoccupied at the Time of making any such Rate on the Electoral Division in which such Building shall be situate, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier or immediate Lessor, as the Case may be, as "empty," and such Building shall be deemed to be rated to the Relief of the Poor as fully and effectually as if it had been occupied at the Time of the Rate made, and the Name of the Occupier or immediate Lessor inserted in the said Rate: Provided always, that if

Boards of Guardians to recover Costs of Maintenance of illegitimate Children in Poor-houses under Fourteen.

As to Religious Education of Children the Religion of whose Parents is not known.

As to rating of unoccupied Buildings.

Poor Relief (Ireland).

such Building shall continue to be unoccupied during the whole of the Period for which the Rate was estimated as aforesaid, the Rate so made on the said Building shall not be recoverable; provided also, that if after the making of the said Rate, and before the Expiration of the Period for which the Rate was so estimated as aforesaid, any Person or Persons shall occupy such Building for any Portion of such Period, the Board of Guardians shall be entitled to recover from the Occupier or the immediate Lessor, if he be liable to pay the same, a Portion only of the said Rate proportioned to the Time during which the said Building shall have been so occupied; and the same shall be recovered from the Occupier or immediate Lessor, as the Case may be, in the same Manner as if he had been originally rated for such Building, or, in default of Payment by such Occupier, from the subsequent Occupier of the Premises.

County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons.
1 & 2 Vict. c. 56.

13. From and after the passing of this Act, so much of the Act passed in the First and Second Years of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in Ireland*, as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess on any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the passing of this Act it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to Time such and so many Persons as they may deem expedient to collect and levy the Rates so made on the several Electoral Divisions.

Not to affect District comprised in Dublin Rates Act.
12 & 13 Vict. c. 91.

14. Nothing herein-before contained regarding the rating of Premises or the Collection of Rates shall apply to Premises situate within the District for the Collection of Poor Rates as defined by the Act passed in the Session held in the Twelfth and Thirteenth Years of the Reign of Her Majesty, intituled *An Act to provide for the Collection of Rates in the City of Dublin*.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein.

15. No Ratepayer shall be entitled to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, One Month at the least previous to the Day on which he shall claim to vote, have given to the Guardians, or to some Person acting as Returning Officer, a Statement in Writing of the Name and Address of such Ratepayer, and the Description and local Situation of the Property in respect of which he claims to vote, specifying, in Cities, Towns, and their Suburbs having Streets and other Roadways, the Name of the Street or Roadway, and the

Poor Relief (Ireland).

Number of the House or Tenement, if any, and the Parish in which the Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him, and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent ; and no such Proxy shall be entitled to claim to vote unless such Proxy shall have given to the Guardians, or some Person acting as Returning Officer, One Month at the least previous to the Day on which he shall claim to vote, the Original or an attested Copy of the Writing appointing such Proxy ; and every such Claim to vote, whether by the Ratepayer or his Proxy, shall be executed in the Presence of a Justice of the Peace.

16. No Claim of a Ratepayer to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give a Vote or Votes in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his Occupation, shall continue in force beyond the Period of Five Years from the Date on which he or his Proxy shall have given such Statement as aforesaid : Provided that every Appointment of a Proxy may be revoked at any Time ; provided also, that no Person shall be entitled to vote as Proxy for more than Twenty Owners of Property in any One Electoral Division or Ward unless he be a Steward, Bailiff, Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote.

Limitation of Property and Proxy Claims.

17. 'And whereas Doubts have been entertained whether Owners or immediate Lessors of Property who are rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, Section Ten, are entitled to vote as Ratepayers in respect of Property for which they are so rated : ' Be it enacted, That it shall be lawful for Owners or immediate Lessors who are so rated as aforesaid to vote, in Person or by Proxy, in the Election of Guardians in respect of the Property or Rent for which they are so rated, in the same Manner as Occupiers paying no Rent or paying Rent less than the net annual Value of the rateable Property, as the Case may be ; provided that every such Owner or immediate Lessor or his Proxy shall have lodged a Statement in the Manner herein-before provided with reference to Persons claiming to vote in respect of Property not in their actual Occupation.

Owners or immediate Lessors rated under Sects. 1 & 4 of 6 & 7 Vict. c. 92., Sect. 63. of 12 & 13 Vict. c. 91., and Sect. 10. of 12 & 13 Vict. c. 104. may vote as Occupiers.

18. No Person receiving Rent shall be entitled to vote as aforesaid in respect thereof for any greater Amount of Rent than the annual Value of the Property out of which such Claim arises, according to the Valuation of the same in the Survey or Valuation

No Person to vote for a greater Amount of Rent than rateable Value.

Poor Relief (Ireland).

tion of rateable Hereditaments for the Time being in force in the Union.

Occupiers and immediate Lessors who are rated not to vote unless all Rates Six Months due have been paid.

19. 'Whereas it is provided by the said recited Act, that no Occupier paying Rent to any Landlord shall be entitled to vote under the Provisions of the said Act unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within the Six Calendar Months immediately preceding such voting; and it is expedient to extend the said Provision: Be it enacted, That no Occupier rated to the Poor Rate shall be entitled to vote in that Capacity unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within Six Calendar Months immediately preceding such voting; and no Owner or immediate Lessor who is rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, Section Ten, and this Act, shall be entitled to vote in respect of the Property for which he is so rated, unless he shall have paid all the Rates made and assessed on him in respect of such Property, except such as shall have been made or become due within Six Calendar Months immediately preceding such voting.

Guardian elected for Two or more Divisions to notify for which he will act.

20. From and after the passing of this Act, in the event of any One Person being elected a Guardian by the Ratepayers of Two or more Electoral Divisions, Electoral Districts, or Wards, as the Case may be, he shall forthwith notify to the Returning Officer for which of such Electoral Divisions, Electoral Districts, or Wards, as the Case may be, he will choose to act as Guardian, which Notification shall be transmitted to the Commissioners by the Returning Officer of such Union; and the Commissioners shall thereupon take Order for a further Election of Guardian in the other of such Divisions, Districts, or Wards, as the Case may be.

Solicitors who are Guardians not to act for or against Board.

21. No Solicitor who is a Member of any Board of Guardians shall act professionally as Solicitor either for or against the Board of Guardians of which he is a Member; and every Solicitor so acting shall forfeit the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt in any of Her Majesty's Courts of Record in *Dublin*.

Paid Officers and others incapable of serving as Guardians.

22. No paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or under the Act for the better Distribution, Support, and Management of Medical Charities in *Ireland*, nor any Person who, having been such paid Officer, shall have been dismissed within Five Years previously from such Office, shall be capable of serving as a Guardian; and no Person receiving any fixed Salary or Emolument from the Poor Rates in any Union shall be capable of serving as a Guardian in such Union.

Poor Relief (Ireland).

23. ‘ And whereas no legal Provision exists for the Burial of the Bodies of unknown Persons who have been drowned and cast ashore in *Ireland*, or who have otherwise perished and been found dead :’ Be it enacted, That the Guardians of each Union in *Ireland* shall provide for the Burial of the dead Body of every such Person dying or found dead within such Union whose Family or Connexions shall not be known, and whose Body shall not be claimed by any Person for the Purpose of Burial, and shall charge the Expenses of such Burial on the Poor Rates of the Union : Provided that the Relieving Officer of the Union, with the Sanction of the Guardian or One of the Guardians of the Electoral Division in which such Person shall be found dead, shall proceed without Delay in the Burial of such dead Body, giving Notice to the Guardians of his Proceedings therein, and of the Expenses incurred by him as soon thereafter as may be practicable in each Case, such Expense in each Case not to exceed Seven Shillings and Sixpence.

Burial Expenses of Persons dying unknown.

24. When, at the Expiration of the Year of Office of the Guardians of the Poor, no Nomination of a Guardian or Guardians for any Electoral Division shall have been made, the Guardian or Guardians of any such Electoral Division shall remain in Office for the ensuing Year, and have Power to exercise all the Functions of Guardians of the Poor, as if duly re-elected.

Where no new Guardians nominated, old ones to remain in Office.

25. ‘ Whereas under Provisions of an Act passed in the Second Year of the Reign of Her Majesty, Chapter One, the Commissioners are empowered to constitute certain Cities, Boroughs, and Towns Electoral Divisions into Wards for the Election of Guardians :’ Be it enacted, That when the Commissioners shall have divided any Electoral Division into Wards as aforesaid, every Ratepayer who, under the last Rate made in any Union, shall have paid or contributed, or be liable to pay or contribute, Rate in respect of Property in any Ward, shall have a Vote or Votes for the Election of Guardians in such Ward according to the Scale of Votes provided by the Act of the First and Second Years of *Victoria*, Chapter Fifty-six.

After Division of Electoral Divisions into Wards, Ratepayers under the last Rate may vote for Guardians.

26. ‘ And whereas the Provisions of an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Ninety, relating to the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, Secretaries, Inspectors, and other Officers, were continued from Time to Time, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-eight, such Provisions were further continued until the Twenty-third Day of *July* One thousand eight hundred and sixty-one, and thenceforth until the End of the present Session of Parliament ; and it is expedient that the Commission for administering the Law for the Relief of the Poor in *Ireland*, as constituted under the said Act and an Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, should be further continued for a limited Time :’ Therefore the Commissioners appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the

Appointment of Commissioners administering Laws for Relief of Poor in *Ireland* acting under 10 & 11 Vict. c. 90., &c. further continued.

*Poor Relief (Ireland).**Excise Duties.*

Authority of the said last-mentioned Acts or either of them, together with every Person by the said Acts or either of them constituted by virtue of his Office such Commissioner, and every Inspector and other Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said recited Acts now in force, shall, unless he shall previously resign or be removed, or otherwise cease to hold his Office, be empowered to hold his Office and exercise the Powers thereof, under the said last-mentioned Acts or either of them, until the Twenty-third Day of *July* One thousand eight hundred and sixty-three, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said Acts or either of them is described, some other fit Person to the said Office.

C A P. LXXXIV.

An Act to continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise. [7th August 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter mentioned; and do therefore most humbly beseech 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:

1. The Duties of Excise on Sugar made in the United Kingdom specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the First Day of *July* One thousand eight hundred and sixty-three.

2. 'And whereas an Act was passed in the Twenty-third and ' Twenty-fourth Years of Her Majesty's Reign, Chapter One ' hundred and fourteen, to reduce into One Act and to amend ' the Excise Regulations relating to the distilling, rectifying, and ' dealing in Spirits; and by the said Act certain Acts and Parts ' of Acts specified in Schedule (C.) thereto annexed were repealed, ' and Doubts may arise whether by such Repeal other Duties than ' those

Excise Duties on British Sugar continued until 1st July 1863.

23 & 24 Vict. c. 114. not to affect any other Duties than the Excise Duties on Spirits.

*Excise Duties.**Moveable Property (Scotland).*

‘ those of Excise on Spirits and the Regulations for charging and collecting the same may not have been prejudiced or affected contrary to the true Intent and Meaning of the said last-recited Act :’ Be it enacted and declared, That nothing in the said last-recited Act or the said Schedule contained shall be construed, deemed, or taken to have repealed or affected any Duties of Excise in force at the Time of the passing of the same Act, or the Regulations for charging or collecting the same, except as to the Duties of Excise on Spirits, and all such Duties and Regulations in force as aforesaid, except as aforesaid, are hereby declared to have remained and shall continue to be and remain in full Force and Effect, and the said Duties to have been and to be lawfully charged and chargeable in like Manner as they would have been if the said last-recited Act had not been passed, unless or until the same have been or shall be otherwise expressly repealed.

C A P. LXXXV.

An Act to facilitate the Transmission of Moveable Property in Scotland. [7th August 1862.]

‘ **WHEREAS** it is expedient to facilitate the Transmission of Moveable Estate in *Scotland* :’ 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 :

1. From and after the passing of this Act, it shall be competent to any Party, in right of a Personal Bond or of a Conveyance of Moveable Estate, to assign such Bond or Conveyance by Assignment in or as nearly as may be in the Form set forth in Schedule A. hereto annexed ; and it shall be competent to write the Assignations or Assignations on the Bond or Conveyance itself in or as nearly as may be in the Form set forth in Schedule B. hereto annexed ; which Assignment shall be registrable in the Books of any Court, in Terms of any Clause of Registration contained in the Bond or Conveyance so assigned ; and such Assignment, upon being duly stamped and duly intimated, shall have the same Force and Effect as a duly stamped and duly intimated Assignment according to the Forms at present in use.

2. An Assignment shall be validly intimated (1) by a Notary Public delivering a Copy thereof, certified as correct, to the Person or Persons to whom Intimation may in any Case be requisite, or (2) by the Holder of such Assignment, or any Person authorized by him, transmitting a Copy thereof certified as correct by Post to such Person ; and (in the First Case) a Certificate by such Notary Public in or as nearly as may be in the Form set forth in Schedule C. hereto annexed, and (in the Second Case) a written Acknowledgment by the Person to whom such Copy may have been transmitted by Post as aforesaid of the Receipt of the Copy, shall be sufficient Evidence of such Intimation having been duly made : Provided always, that if the Deed or Instrument containing such Assignment shall likewise contain

Personal Bond or Conveyance of Moveable Estate may be assigned in the Form set forth in Schedule A.

Certified Copy to be delivered to Person or Persons to whom Intimation may in any Case be requisite.

Moveable Property (Scotland).

other Conveyances or Declarations of Trust Purposes, it shall not be necessary to deliver or transmit a full Copy thereof, but only a Copy of such Part thereof as respects the Subject Matter of such Assignment.

As to Transmission of Personal Bond, &c.

3. Nothing in this Act contained shall prevent the Transmission of any Personal Bond or Conveyance of Moveable Estate, or the Intimation of any Assignment according to the Forms at present in use.

Interpretation of Terms.

4. The following Words in this Act, and in the Schedules annexed to this Act, shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Bond" and the Word "Conveyance" shall extend to and include Personal Bonds for Payment or Performance, Bonds of Caution, Bonds of Guarantee, Bonds of Relief, Bonds and Assignations in Security of every Kind, Decrees of any Court, Policies of Assurance of any Assurance Company or Association in *Scotland*, whether held by Parties resident in *Scotland* or elsewhere, Protests of Bills or of Promissory Notes, Dispositions, Assignations, or other Conveyances of Moveable or Personal Property or Effects, Assignations, Translations, and Retrocessions, and also Probative Extracts of all such Deeds from the Books of any competent Court; the Word "Assignment" shall also include Translations and Retrocessions, and Probative Extracts thereof; the Words "Moveable Estate" shall extend to and include all Personal Debts and Obligations, and Moveable or Personal Property or Effects of every Kind.

Short Title.

5. This Act may be cited for all Purposes as the "Transmission of Moveable Property (*Scotland*) Act, 1862."

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

I *A.B.*, in consideration of, &c. [*or otherwise, as the Case may be*], do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise, as the Case may be*], the Bond [*or other Deed, describing it*], granted by *E.F.*, dated, &c., by which [*here specify the Nature of the Deed, and specify also any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right required.*] In witness whereof, &c.

[*Insert Testing Clause in usual Form.*]

SCHEDULE B.

I *A.B.*, in consideration of, &c. [*or otherwise, as the Case may be*], do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise, as the Case may be*], the foregoing [*or within-written*] Bond [*or other Writ or Deed, describing it*], granted in my Favour [*or otherwise, as the Case may be, specifying any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right assigned*]. In witness whereof, &c.

[*Insert Testing Clause in usual Form.*]

*Moveable Property (Scotland).**Lunacy Regulation.*

SCHEDULE C.

I (A) of the City of
 Notary Public, do hereby attest and declare, That upon the
 Day of and between the Hours
 of and I duly intimated to B. [*here describe the Party*]
 the within written Assignation [*or otherwise, as the Case may be*],
 or an Assignation granted by [*here describe it*], and that by delivering to the said A. personally [*or otherwise*]
 by leaving for the said A. within his Dwelling House at E., in the Hands of [*here describe the Party*], a full Copy thereof, [*or if a partial Copy here quote the Portion of the Deed which has been delivered*], to be given to him; all of which was done in presence of C. and D. [*here name and describe the Two Witnesses*], who subscribe this Attestation along with me. In witness whereof.

[*Insert Testing Clause in usual Form, to be subscribed by the Party and the Two Witnesses.*]

C A P. LXXXVI.

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes. [7th August 1862.]

‘ WHEREAS it is expedient to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Persons found lunatic by Inquisition, and to make the other Provisions herein-after contained with respect to certain Officers in Lunacy, and otherwise: 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. This Act may be cited as “The Lunacy Regulation Act, 1862.” Short Title.

2. In this Act, unless there be something in the Subject Matter or Context repugnant to the Construction, the following Terms shall have the Meanings herein-after assigned to them : Interpretation.

The Expression “the Lord Chancellor intrusted as aforesaid” and the several other Expressions and Words mentioned and referred to in the Second Section of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Seventy, intituled *An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition and their Estates*, shall be read and construed according to the Interpretations thereof contained in the said Section :

And generally the Provisions of the said Act (except so far as the same are altered by or are inconsistent with this Act) shall

Lunacy Regulation.

shall extend and apply to the several Cases and Matters provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Act.

3. The Inquiry to be made under every Order for Inquiry or Commission of Lunacy or Issue shall be confined to the Question whether or not the Person who is the Subject of the Inquiry is at the Time of such Inquiry of unsound Mind, and incapable of managing himself or his Affairs, and no Evidence as to anything done or said by such Person, or as to his Demeanour or State of Mind at any Time being more than Two Years before the Time of the Inquiry, shall be receivable in Proof of Insanity on any such Inquiry, or on the Trial of any Traverse of an Inquisition, unless the Judge or Master shall otherwise direct.

4. Wherever, under the said Act, the Lord Chancellor intrusted as aforesaid shall order an Inquiry before a Jury, he may by his Order direct an Issue to be tried in One of Her Majesty's Superior Courts of Common Law at *Westminster*, and the Question in such Issue shall be, whether the alleged insane Person is of unsound Mind and incapable of managing himself or his Affairs; and the Provisions of the said Act with respect to Commissions of Lunacy, and Orders for Inquiry to be tried by a Jury, and the Trial thereof, and the Constitution of the Jury, shall apply to any Issue to be directed as aforesaid, and the Trial thereof, and subject thereto such Issue and the Trial thereof shall be regulated by the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and nine, intituled *An Act to amend the Law concerning Games and Wagers*, and the Verdict upon any such Issue, finding the alleged insane Person to be of unsound Mind and incapable of managing himself or his Affairs shall have the same Force to all Intents and Purposes as an Inquisition under a Commission of Lunacy, finding a Person to be of unsound Mind and incapable of managing himself or his Affairs, returned into the Court of Chancery.

5. Where in any Act of Parliament, Order, Rule of Court, or Instrument Reference is made to a Commission of Lunacy, or the Inquisition thereon, the Issue hereby authorized to be directed, and the Verdict thereon, operating as an Inquisition, shall be deemed to be intended by or comprehended in the Reference.

6. On the Trial of every such Issue as last aforesaid the alleged insane Person shall, if he is within the Jurisdiction, be examined before the taking of the Evidence is commenced, and at the Close of the Proceedings, before the Jury consult as to their Verdict, unless the presiding Judge shall otherwise direct; and such Examinations of the alleged insane Person shall take place either in open Court or in private as such Judge shall direct.

7. No Person shall be entitled to a Traverse of any Inquisition made under any such Order as aforesaid upon the Oath of a Jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a Petition being presented to him within Three Months next after the Trial of any such

Nature and Limit of Inquiry under Commissions of Lunacy.

Inquiries before a Jury to be made by means of an Issue to One of the Superior Courts of Common Law.

Reference in other Acts to Inquisition to apply to Verdict on Issue.

Examination of alleged Lunatic on the holding of the Inquisition.

No Traverse of an Inquisition made by One of the Judges of the Superior Courts and by

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Issue, to order that a new Trial shall be had of such Issue or a new Inquiry made as to the Insanity of such Person, subject to such Directions and upon such Conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

Sections One hundred and forty-eight, One hundred and forty-nine, and One hundred and fifty of the said Act (which Sections relate to Petitions and Orders for the Traverse of Inquisitions) shall not apply to any Case coming within the last preceding Section of this Act.

Section One hundred and fifty-one of the said Act shall apply to all Proceedings taken, Orders made, and Things done, pending a new Trial or new Inquiry or the Petition for the same, in the same Manner as is provided by the said Section with respect to such Matters pending a Traverse or the Petition for the same.

8. And with reference to Inquiries before the Master without a Jury, and the Right of the alleged Lunatic to demand an Inquiry by a Jury, be it enacted, upon the Hearing of any Petition for Inquiry it shall be lawful for the alleged Lunatic, by himself, his Counsel or Solicitor, orally, or by Petition addressed to the Lord Chancellor intrusted as aforesaid, to demand an Inquiry by a Jury, and such Demand shall have the same Effect as if made by Notice filed with the Registrar in accordance with the Provisions of the said Act.

a Jury to be granted, but new Trial may be ordered by the Lord Chancellor.

Demand of Inquiry by Jury.

9. Upon such Hearing the alleged Lunatic may, by himself, his Counsel or Solicitor, orally, or by Petition as aforesaid, withdraw any Notice of demanding an Inquiry by a Jury previously filed by him.

Demand of Inquiry by Jury may be withdrawn.

10. And with respect to the superseding of Commissions, be it enacted, That if it shall appear to the Lord Chancellor that it is not expedient or for the Benefit of the Lunatic that the Commission should be unconditionally superseded, but that same should be superseded on Terms and Conditions, he may, upon the Consent of the Lunatic and such other Persons, if any, whose Consent he may deem necessary, order the Commission to be superseded upon such Terms and Conditions as he shall think proper; and all the Provisions contained in "The Lunacy Regulation Act, 1853," in relation to the superseding of the Commission in Cases where a Traverse has been applied for, and to the Proceedings for the fulfilling of such Terms and Conditions, shall apply to all Cases in which the Commission shall be superseded upon Terms and Conditions under the Provisions herein contained.

Commission may be superseded on Conditions.

11. It shall be lawful for the Lord Chancellor intrusted as aforesaid to order the Costs, Charges, and Expenses of and incidental to the Presentation of any Petition for a Commission in the Nature of a Writ De lunatico inquirendo, or for any Order of Inquiry under "The Lunacy Regulation Act, 1853," and of and incidental to the Prosecution of any Inquiry, Inquisition, Issue, Traverse, or other Proceeding consequent upon such Commission or Order, to be paid either by the Party or Parties who shall have presented such Petition, or by the Party or Parties opposing such Petition, or out of the Estate of the alleged

Lord Chancellor may order Costs.

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Lunatic, or partly in one way and partly in another, as the Lord Chancellor intrusted as aforesaid shall in each Case think proper; and such Order shall have the same Force and Effect as Orders for the Payment of Money made by the High Court of Chancery in Cases within its Jurisdiction.

As to Property of insane Persons when of small Amount.

Power to Lord Chancellor, where Property of Lunatic does not exceed 1,000*l.* in Value or 50*l.* per Ann., to apply it for his Benefit in a summary Manner, &c.

In order that the Property of insane Persons when the same is of small Amount may be applied for their Benefit in a summary and inexpensive Manner, be it enacted as follows :

12. Where, by the Report of One of the Masters in Lunacy or of the Commissioners in Lunacy, or by Affidavit or otherwise, it is established to the Satisfaction of the Lord Chancellor intrusted as aforesaid that any Person is of unsound Mind and incapable of managing his Affairs, and that his Property does not exceed One thousand Pounds in Value, or that the Income thereof does not exceed Fifty Pounds *per Annum*, the Lord Chancellor intrusted as aforesaid may, without directing any Inquiry under a Commission of Lunacy, make such Order as he may consider expedient for the Purpose of rendering the Property of such Person, or the Income thereof, available for his Maintenance or Benefit or for carrying on his Trade or Business : Provided nevertheless, that the alleged insane Person shall have such personal Notice of the Application for such Order as aforesaid as the Lord Chancellor shall by General Order to be made as after mentioned direct.

Power to sell Land or other Property of Lunatic for his Benefit.

13. For the Purpose of giving effect to any such Order as is mentioned in the last preceding Section the Lord Chancellor intrusted as aforesaid may order any Land, Stock, or other Property of such Person as aforesaid to be sold, charged by way of Mortgage, or otherwise disposed of, and a Conveyance, Transfer, Charge, or other Disposition thereof to be executed or made by any Person on his Behalf, and may order the Proceeds of any such Sale, Charge, or other Disposition, or the Dividends or Income of such Land, Stock, or Property, to be paid to any Relative of such insane Person, or to such other Person as it may be considered proper to trust with the Application thereof, to be by him applied in the Maintenance or for the Benefit of the insane Person, or of him and his Family, either at the Discretion of such Relative or Person, or in such Manner, and subject to such Control, and with or without such Security for the Application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the Purpose above mentioned the Lord Chancellor intrusted as aforesaid shall have all the same Powers with respect to the Transfer, Sale, and Disposition of, and otherwise respecting, the Real and Personal Property of such Person as aforesaid as if he had been found lunatic by Inquisition.

Power to make General Orders, to carry into effect the last preceding Section.

14. The Lord Chancellor may from Time to Time make such General Orders as he may think fit for regulating the Procedure to be adopted and the Duties to be performed by the Masters and Officers in Lunacy for obtaining such Reports as aforesaid, and for carrying the Objects of the Two last preceding Sections into effect, and for vesting in such Masters and Officers such Powers

Lunacy Regulation.

as the Lord Chancellor may consider expedient for the Purposes aforesaid.

15. Where any Person has, on the Trial of any Indictment, been acquitted on the Ground of Insanity, it shall be lawful for the Lord Chancellor intrusted as aforesaid, on being satisfied by Affidavit or otherwise of the continued Insanity of such Person, and of his being still in Confinement, to make any such Order with respect to the Property of such Person, and the Application thereof for his Maintenance or Benefit, or that of his Family, or for carrying on his Trade or Business, as is mentioned in the Three last preceding Sections of this Act.

Power to apply Property of Persons acquitted on the Ground of Insanity for their Benefit.

And for the Purpose of extending the Powers over the Property of Lunatics given by Section One hundred and sixteen of the said Act, be it enacted as follows :

Charging Orders.

16. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, he may by Order direct any Estate or Interest of the Lunatic in Land or Stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future Time, to stand and be charged with any Monies advanced or to be advanced, or due or to become due, to any Person for or in respect of any of the Purposes or Matters mentioned in the said Section, and either with or without Interest on such Monies ; and he may also by Order direct any such Estate and Interest to be dealt with and disposed of in such Manner as he shall consider expedient for any of the Purposes aforesaid, or for securing any Monies advanced or to be advanced for such Purposes or any of them, and with or without Interest for the same ; and every Charge and Disposition directed or made by or in pursuance of any such Order shall be valid and effectual to all Intents and Purposes, and shall take effect accordingly, subject only to any prior Charge to which the Estate or Interest affected thereby may at the Date of such Order be subject.

Extending Powers of charging Lunatic's Property for his Maintenance, Debts, and Costs.

General.

17. Every Conveyance, Transfer, Charge, or other Disposition made or executed by virtue of this Act, and every Payment made in pursuance of this Act, shall be valid to all Intents, and binding upon all Persons whomsoever ; and this Act shall be a full Indemnity and Discharge to the Governor and Company of the Bank of *England*, their Officers and Servants, and all other Persons respectively, for all Acts and Things done or permitted to be done in pursuance thereof, or of any Order of the Lord Chancellor intrusted as aforesaid made or purporting to be made under this Act ; and such Acts and Things respectively shall not be questioned or impeached in any Court of Law or Equity to their Detriment.

All Deeds, &c. made in pursuance of this Act to be binding. Indemnity to the Bank of *England*, &c.

18. To give further and better Effect to the Fifty-fifth, Fifty-sixth, and Sixtieth Sections of the said Act, respecting the Attendance of Witnesses before the said Masters, the Masters may in the Matter of any Lunatic or alleged Lunatic compel by Summons the Attendance of any Person to give Evidence before them, whether such Person has or has not previously given Evidence by Affidavit ; and every Person so summoned shall be

Power to Masters to summon Witnesses.

Lunacy Regulation.

bound to attend as required by the Summons, and give Evidence before the said Masters, in like Manner as is provided by the Sixtieth Section of the said Act in the Case of Persons who have given Evidence by Affidavit.

And with respect to the visiting of Lunatics, be it enacted as follows :

Visiting.

Duties of
Visitors.

19. It shall be the Duty of the Visitors to visit Persons of unsound Mind within the Meaning of this Act at such Times and in such Rotation and Manner, and to make such Inquiries and Investigations as to their Care and Treatment and mental and bodily Health, and the Arrangements for their Maintenance and Comfort, and otherwise respecting them, as the Lord Chancellor shall by General Orders, or as the Lord Chancellor intrusted as aforesaid shall by Special Order in any particular Case from Time to Time direct.

All Lunatics to
be visited Four
Times a Year.

20. Provided always, That from and after the First Day of *October* next every Lunatic shall be personally visited and seen by One of the said Visitors Four Times at least in every Year, and such Visits shall be so regulated as that the Interval between successive Visits to any such Lunatic shall in no Case exceed Four Months : Provided always, that Lunatics who are resident in licensed Houses, Asylums, or registered Hospitals shall not necessarily be visited by any of the said Visitors more than once in the Year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

Visitors also to
visit alleged
Lunatics, and
make a Report,
&c. to the
Lord Chan-
cellor.

21. The Visitors shall also visit such Persons alleged to be insane, and shall make such Inquiries and Reports in reference to them as the Lord Chancellor intrusted as aforesaid may direct, and at the Expiration of every Six Calendar Months they shall report to the Lord Chancellor the Number of Visits which they shall have made, the Number of Patients they shall have seen, and the Number of Miles they shall have travelled during such Months, and shall on the First Day of *January* in each Year make a Return to the Lord Chancellor of all Sums received by them for travelling Expenses, or upon any other Account ; and a Copy of such Reports, showing the Number of Visits made, the Number of Patients seen, and the Number of Miles travelled, and also a Copy of such Return of Sums received for travelling Expenses, or upon any other Account, shall be laid before Parliament on or before the First Day of *February* in each Year, if Parliament be then sitting, and if not, within Twenty-one Days next after the Commencement of the next Session of Parliament.

16 & 17 Vict.
c. 70. ss. 104,
105. repealed.

22. Sections One hundred and four and One hundred and five of the said Act (which Sections relate to the visiting of Lunatics) are hereby repealed.

*Officers in
Lunacy.*

Lord Chancellor
may allow
Pensions to pre-
sent Visitors.

23. The Lord Chancellor may, if he shall so think fit, on a Petition presented to him for that Purpose, order Annuities, not exceeding One Half of their respective Salaries, to be paid to the present Medical Visitors or either of them, in case they or either of them shall be desirous of retiring from the Offices held by them, they having already attained the respective Ages of Seventy-eight and Eighty-one Years, and having served as such
Medical

Lunacy Regulation. Industrial and Provident Societies.

Medical Visitors for Twenty-eight and Twenty Years respectively.

24. The Medical Visitors to be hereafter appointed and the Legal Visitor shall hold their Offices during their good Behaviour, but may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of their Duties, or of their being disabled from performing the same, and they shall receive Salaries of Fifteen hundred Pounds each, and shall not be in any way engaged in the Practice of their respective Professions.

Visitors to hold Office during good Behaviour, and to receive Salaries, &c.

25. Such Clerks to the Visitors may from Time to Time be appointed by the Lord Chancellor and at such Salaries as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct: So much of Section Twenty-three of the said Act as refers to the Clerk of the Secretary to the said Visitors is hereby repealed.

Clerks to the Visitors.

26. The Lord Chancellor may, if he shall so think fit, order to be paid to any Officer who has served for Twenty Years in any Office or Offices in Lunacy, and who shall be above Sixty Years of Age, and shall be desirous of retiring, or who is disabled by permanent Infirmary from the Performance of his Duties, such Superannuation Allowance, not exceeding Two Thirds of the Salary payable to such Officer or Person at the Time of his Resignation, as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, may approve.

Superannuation Allowances to Officers in Lunacy.

27. All Annuities and Salaries ordered to be paid in pursuance of this Act shall be payable out of "The Suitors Fee Fund Account" mentioned in the said Act, and at the Times and in the Manner directed by the Twenty-fifth Section of the said Act.

Payment of Pensions and Salaries.

28. The Registrar in Lunacy shall hold his Office during good Behaviour, and may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of his Duties or his being disabled from performing the same.

Registrar to hold Office during good Behaviour.

And with respect to Orders in Lunacy, be it enacted as follows:

Orders.

29. The Accountant General and all other Persons, and the Governor and Company of the Bank of *England*, shall act upon all Office Copies of Orders in Lunacy purporting to be signed by the Registrar in Lunacy, and sealed with the Seal of his Office, in the same Manner as such Persons are by Section One hundred and one of the said Act required to act upon Office Copies of Reports confirmed by Fiat.

Office Copies of Orders to be acted upon by Accountant General and others.

C A P. LXXXVII.

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies. [7th August 1862.]

‘ WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, that it shall be lawful for any Number of Persons to establish a Society under the Provisions thereof and of the therein-recited Act, for the Purpose of raising by voluntary

15 & 16 Vict. c. 31.

Industrial and Provident Societies.

‘ voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies or by the said recited Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of *Great Britain and Ireland*, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and that the said Act shall apply to all Societies already established for any of the Purposes herein mentioned, so soon as they shall conform to the Provisions hereof: And whereas by an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Twenty-five, various Provisions were made for the better enabling legal Proceedings to be carried on in any Matter concerning the Societies formed under the said Act of 1852: And whereas the last-mentioned Act was amended by an Act passed in the First Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter Forty: And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies:’ 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:

Recited Acts repealed.

1. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from the passing of this Act.

As to Societies registered under recited Acts.

2. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be entitled to obtain a Certificate of Registration on Application to the Registrar of Friendly Societies, and for which Certificate no Fee shall be payable to the Registrar.

Constitution of Societies under this Act.

3. Any Number of Persons, not being less than Seven, may establish a Society under this Act for the Purpose of carrying on any Labour, Trade, or Handicraft, whether wholesale or retail, except the working of Mines and Quarries, and except the Business of Banking, and of applying the Profits for any Purposes allowed by the Friendly Societies Acts, or otherwise permitted by Law.

Rules.

4. The Rules of every such Society shall contain Provisions in respect of the several Matters mentioned in the Schedule annexed to this Act.

Registration of Society.

5. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of *England, Scotland, or Ireland*, according to the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by the Friendly Societies Act, 1855; and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and

Industrial and Provident Societies.

and thereupon the Members of such Society shall become a Body Corporate, by the Name therein described, having a perpetual Succession and a Common Seal, with Power to hold Lands and Buildings, with limited Liability.

6. The Certificate of Registration shall vest in the Society all the Property that may at the Time be vested in any Person in trust for the Society ; and all legal Proceedings then pending by or against any such Trustee or other Officer on account of the Society may be prosecuted by or against the Society in its registered Name without Abatement.

Certificate to vest all Property in Society now held in trust.

7. A Copy of the Rules shall be delivered by the Society to every Person, on Demand, on Payment of a Sum not exceeding One Shilling.

Copy of Rules on Demand.

8. No Society shall be registered under a Name identical with that by which any other existing Society has been registered, or so nearly resembling such Name as to be likely to deceive the Members or the Public, and the Word "Limited" shall be the last Word in the Name of every Society registered under this Act.

No Society to be registered by same Name as that of any existing Society.

9. No Member shall be entitled, in any Society registered under this Act, to hold or claim any Interest exceeding the Sum of Two hundred Pounds.

Member's Interests limited to 200*l.*

10. Every Society registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

Publication of Name by a Society.

11. If any Society under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed ; and if any Officer of such Society or any Person on its Behalf uses any Seal purporting to be a Seal of the Society whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf of such Society any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Society, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money

Penalties on Non-publication of Name, &c.

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or Goods, for the Amount thereof, unless the same is duly paid by the Society.

Every Society to have a registered Office.

Penalty on Default.

12. Every Society under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Society registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

13. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Society shall not be deemed to have complied with the Provisions of this Act.

Signature and Effect of Rules.

14. The Rules of every Society registered under this Act shall bind the Society, and the Members thereof, to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Rules contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to such Rules subject to the Provisions of this Act; and all Monies payable by any Member to the Society in pursuance of such Rules shall be deemed to be a Debt due from such Member to the Society.

Application of Friendly Societies Acts to this Act.

15. The Provisions of the Friendly Societies Acts shall apply to Societies registered under this Act in the following Particulars:

Exemption from Stamp Duties and Income Tax:

Settlements of Disputes by Arbitration or Justices:

Compensation to Members unjustly excluded:

Power of Justices or County Courts in case of Fraud:

Jurisdiction of the Registrar.

Power to Member to nominate Persons into whose Name his Interest may be transferred at his Death.

16. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to allow any Member thereof to nominate any Persons into whose Name his Interest in such Society at his Decease shall be transferred: Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest.

As to the Winding-up of Societies.

17. Any Society registered under this Act may be wound up either by the Court or voluntarily, in the same Manner and under the same Circumstances under and in which any Company may be wound up under any Acts or Act for the Time being in force for winding up Companies; and all the Provisions of such Acts or Act with respect to winding up shall apply to such Society, with this Exception, that the Court having Jurisdiction in the Winding-up shall be the County Court of the District in which the Office of the Society is situated.

Dissolution of Society not to prevent winding up of its Affairs.

18. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the

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the Intent that such Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

19. The Provisions of the Joint Stock Companies Acts as to Bills of Exchange and the Admissibility of the Register of Shares in Evidence shall apply to all Societies registered under this Act. Joint Stock Companies Acts to apply.

20. In the event of a Society registered under this Act being wound up, every present and past Member of such Society shall be liable to contribute to the Assets of the Society to an Amount sufficient for Payment of the Debts and Liabilities of the Society, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following ; (that is to say,)

- (1.) No past Member shall be liable to contribute to the Assets of the Society if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up :
- (2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Society contracted after the Time at which he ceased to be a Member :
- (3.) No past Member shall be liable to contribute to the Assets of the Society unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in order to satisfy all just Demands upon such Society :
- (4.) No Contribution shall be required from any Member exceeding the Amount (if any) unpaid on the Shares in respect of which he is liable as a past or present Member.

21. Any Society registered under this Act may be constituted a Company under the Companies Acts, by conforming to the Provisions set forth in such Act, and thereupon shall cease to retain its Registration under this Act. Society may be constituted under Companies Acts.

22. Every Person or Member having an Interest in the Funds of any Society registered under this Act may inspect the Books and the Names of the Members at all reasonable Hours at the Office of the Society. Members may inspect Books.

23. The Sheriff in *Scotland* shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act. Sheriffs Jurisdiction in Scotland.

24. A General Statement of the Funds and Effects of any Society registered under this Act shall be transmitted to the Registrar once in every Year, and shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars as the Registrar shall from Time to Time require ; and the Registrar shall have Authority to require such Evidence as he may think expedient of all Matters required to be done, and of all Documents required to be transmitted to him. Annual Returns to be prepared as Registrar may direct.

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him under this Act ; and every Member of or any Depositor in any such Society shall be entitled to receive, on Application to the Treasurer or Secretary of that Society, a Copy of such Statement, without making any Payment for the same.

Recovery of Penalties.

25. All Penalties imposed by this Act, or by the Rules of any Society registered under this Act, may be recovered in a summary Manner before Two Justices, as directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present 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.*

Short Title.

26. This Act may be cited as "The Industrial and Provident Societies Act, 1862."

SCHEDULE of Matters to be provided for in the Rules.

1. Object and Name, and Place of Office of the Society, which must in all Cases be registered as One of limited Liability.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of Voting, and of making or altering Rules.
4. Determination whether the Shares shall be transferable, and in case it be determined that the Shares shall be transferable, Provision for the Form of Transfer and Registration of Shares and for the Consent of the Committee of Management and Confirmation by the General Meeting of the Society ; and in case Shares shall not be transferable, Provision for paying to Members Balance due to them on withdrawing from the Society.
5. Provision for the Audit of Accounts.
6. Power to invest Part of Capital in another Society ; provided that no such Investment be made in any other Society not registered under this Act, or the Joint Stock Companies Act, as a Society or Company with limited Liability.
7. Power and Mode of withdrawing from the Society, and Provisions for the Claims of Executors, Administrators, or Assigns of Members.
8. Mode of Application of Profits.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.

C A P. LXXXVIII.

An Act to amend the Law relating to the fraudulent marking of Merchandise. [7th August 1862.]

WHEREAS it is expedient to amend the Laws relating to the fraudulent marking of Merchandise, and to the Sale of Merchandise falsely marked for the Purpose of Fraud : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal,

Merchandise Marks.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Construction
of Words.

1. In the Construction of this Act the Word "Person" shall include any Person, whether a Subject of Her Majesty or not, and any Body Corporate or Body of the like Nature, whether constituted according to the Law of this Country or of any of Her Majesty's Colonies or Dominions, or according to the Law of any Foreign Country, and also any Company, Association, or Society of Persons, whether the Members thereof be Subjects of Her Majesty or not, or some of such Persons Subjects of Her Majesty and some of them not, and whether such Body Corporate, Body of the like Nature, Company, Association, or Society be established or carry on Business within Her Majesty's Dominions or elsewhere, or partly within Her Majesty's Dominions and partly elsewhere ; the Word "Mark" shall include any Name, Signature, Word, Letter, Device, Emblem, Figure, Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark of any other Description ; and the Expression "Trade Mark" shall include any and every such Name, Signature, Word, Letter, Device, Emblem, Figure, Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark as aforesaid lawfully used by any Person to denote any Chattel, or (in *Scotland*) any Article of Trade, Manufacture, or Merchandise, to be an Article or Thing of the Manufacture, Workmanship, Production, or Merchandise of such Person, or to be an Article or Thing of any peculiar or particular Description made or sold by such Person, and shall also include any Name, Signature, Word, Letter, Number, Figure, Mark, or Sign which in pursuance of any Statute or Statutes for the Time being in force relating to registered Designs is to be put or placed upon or attached to any Chattel or Article during the Existence or Continuance of any Copyright or other sole Right acquired under the Provisions of such Statutes or any of them ; the Word "Misdemeanor" shall include Crime and Offence in *Scotland* ; and the Word "Court" shall include any Sheriff or Sheriff Substitute in *Scotland*.

2. Every Person who, with Intent to defraud, or to enable another to defraud any Person, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any Trade Mark, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article not being the Manufacture, Workmanship, Production, or Merchandise of any Person denoted or intended to be denoted by such Trade Mark, or denoted or intended to be denoted by such forged or counterfeited Trade Mark, or not being the Manufacture, Workmanship, Production, or Merchandise of any Person whose Trade Mark shall be so forged or counterfeited, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article, not being the particular or peculiar Description of Manufacture, Workmanship, Production, or Merchandise denoted or intended to be denoted by such Trade Mark or by such forged or counterfeited Trade Mark, shall be guilty of a Misdemeanor,

Forging a
Trade Mark or
falsely apply-
ing any Trade
Mark with In-
tent to defraud,
a Misdemeanor.

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and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every Chattel and Article belonging to such Person to which he shall have so unlawfully applied, or caused or procured to be applied, any such Trade Mark or forged or counterfeited Trade Mark as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark, or forged or counterfeited Trade Mark as aforesaid, shall have been so applied, and every Instrument in the Possession or Power of such Person for applying any such Trade Mark or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty ; and the Court before which any such Misdemeanor shall be tried may order such forfeited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

Applying a forged Trade Mark to any Vessel, Case, Wrapper, &c. in or with which any Article is sold or intended to be sold, a Misdemeanor.

3. Every Person who, with Intent to defraud, or to enable another to defraud any Person, shall apply or cause or procure to be applied any Trade Mark or any forged or counterfeited Trade Mark to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, on, or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or exposed for Sale, or intended for any Purpose of Trade or Manufacture, or shall enclose or place any Chattel or Article, or cause or procure any Chattel or Article to be enclosed or placed, in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall apply or attach or cause or procure to be applied or attached to any Chattel or Article any Case, Cover, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall enclose, place, or attach any Chattel or Article, or cause or procure any Chattel or Article to be enclosed, placed, or attached, in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person, shall be guilty of a Misdemeanor, and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every such Chattel and Article, and also every such Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid in the Possession or Power of such Person ; and every other similar Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing made to be used in like Manner as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark or forged or counterfeited Trade Mark as aforesaid shall have been applied, and also every Instrument in the Possession or Power of such Person for applying any such Trade Mark or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty ; and the Court before which any such Misdemeanor shall be tried may order such forfeited

Merchandise Marks.

feited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

4. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose either for Sale or for any Purpose of Trade or Manufacture, or cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, which he shall know to be forged or counterfeited, or together with the Trade Mark of any other Person applied or used falsely or wrongfully or without lawful Authority or Excuse, knowing such Trade Mark of another Person to have been so applied or used as aforesaid, and that whether any such Trade Mark or forged or counterfeited Trade Mark as aforesaid, together with which any such Chattel or Article shall be sold, uttered, or exposed for Sale or other Purpose as aforesaid, shall be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, upon, about, or with which such Chattel or Article shall be so sold or uttered or exposed for Sale or other Purpose as aforesaid, shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold, uttered, offered, or exposed for Sale or other Purpose as aforesaid, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

5. Every Addition to and every Alteration of, and also every Imitation of any Trade Mark which shall be made, applied, or used with Intent to defraud, or to enable any other Person to defraud, or which shall cause a Trade Mark with such Alteration or Addition, or shall cause such Imitation of a Trade Mark to resemble any genuine Trade Mark so or in such Manner as to be calculated or likely to deceive, shall be and be deemed to be a false, forged, and counterfeited Trade Mark within the Meaning of this Act; and every Act of making, applying, or otherwise using any such Addition to or Alteration of a Trade Mark, or any such Imitation of a Trade Mark as aforesaid done by any Person with Intent to defraud, or to enable any other Person to defraud, shall be and be deemed to be forging and counterfeiting a Trade Mark within the Meaning of this Act.

6. Where any Person who, at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall have sold, uttered, or exposed for Sale or other Purpose as aforesaid, or shall have caused or procured to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, or together with the Trade Mark of any other Person used without lawful Authority or Excuse as aforesaid, and that whether any such Trade Mark, or such forged or counterfeited Trade Mark as aforesaid, be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing

Selling Articles with forged or false Trade Marks after 31st December 1863, Penalty equal to Value of Article sold, and a Sum not exceeding 5*l.* nor less than 10*s.*

Additions to and Alterations of Trade Marks made with Intent to defraud to be deemed Forgeries.

Any Person who, after 31st December 1863, shall have sold an Article having a false Trade Mark to be bound to give Information where he procured it;

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Thing in, upon, about, or with which such Chattel or Article shall have been sold or exposed for Sale, such Person shall be bound upon Demand in Writing delivered to him or left for him at his last known Dwelling House or at the Place of Sale or Exposure for Sale by or on the Behalf of any Person whose Trade Mark shall have been so forged or counterfeited, or used without lawful Authority or Excuse as aforesaid, to give to the Person requiring the same, or his Attorney or Agent, within Forty-eight Hours after such Demand, full Information in Writing of the Name and Address of the Person from whom he shall have purchased or obtained such Chattel or Article, and of the Time when he obtained the same; and it shall be lawful for any Justice of the Peace, on Information on Oath of such Demand and Refusal, to summon before him the Party refusing, and on being satisfied that such Demand ought to be complied with to order such Information to be given within a certain Time to be appointed by him; and any such Party who shall refuse or neglect to comply with such Order shall for every such Offence forfeit and pay to Her Majesty the Sum of Five Pounds, and such Refusal or Neglect shall be *primâ facie* Evidence that the Person so refusing or neglecting had full Knowledge that the Trade Mark, together with which such Chattel or Article was sold, uttered, or exposed for Sale or other Purpose as aforesaid, at the Time of such selling, uttering, or exposing was a forged, counterfeited, and false Trade Mark, or was the Trade Mark of a Person which had been used without lawful Authority or Excuse, as the Case may be.

Power to Justices to summon Parties refusing to give Information.

Penalty for Refusal 5*l.*

Marking any false Indication of Quantity, &c. upon an Article with Intent to defraud, Penalty a Sum equal to the Value of the Article and the further Sum not exceeding 5*l.* and not less than 10*s.*

7. Every Person who, with Intent to defraud or to enable another to defraud, shall put or cause or procure to be put upon any Chattel or Article, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing, together with which any Chattel or Article shall be intended to be or shall be sold or uttered or exposed for Sale, or for any Purpose of Trade or Manufacture, or upon any Case, Frame, or other Thing in or by means of which any Chattel or Article shall be intended to be or shall be exposed for Sale, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or any Part thereof, or of the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, or shall put or cause or procure to be put upon any such Chattel or Article, Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing as aforesaid, any Word, Letter, Figure, Signature, or Mark for the Purpose of falsely indicating such Chattel or Article, or the Mode of manufacturing or producing the same, or the Ornamentation, Shape, or Configuration thereof, to be the Subject of any existing Patent, Privilege, or Copyright shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold or uttered or exposed for Sale, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

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8. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose for Sale or for any Purpose of Trade or Manufacture, or shall cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article upon which shall have been, to his Knowledge, put, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or uttered or exposed for Sale or other Purpose as aforesaid, shall have been so put, or upon any Case, Frame, or other Thing used or employed to expose or exhibit such Chattel or Article for Sale shall have been so put, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article or any Part thereof, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, shall for every such Offence forfeit and pay to Her Majesty a Sum not exceeding Five Pounds and not less than Five Shillings.

9. Provided always, That the Provisions of this Act shall not be construed so as to make it any Offence for any Person to apply to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing with which such Chattel or Article shall be sold or intended to be sold, any Name, Word, or Expression generally used for indicating such Chattel or Article to be of some particular Class or Description of Manufacture only, or so as to make it any Offence for any Person to sell, utter, or offer or expose for Sale any Chattel or Article to which, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing sold therewith, any such generally used Name, Word, or Expression as aforesaid shall have been applied.

10. In every Indictment, Pleading, Proceeding, and Document whatsoever in which any Trade Mark shall be intended to be mentioned it shall be sufficient to mention or state the same to be a Trade Mark without further or otherwise describing such Trade Mark, or setting forth any Copy or Fac-simile thereof; and in every Indictment, Pleading, Proceeding, and Document whatsoever in which it shall be intended to mention any forged or counterfeit Trade Mark it shall be sufficient to mention or state the same to be a forged or counterfeit Trade Mark without further or otherwise describing such forged or counterfeit Trade Mark, or setting forth any Copy or Fac-simile thereof.

11. The Provisions in this Act contained of or concerning any Act, or any Proceeding, Judgment, or Conviction for any Act hereby declared to be a Misdemeanor or Offence, shall not nor shall any of them take away, diminish, or prejudicially affect any Suit, Process, Proceeding, Right, or Remedy which any Person aggrieved by such Act may be entitled to at Law, in Equity, or otherwise, and shall not nor shall any of them exempt or excuse any Person from answering or making Discovery upon Examination as a Witness or upon Interrogatories, or otherwise, in any Suit or other Civil Proceeding: Provided always, that no

Selling or exposing for Sale after the 31st December 1863 Articles with false Statement of Quantities, &c., Penally not more than 5*l.* or less than 5*s.*

Provido that it shall not be an Offence to apply Names or Words known to be used for indicating particular Classes of Manufactures.

Description of Trade Marks and forged Trade Marks in Indictments, &c.

Conviction not to affect any Right or Civil Remedy.

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Evidence, Statement, or Discovery which any Person shall be compelled to give or make shall be admissible in Evidence against such Person in support of any Indictment for a Misdemeanor at Common Law or otherwise, or of any Proceeding under the Provisions of this Act.

Intent to defraud, &c. any particular Person need not be alleged in an Indictment, &c. or proved.

12. In every Indictment, Information, Conviction, Pleading, and Proceeding against any Person for any Misdemeanor or other Offence against the Provisions of this Act in which it shall be necessary to allege or mention an Intent to defraud, or to enable another to defraud, it shall be sufficient to allege or mention that the Person accused of having done any Act which is hereby made a Misdemeanor or other Offence did such Act with Intent to defraud, or with Intent to enable some other Person to defraud, without alleging or mentioning an Intent to defraud any particular Person; and on the Trial of any such Indictment or Information for any such Misdemeanor, and on the Hearing of any Information or Charge of or for any such other Offence as aforesaid, and on the Trial of any Action against any Person to recover a Penalty for any such other Offence as aforesaid, it shall not be necessary to prove an Intent to defraud any particular Person, or an Intent to enable any particular Person to defraud any particular Person, but it shall be sufficient to prove with respect to every such Misdemeanor and Offence that the Person accused did the Act charged with Intent to defraud, or with Intent to enable some other Person to defraud, or with the Intent that any other Person might be enabled to defraud.

Persons aiding in Misdemeanor guilty.

13. Every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act made a Misdemeanor shall also be guilty of a Misdemeanor.

Punishment for Misdemeanor under this Act.

14. Every Person who shall be convicted or found guilty of any Offence which is by this Act made a Misdemeanor shall be liable, at the Discretion of the Court and as the Court shall award, to suffer such Punishment by Imprisonment for not more than Two Years, with or without Hard Labour, or by Fine, or both by Imprisonment with or without Hard Labour and Fine, and also by Imprisonment until the Fine (if any) shall have been paid and satisfied.

Recovery of Penalties.

15. In every Case in which any Person shall have committed or done any Offence or Act whereby he shall have forfeited or become liable to pay to Her Majesty any of the Penalties or Sums of Money mentioned in the Provisions of this Act, every such Penalty or Sum of Money shall or may be recovered in *England, Wales, or Ireland* in an Action of Debt, which any Person may as Plaintiff for and on behalf of Her Majesty commence and prosecute to Judgment in any Court of Record, and the Amount of every such Penalty or Sum of Money to be recovered in any such Action shall or may be determined by the Jury (if any) sworn to try any Issue in such Action, and if there shall be no such Jury then by the Court or some other Jury, as the Court shall think fit, or instead of any such Action being commenced such Penalty or Sum of Money shall or may in *England or Wales* be recovered by a summary Proceeding before

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Two Justices of the Peace having Jurisdiction in the County or Place where the Party offending shall reside or have any Place of Business, or in the County or Place in which the Offence shall have been committed ; and shall or may in *Ireland* be recovered in like Manner by Civil Bill in the Civil Bill Court of the County or Place in which the Offence was committed, or in which the Offender shall reside or have any Place of Business ; and shall or may in *Scotland* be recovered by Action before the Court of Session in ordinary Form or by summary Action before the Sheriff of the County where the Offence shall have been committed or the Offender may reside or have any Place of Business, which Sheriff, upon Proof of the Offence, either by the Confession of the Person offending or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable in the Penalty or Penalties aforesaid as also in Expenses ; and it shall be lawful for the Sheriff in pronouncing such Judgment for the Penalty or Penalties and Costs to insert in such Judgment a Warrant in the event of such Penalty or Penalties and Costs not being paid to levy and recover the Amount of the same by Pounding : Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoiling the Defender, to find the Complainer liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Action shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

16. In every Case in which any such Penalty or Sum of Money forfeited to Her Majesty as herein-before mentioned shall be sought to be recovered by a summary Proceeding before Two Justices of the Peace, the Offence or Act by the committing or doing of which such Penalty or Sum of Money shall have been so forfeited shall be and be deemed to be an Offence and Act within the Meaning of a Statute passed in the Twelfth Year of the Reign of Her present Majesty, 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* ; and the Information, Conviction of the Offender, and other Proceedings for the Recovery of the Penalty or Sum so forfeited shall be had according to the Provisions of the said Act.

17. In every Case in which Judgment shall be obtained in any such Action as aforesaid for the Amount of any such Penalty or Sum of Money forfeited to Her Majesty, the Amount thereof shall be paid by the Defendant to the Sheriff or the Officer of the Court, who shall account for the same in like Manner as other Monies payable to Her Majesty, and if it be not paid, may be recovered, or the Amount thereof levied, or the Payment thereof enforced, by Execution or other proper Proceeding, as Money due to Her Majesty ; and the Plaintiff suing on behalf of Her Majesty, upon obtaining Judgment, shall be entitled to recover and have Execution for all his Costs of Suit, which shall include a full Indemnity for all Costs and Charges which he shall or may have

Summary Proceedings before Justices to be within 11 & 12 Vict. c. 43.

In Actions Penalties to be accounted for in like Manner as other Monies payable to the Crown, and Plaintiffs to recover full Costs of Suit.

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expended or incurred in, about, or for the Purposes of the Action, unless the Court, or a Judge thereof, shall direct that Costs of the ordinary Amount only shall be allowed.

Limitations of Actions, &c.

18. No Person shall commence any Action or Proceeding for the Recovery of any Penalty, or procuring the Conviction of any Offender in manner herein-before provided, after the Expiration of Three Years next after the committing of the Offence, or One Year next after the first Discovery thereof by the Person proceeding.

After 31st December 1863 Vendor of an Article with a Trade Mark to be deemed to contract that the Mark is genuine.

19. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article with any Trade Mark thereon, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or contracted to be sold, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that every Trade Mark upon such Chattel or Article, or upon any such Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid, was genuine and true, and not forged or counterfeit, and not wrongfully used, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

After 31st December 1863 Vendor of an Article with Description upon it of its Quantity to be deemed to contract that the Description was true.

20. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article upon which, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or contracted to be sold, any Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that no such Description, Statement, or other Indication was in any material respect false or untrue, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

In Suits at Law or in Equity against Persons for using forged Trade Marks, Court may order Article to be destroyed, and may award Injunction, &c.

21. In every Case in any Suit at Law or in Equity against any Person for forging or counterfeiting any Trade Mark, or for fraudulently applying any Trade Mark, to any Chattel or Article, or for selling, exposing for Sale, or uttering any Chattel or Article with any Trade Mark falsely or wrongfully applied thereto, or with any forged or counterfeit Trade Mark applied thereto, or for preventing the Repetition or Continuance of any such wrongful Act, or the Committal of any similar Act, in which the Plaintiff shall obtain a Judgment or Decree against the Defendant, the Court shall have Power to direct every such Chattel and Article to be

Merchandise Marks.

destroyed or otherwise disposed of ; and in every such Suit in a Court of Law the Court shall or may upon giving Judgment for the Plaintiff award a Writ of Injunction or Injunctions to the Defendant commanding him to forbear from committing and not by himself or otherwise to repeat or commit any Offence or wrongful Act of the like Nature as that of which he shall or may have been convicted by such Judgment, and any Disobedience of any such Writ of Injunction or Injunctions shall be punished as a Contempt of Court ; and in every such Suit at Law or in Equity it shall be lawful for the Court or a Judge thereof to make such Order as such Court or Judge shall think fit for the Inspection of every or any Manufacture or Process carried on by the Defendant in which any such forged or counterfeit Trade Mark, or any such Trade Mark as aforesaid, shall be alleged to be used or applied as aforesaid, and of every or any Chattel, Article, and Thing in the Possession or Power of the Defendant alleged to have thereon or in any way attached thereto any forged or counterfeit Trade Mark, or any Trade Mark falsely or wrongfully applied, and every or any Instrument in the Possession or Power of the Defendant used or intended to be or capable of being used for producing or making any forged or counterfeit Trade Mark, or Trade Mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any Trade Mark ; and any Person who shall refuse or neglect to obey any such Order shall be guilty of a Contempt of Court.

22. In every Case in which any Person shall do or cause to be done any of the wrongful Acts following ; (that is to say,) shall forge or counterfeit any Trade Mark ; or for the Purpose of Sale, or for the Purpose of any Manufacture or Trade, shall apply any forged or counterfeit Trade Mark to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing in or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or exposed for Sale, or for any Purpose of Trade or Manufacture ; or shall inclose or place any Chattel or Article in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied ; or shall apply or attach to any Chattel or Article any Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied ; or shall inclose, place, or attach any Chattel or Article in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person ; every Person aggrieved by any such wrongful Act shall be entitled to maintain an Action or Suit for Damages in respect thereof against the Person who shall be guilty of having done such Act or causing or procuring the same to be done, and for preventing the Repetition or Continuance of the wrongful Act, and the Committal of any similar Act.

Persons aggrieved by Forgeries may recover Damages against the guilty Parties.

Merchandise Marks.

Defendant obtaining a Verdict to have full Indemnity for Costs.

23. In every Action which any Person shall under the Provisions of this Act commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if the Defendant shall obtain Judgment, he shall be entitled to recover his Costs of Suit, which shall include a full Indemnity for all the Costs, Charges, and Expenses by him expended or incurred in, about, or for the Purposes of the Action, unless the Court or a Judge thereof shall direct that Costs of the ordinary Amount only shall be allowed.

A Plaintiff suing for a Penalty may be compelled to give Security for Costs.

24. In any Action which any Person shall, under the Provisions of this Act, commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if it shall be shown to the Satisfaction of the Court or a Judge thereof that the Person suing as Plaintiff for or on behalf of Her Majesty has no Ground for alleging that he has been aggrieved by the committing of the alleged Offence in respect of which the Penalty or Sum of Money is alleged to have become payable, and also that the Person so suing as Plaintiff is not resident within the Jurisdiction of the Court, or not a Person of sufficient Property to be able to pay any Costs which the Defendant may recover in the Action, the Court or Judge shall or may order that the Plaintiff shall give Security by the Bond or Recognizance of himself and a Surety, or by the Deposit of a Sum of Money, or otherwise, as the Court or Judge shall think fit, for the Payment to the Defendant of any Costs which he may be entitled to recover in the Action.

Act not to affect the Cutlers of Hallamshire, nor to repeal 59 G. 3. c. 7.

25. Nothing in this Act contained shall be construed to affect the Rights and Privileges of the Corporation of Cutlers of the Liberty of *Hallamshire* in the County of *York*, nor shall anything in this Act contained be construed in any way to repeal or make void any of the Provisions contained in the Fifty-ninth *George* Third, Chapter Seven, intituled *An Act to regulate the Cutlery Trade in England*.

Short Title.

26. The Expression "The Merchandise Marks Act, 1862," shall be a sufficient Description of this Act.

C A P. LXXXIX.

An Act for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations.

[7th August 1862.]

‘ WHEREAS it is expedient that the Laws relating to the ‘ Incorporation, Regulation, and Winding-up of Trading ‘ Companies and other Associations should be consolidated and ‘ amended:’ 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 :

Preliminary.

Short Title.

1. This Act may be cited for all Purposes as "The Companies Act, 1862."

Companies, &c. (Part I., Constitution, &c.)

2. This Act, with the Exception of such temporary Enactment as is herein-after declared to come into operation immediately, shall not come into operation until the Second Day of *November* One thousand eight hundred and sixty-two, and the Time at which it so comes into operation is herein-after referred to as the Commencement of this Act. Commencement of Act.

3. For the Purposes of this Act a Company that carries on the Business of Insurance in common with any other Business or Businesses shall be deemed to be an Insurance Company. Definition of Insurance Company.

4. No Company, Association, or Partnership consisting of more than Ten Persons shall be formed, after the Commencement of this Act, for the Purpose of carrying on the Business of Banking, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent; and no Company, Association, or Partnership consisting of more than Twenty Persons shall be formed, after the Commencement of this Act, for the Purpose of carrying on any other Business that has for its Object the Acquisition of Gain by the Company, Association, or Partnership, or by the individual Members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent, or is a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries. Prohibition of Partnerships exceeding certain Number.

5. This Act is divided into Nine Parts, relating to the following Subject Matters: Division of Act.

The First Part,—to the Constitution and Incorporation of Companies and Associations under this Act;

The Second Part,—to the Distribution of the Capital and Liability of Members of Companies and Associations under this Act:

The Third Part,—to the Management and Administration of Companies and Associations under this Act:

The Fourth Part,—to the winding up of Companies and Associations under this Act:

The Fifth Part,—to the Registration Office:

The Sixth Part,—to Application of this Act to Companies registered under the Joint Stock Companies Acts:

The Seventh Part,—to Companies authorized to register under this Act:

The Eighth Part,—to Application of this Act to unregistered Companies:

The Ninth Part,—to Repeal of Acts, and temporary Provisions.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Any Seven or more Persons associated for any lawful Purpose may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form an incorporated Company, with or without limited Liability. Mode of forming Company.

Companies, &c. (Part I., Constitution, &c.)

Mode of limiting Liability of Members.

7. The Liability of the Members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the Amount, if any, unpaid on the Shares respectively held by them, or to such Amount as the Members may respectively undertake by the Memorandum of Association to contribute to the Assets of the Company in the event of its being wound up.

Memorandum of Association of a Company limited by Shares.

8. Where a Company is formed on the Principle of having the Liability of its Members limited to the Amount unpaid on their Shares, herein-after referred to as a Company limited by Shares, the Memorandum of Association shall contain the following Things ; (that is to say,)

- (1.) The Name of the proposed Company, with the Addition of the Word " Limited " as the last Word in such Name :
- (2.) The Part of the United Kingdom, whether *England, Scotland, or Ireland*, in which the registered Office of the Company is proposed to be situate :
- (3.) The Objects for which the proposed Company is to be established :
- (4.) A Declaration that the Liability of the Members is limited :
- (5.) The Amount of Capital with which the Company proposes to be registered divided into Shares of a certain fixed Amount :

Subject to the following Regulations :

- (1.) That no Subscriber shall take less than One Share :
- (2.) That each Subscriber of the Memorandum of Association shall write opposite to his Name the Number of Shares he takes.

Memorandum of Association of a Company limited by Guarantee.

9. Where a Company is formed on the Principle of having the Liability of its Members limited to such Amount as the Members respectively undertake to contribute to the Assets of the Company in the event of the same being wound up, herein-after referred to as a Company limited by Guarantee, the Memorandum of Association shall contain the following Things ; (that is to say,)

- (1.) The Name of the proposed Company, with the Addition of the Word " Limited " as the last Word in such Name :
- (2.) The Part of the United Kingdom, whether *England, Scotland, or Ireland*, in which the registered Office of the Company is proposed to be situate :
- (3.) The Objects for which the proposed Company is to be established :
- (4.) A Declaration that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and of the Costs, Charges, and Expenses of winding up the Company, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required, not exceeding a specified Amount.

10. Where

Companies, &c. (Part I., Constitution, &c.)

10. Where a Company is formed on the Principle of having no Limit placed on the Liability of its Members, herein-after referred to as an Unlimited Company, the Memorandum of Association shall contain the following Things ; (that is to say),

Memorandum of Association of an Unlimited Company.

- (1.) The Name of the proposed Company :
- (2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate :
- (3.) The Objects for which the proposed Company is to be established.

11. The Memorandum of Association shall bear the same Stamp as if it were a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and that Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: It shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in the Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to observe all the Conditions of such Memorandum, subject to the Provisions of this Act.

Stamp, Signature, and Effect of Memorandum of Association.

12. Any Company limited by Shares may so far modify the Conditions contained in its Memorandum of Association, if authorized to do so by its Regulations as originally framed, or as altered by special Resolution in manner herein-after mentioned, as to increase its Capital, by the Issue of new Shares of such Amount as it thinks expedient, or to consolidate and divide its Capital into Shares of larger Amount than its existing Shares, or to convert its paid-up Shares into Stock, but, save as aforesaid, and save as is herein-after provided in the Case of a Change of Name, no Alteration shall be made by any Company in the Conditions contained in its Memorandum of Association.

Power of certain Companies to alter Memorandum of Association.

13. Any Company under this Act, with the Sanction of a special Resolution of the Company passed in manner herein-after mentioned, and with the Approval of the Board of Trade testified in Writing under the Hand of One of its Secretaries or Assistant Secretaries, may change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case ; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Power of Companies to change Name.

Articles of Association.

14. The Memorandum of Association may, in the Case of a Company limited by Shares, and shall, in the Case of a Company limited by Guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the Subscribers to the

Regulations to be prescribed by Articles of Association.

Companies, &c. (Part I., Constitution, &c.)

Memorandum of Association, and prescribing such Regulations for the Company as the Subscribers to the Memorandum of Association deem expedient: The Articles shall be expressed in separate Paragraphs, numbered arithmetically: They may adopt all or any of the Provisions contained in the Table marked A. in the First Schedule hereto: They shall, in the Case of a Company, whether limited by Guarantee or unlimited, that has a Capital divided into Shares, state the Amount of Capital with which the Company proposes to be registered; and in the Case of a Company, whether limited by Guarantee or unlimited, that has not a Capital divided into Shares, state the Number of Members with which the Company proposes to be registered, for the Purpose of enabling the Registrar to determine the Fees payable on Registration: In a Company limited by Guarantee or unlimited, and having a Capital divided into Shares, each Subscriber shall take One Share at the least, and shall write opposite to his Name in the Memorandum of Association the Number of Shares he takes.

Application of
Table A.

15. In the Case of a Company limited by Shares, if the Memorandum of Association is not accompanied by Articles of Association, or in so far as the Articles do not exclude or modify the Regulations contained in the Table marked A. in the First Schedule hereto, the last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company in the same Manner and to the same Extent as if they had been inserted in Articles of Association, and the Articles had been duly registered.

Stamp, Signa-
ture, and Effect
of Articles of
Association.

16. The Articles of Association shall be printed, they shall bear the same Stamp as if they were contained in a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and such Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: When registered, they shall bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Articles contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to all the Regulations contained in such Articles, subject to the Provisions of this Act; and all Monies payable by any Member to the Company, in pursuance of the Conditions and Regulations of the Company, or any of such Conditions or Regulations, shall be deemed to be a Debt due from such Member to the Company, and in *England* and *Ireland* to be in the Nature of a Specialty Debt.

General Provisions.

Registration of
Memorandum
of Association
and Articles of
Association,
with Fees as in
Table B.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies herein-after mentioned, who shall retain and register the same: There shall be paid to the Registrar by a Company having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked B. in the First Schedule hereto,

Companies, &c. (Part I., Constitution, &c.)

hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and by a Company not having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked C. in the First Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct: All Fees paid to the said Registrar in pursuance of this Act shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

18. Upon the Registration of the Memorandum of Association, and of the Articles of Association in Cases where Articles of Association are required by this Act or by the Desire of the Parties to be registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Members of the Company, shall thereupon be a Body Corporate by the Name contained in the Memorandum of Association, capable forthwith of exercising all the Functions of an incorporated Company, and having perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned: A Certificate of the Incorporation of any Company given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with.

Effect of Registration.

19. A Copy of the Memorandum of Association, having annexed thereto the Articles of Association, if any, shall be forwarded to every Member at his Request, on Payment of the Sum of One Shilling or such less Sum as may be prescribed by the Company for each Copy; and if any Company makes default in forwarding a Copy of the Memorandum of Association and Articles of Association, if any, to a Member, in pursuance of this Section, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

Copies of Memorandum and Articles to be given to Members.

20. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a Case where such subsisting Company is in the course of being dissolved and testifies its Consent in such Manner as the Registrar requires; and if any Company, through Inadvertence or otherwise, is, without such Consent as aforesaid, registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case; but no such Alteration of Name shall affect any Rights or Obligations

Prohibition against Identity of Names in Companies.

Companies, &c. (Part II., Distribution of Capital.)

gations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

21. No Company formed for the Purpose of promoting Art, Science, Religion, Charity, or any other like Object, not involving the Acquisition of Gain by the Company or by the individual Members thereof, shall, without the Sanction of the Board of Trade, hold more than Two Acres of Land; but the Board of Trade may, by Licence under the Hand of One of their Principal Secretaries or Assistant Secretaries, empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit.

Prohibition
against certain
Companies
holding Land.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF
COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

22. The Shares or other Interest of any Member in a Company under this Act shall be Personal Estate, capable of being transferred in manner provided by the Regulations of the Company, and shall not be of the Nature of Real Estate, and each Share shall, in the Case of a Company having a Capital divided into Shares, be distinguished by its appropriate Number.

23. The Subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become Members of the Company whose Memorandum they have subscribed, and upon the Registration of the Company shall be entered as Members on the Register of Members herein-after mentioned; and every other Person who has agreed to become a Member of a Company under this Act, and whose Name is entered on the Register of Members, shall be deemed to be a Member of the Company.

24. Any Transfer of the Share or other Interest of a deceased Member of a Company under this Act, made by his Personal Representative, shall, notwithstanding such Personal Representative may not himself be a Member, be of the same Validity as if he had been a Member at the Time of the Execution of the Instrument of Transfer.

25. Every Company under this Act shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars:

- (1.) The Names and Addresses, and the Occupations, if any, of the Members of the Company, with the Addition, in the Case of a Company having a Capital divided into Shares, of a Statement of the Shares held by each Member, distinguishing each Share by its Number: And of the Amount paid or agreed to be considered as paid on the Shares of each Member:

Nature of Interest in Company.

Definition of "Member."

Transfer by Personal Representative.

Register of Members.

Companies, &c. (Part II., Distribution of Capital.)

(2.) The Date at which the Name of any Person was entered in the Register as a Member :

(3.) The Date at which any Person ceased to be a Member :

And any Company acting in contravention of this Section shall incur a Penalty not exceeding Five Pounds for every Day during which its Default in complying with the Provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such Contravention shall incur the like Penalty.

26. Every Company under this Act, and having a Capital divided into Shares, shall make, once at least in every Year, a List of all Persons who, on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting, or if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Members of the Company ; and such List shall state the Names, Addresses, and Occupations of all the Members therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars :

Annual List of Members.

- (1.) The Amount of the Capital of the Company, and the Number of Shares into which it is divided :
- (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary :
- (3.) The Amount of Calls made on each Share :
- (4.) The total Amount of Calls received :
- (5.) The total Amount of Calls unpaid :
- (6.) The total Amount of Shares forfeited :
- (7.) The Names, Addresses, and Occupations of the Persons who have ceased to be Members since the last List was made, and the Number of Shares held by each of them.

The above List and Summary shall be contained in a separate Part of the Register, and shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

27. If any Company under this Act, and having a Capital divided into Shares, makes default in complying with the Provisions of this Act with respect to forwarding such List of Members or Summary as is herein-before mentioned to the Registrar, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Penalty on Company, &c. not keeping a proper Register.

28. Every Company under this Act, having a Capital divided into Shares, that has consolidated and divided its Capital into Shares of larger Amount than its existing Shares, or converted any Portion of its Capital into Stock, shall give Notice to the Registrar of Joint Stock Companies of such Consolidation, Division, or Conversion, specifying the Shares so consolidated, divided, or converted.

Company to give Notice of Consolidation or of Conversion of Capital into Stock.

Companies, &c. (Part II., Distribution of Capital.)

Effect of Conversion of Shares into Stock.

29. Where any Company under this Act, and having a Capital divided into Shares, has converted any Portion of its Capital into Stock, and given Notice of such Conversion to the Registrar, all the Provisions of this Act which are applicable to Shares only shall cease as to so much of the Capital as is converted into Stock; and the Register of Members hereby required to be kept by the Company, and the List of Members to be forwarded to the Registrar, shall show the Amount of Stock held by each Member in the List instead of the Amount of Shares and the Particulars relating to Shares herein-before required.

Entry of Trusts on Register.

30. No Notice of any Trust, expressed, implied, or constructive, shall be entered on the Register, or be receivable by the Registrar, in the Case of Companies under this Act and registered in *England* or *Ireland*.

Certificate of Shares or Stock.

31. A Certificate, under the Common Seal of the Company, specifying any Share or Shares or Stock held by any Member of a Company, shall be *primâ facie* Evidence of the Title of the Member to the Share or Shares or Stock therein specified.

Inspection of Register.

32. The Register of Members, commencing from the Date of the Registration of the Company, shall be kept at the registered Office of the Company herein-after mentioned: Except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe, for each Inspection; and every such Member or other Person may require a Copy of such Register, or of any Part thereof, or of such List or Summary of Members as is herein-before mentioned, on Payment of Sixpence for every Hundred Words required to be copied: If such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues, and every Director and Manager of the Company who shall knowingly authorize or permit such Refusal shall incur the like Penalty; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries, in the Case of Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Power to close Register.

33. Any Company under this Act may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any Time or Times not exceeding in the whole Thirty Days in each Year.

Notice of Increase of Capital and of Members to be given to Registrar.

34. Where a Company has a Capital divided into Shares, whether such Shares may or may not have been converted into Stock, Notice of any Increase in such Capital beyond the registered Capital, and where a Company has not a Capital divided into Shares, Notice of any Increase in the Number of Members beyond

Companies, &c. (Part II., Distribution of Capital.)

beyond the registered Number, shall be given to the Registrar in the Case of an Increase of Capital, within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and in the Case of an Increase of Members within Fifteen Days from the Time at which such Increase of Members has been resolved on or has taken place, and the Registrar shall forthwith record the Amount of such Increase of Capital or Members: If such Notice is not given within the Period aforesaid the Company in default shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

35. If the Name of any Person is, without sufficient Cause, entered in or omitted from the Register of Members of any Company under this Act, or if Default is made or unnecessary Delay takes place in entering on the Register the Fact of any Person having ceased to be a Member of the Company, the Person or Member aggrieved, or any Member of the Company, or the Company itself, may as respects Companies registered in *England* or *Ireland*, by Motion in any of Her Majesty's Superior Courts of Law or Equity, or by Application to a Judge sitting in Chambers, or to the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, and as respects Companies registered in *Scotland* by summary Petition to the Court of Session, or in such other Manner as the said Courts may direct, apply for an Order of the Court that the Register may be rectified; and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion, Application, or Petition, and any Damages the Party aggrieved may have sustained: The Court may in any Proceeding under this Section decide on any Question relating to the Title of any Person who is a Party to such Proceeding to have his Name entered in or omitted from the Register, whether such Question arises between Two or more Members or alleged Members, or between any Members or alleged Members and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register; provided that the Court, if a Court of Common Law, may direct an Issue to be tried, in which any Question of Law may be raised, and a Writ of Error or Appeal, in the Manner directed by "The Common Law Procedure Act, 1854," shall lie.

36. Whenever any Order has been made rectifying the Register, in the Case of a Company hereby required to send a List of its Members to the Registrar, the Court shall, by its Order, direct that due Notice of such Rectification be given to the Registrar.

37. The Register of Members shall be *prima facie* Evidence of any Matters by this Act directed or authorized to be inserted therein.

Remedy for improper Entry or Omission of Entry in Register.

Notice to Registrar of Rectification of Register.

Register to be Evidence.

Companies, &c. (Part III., Management and Administration.)

Liability of Members.

Liability of present and past Members of Company.

38. In the event of a Company formed under this Act being wound up, every present and past Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following ; (that is to say,)

- (1.) No past Member shall be liable to contribute to the Assets of the Company if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up :
- (2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Company contracted after the Time at which he ceased to be a Member :
- (3.) No past Member shall be liable to contribute to the Assets of the Company unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in pursuance of this Act :
- (4.) In the Case of a Company limited by Shares, no Contribution shall be required from any Member exceeding the Amount, if any, unpaid on the Shares in respect of which he is liable as a present or past Member :
- (5.) In the Case of a Company limited by Guarantee, no Contribution shall be required from any Member exceeding the Amount of the Undertaking entered into on his Behalf by the Memorandum of Association :
- (6.) Nothing in this Act contained shall invalidate any Provision contained in any Policy of Insurance or other Contract whereby the Liability of individual Members upon any such Policy or Contract is restricted, or whereby the Funds of the Company are alone made liable in respect of such Policy or Contract :
- (7.) No Sum due to any Member of a Company, in his Character of a Member, by way of Dividends, Profits, or otherwise, shall be deemed to be a Debt of the Company, payable to such Member in a Case of Competition between himself and any other Creditor not being a Member of the Company ; but any such Sum may be taken into account, for the Purposes of the final Adjustment of the Rights of the Contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

39. Every Company under this Act shall have a registered Office to which all Communications and Notices may be addressed :

Registered Office of Company.

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If any Company under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

40. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Notice of
Situation of
registered
Office.

41. Every Limited Company under this Act, whether limited by Shares or by Guarantee, shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company.

Publication of
Name by a
Limited Com-
pany.

42. If any Limited Company under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall be liable to the like Penalty; and if any Director, Manager, or Officer of such Company, or any Person on its Behalf, uses or authorizes the Use of any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

Penalties on
Non-publica-
tion of Name.

43. Every Limited Company under this Act shall keep a Register of all Mortgages and Charges specifically affecting Property of the Company, and shall enter in such Register in respect of each Mortgage or Charge a short Description of the Property mortgaged or charged, the Amount of Charge created, and the Names of the Mortgagees or Persons entitled to such Charge: If any Property of the Company is mortgaged or charged without such Entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the Omission of such Entry shall incur

Register of
Mortgages.

Companies, &c. (Part III., Management and Administration.)

incur a Penalty not exceeding Fifty Pounds: The Register of Mortgages required by this Section shall be open to Inspection by any Creditor or Member of the Company at all reasonable Times; and if such Inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such Refusal, shall incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Certain Companies to publish Statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences Business, and also on the First *Monday* in *February* and the First *Monday* in *August* in every Year during which it carries on Business, make a Statement in the Form marked D. in the First Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Statement shall be put up in a conspicuous Place in the registered Office of the Company, and in every Branch Office or Place where the Business of the Company is carried on, and if Default is made in compliance with the Provisions of this Section the Company shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Every Member and every Creditor of any Company mentioned in this Section shall be entitled to a Copy of the above-mentioned Statement on Payment of a Sum not exceeding Sixpence.

List of Directors to be sent to Registrar.

45. Every Company under this Act, and not having a Capital divided into Shares, shall keep at its registered Office a Register containing the Names and Addresses and the Occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a Copy of such Register, and shall from Time to Time notify to the Registrar any Change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act, and not having a Capital divided into Shares, makes default in keeping a Register of its Directors or Managers, or in sending a Copy of such Register to the Registrar in compliance with the foregoing Rules, or in notifying to the Registrar any Change that takes place in such Directors or Managers, such delinquent Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Promissory Notes and Bills of Exchange.

47. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the Authority of the Com-
pany.

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pany, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any Person acting under the Authority of the Company.

48. If any Company under this Act carries on Business when the Number of its Members is less than Seven for a Period of Six Months after the Number has been so reduced, every Person who is a Member of such Company during the Time that it so carries on Business after such Period of Six Months, and is cognizant of the Fact that it is so carrying on Business with fewer than Seven Members, shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same, without the Joinder in the Action or Suit of any other Member.

Prohibition against carrying on Business with less than Seven Members.

Provisions for Protection of Members.

49. A General Meeting of every Company under this Act shall be held once at the least in every Year.

General Meeting of Company.

50. Subject to the Provisions of this Act, and to the Conditions contained in the Memorandum of Association, any Company formed under this Act may, in General Meeting, from Time to Time, by passing a Special Resolution in manner herein-after mentioned, alter all or any of the Regulations of the Company contained in the Articles of Association or in the Table marked A. in the First Schedule, where such Table is applicable to the Company, or make new Regulations to the Exclusion of or in addition to all or any of the Regulations of the Company; and any Regulations so made by Special Resolution shall be deemed to be Regulations of the Company of the same Validity as if they had been originally contained in the Articles of Association, and shall be subject in like Manner to be altered or modified by any subsequent Special Resolution.

Power to alter Regulations by Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special whenever a Resolution has been passed by a Majority of not less than Three Fourths of such Members of the Company for the Time being entitled, according to the Regulations of the Company, to vote as may be present, in Person or by Proxy (in Cases where by the Regulations of the Company Proxies are allowed), at any General Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled, according to the Regulations of the Company, to vote as may be present, in Person or by Proxy, at a subsequent General Meeting, of which Notice has been duly given, and held at an Interval of not less than Fourteen Days, nor more than One Month from the Date of the Meeting at which such Resolution was first passed: At any Meeting mentioned in this Section, unless a Poll is demanded by at least Five Members, a Declaration of the Chairman that the Resolution has been carried shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be

Definition of Special Resolution.

Companies, &c. (Part III., Management and Administration.)

duly given and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company : In computing the Majority under this Section, when a Poll is demanded, Reference shall be had to the Number of Votes to which each Member is entitled by the Regulations of the Company.

Provision where no Regulations as to Meetings.

52. In default of any Regulations as to voting every Member shall have One Vote, and in default of any Regulations as to summoning General Meetings a Meeting shall be held to be duly summoned of which Seven Days Notice in Writing has been served on every Member in manner in which Notices are required to be served by the Table marked A. in the First Schedule hereto, and in default of any Regulations as to the Persons to summon Meetings Five Members shall be competent to summon the same, and in default of any Regulations as to who is to be Chairman of such Meeting, it shall be competent for any Person elected by the Members present to preside.

Registry of Special Resolutions.

53. A Copy of any Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him : If such Copy is not so forwarded within Fifteen Days from the Date of the Confirmation of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a Copy of every Special Resolution for the Time being in force shall be annexed to or embodied in every Copy of the Articles of Association that may be issued after the passing of such Resolution : Where no Articles of Association have been registered, a Copy of any Special Resolution shall be forwarded in Print to any Member requesting the same on Payment of One Shilling, or such less Sum as the Company may direct : And if any Company makes default in complying with the Provisions of this Section it shall incur a Penalty not exceeding One Pound for each Copy in respect of which such Default is made ; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Execution of Deeds abroad.

55. Any Company under this Act may, by Instrument in Writing under its Common Seal, empower any Person, either generally or in respect of any specified Matters, as its Attorney, to execute Deeds on its Behalf in any Place not situate in the United Kingdom ; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company, and have the same Effect as if it were under the Common Seal of the Company.

Examination of Affairs of Company by Inspectors.

56. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of any Company under this Act, and to report thereon, in such Manner as the Board may direct, upon the Applications following ; (that is to say,)

Companies, &c. (Part III., Management and Administration.)

- (1.) In the Case of a Banking Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Third Part of the whole Shares of the Company for the Time being issued :
- (2.) In the Case of any other Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Fifth Part of the whole Shares of the Company for the Time being issued :
- (3.) In the Case of any Company not having a Capital divided into Shares, upon the Application of Members being in Number not less than One Fifth of the whole Number of Persons for the Time being entered on the Register of the Company as Members.

57. The Application shall be supported by such Evidence as the Board of Trade may require for the Purpose of showing that the Applicants have good Reason for requiring such Investigation to be made, and that they are not actuated by malicious Motives in instituting the same ; the Board of Trade may also require the Applicants to give Security for Payment of the Costs of the Inquiry before appointing any Inspector or Inspectors.

Application for Inspection to be supported by Evidence.

58. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power : Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly : If any Officer or Agent refuses to produce any Book or Document hereby directed to be produced, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Inspection of Books.

59. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade : Such Report shall be written or printed, as the Board of Trade directs : A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them : All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same to be paid out of the Assets of the Company, which it is hereby authorized to do.

Result of Examination how dealt with.

60. Any Company under this Act may by Special Resolution appoint Inspectors for the Purpose of examining into the Affairs of the Company : The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs ; and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document hereby required to be produced to such Inspectors, or to answer any Question, as they would

Power of Company to appoint Inspectors.

Companies, &c. (Part III., Management and Administration.)

have incurred if such Inspector had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

61. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible in any legal Proceeding, as Evidence of the Opinion of the Inspectors in relation to any Matter contained in such Report.

Notices.

Service of Notices on Company.

62. Any Summons, Notice, Order, or other Document required to be served upon the Company may be served by leaving the same, or sending it through the Post in a prepaid Letter addressed to the Company, at their registered Office.

Rules as to Notices by Letter.

63. Any Document to be served by Post on the Company shall be posted in such Time as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the Service thereof; and in proving Service of such Document it shall be sufficient to prove that such Document was properly directed, and that it was put as a prepaid Letter into the Post Office.

Authentication of Notices of Company.

64. Any Summons, Notice, Order, or Proceeding requiring Authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Legal Proceedings.

Recovery of Penalties.

65. All Offences under this Act made punishable by any Penalty may be prosecuted summarily 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; and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, or any Act amending the same, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and 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.

Companies, &c. (Part III., Management and Administration.)

66. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered ; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Penalties.

67. Every Company under this Act shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in Cases where there are Directors or Managers, to be duly entered in Books to be from Time to Time provided for the Purpose ; and any such Minute as aforesaid, if purporting to be signed by the Chairman of the Meeting at which such Resolutions were passed or Proceedings had, or by the Chairman of the next succeeding Meeting, shall be received as Evidence in all legal Proceedings ; and until the contrary is proved, every General Meeting of the Company or Meeting of Directors or Managers in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or Proceedings had, to have been duly passed and had, and all Appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all Acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any Defect that may afterwards be discovered in their Appointments or Qualifications.

Evidence of Proceedings at Meetings.

68. In the Case of Companies under this Act, and engaged in working Mines within and subject to the Jurisdiction of the Stannaries, the Court of the Vice Warden of the Stannaries shall have and exercise the like Jurisdiction and Powers, as well on the Common Law as on the Equity Side thereof, which it now possesses by Custom, Usage, or Statute in the Case of unincorporated Companies, but only so far as such Jurisdiction or Powers are consistent with the Provisions of this Act and with the Constitution of Companies as prescribed or required by this Act ; and for the Purpose of giving fuller Effect to such Jurisdiction in all Actions, Suits, or legal Proceedings instituted in the said Court, in Causes or Matters whereof the Court has Cognizance, all Process issuing out of the same, and all Orders, Rules, Demands, Notices, Warrants, and Summonses required or authorized by the Practice of the Court to be served on any Company, whether registered or not registered, or any Member or Contributory thereof, or any Officer, Agent, Director, Manager, or Servant thereof, may be served in any Part of *England* without any Special Order of the Vice Warden for that Purpose, or by such Special Order may be served in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in the adjacent Islands, Parcel of the Dominions of the Crown, on such Terms and Conditions as the Court shall think fit ; and all Decrees, Orders, and Judgments of the said Court made or pronounced in such Causes or Matters

Jurisdiction of Vice Warden of Stannaries.

Companies, &c. (Part III., Management and Administration.)

may be enforced in the same Manner in which Decrees, Orders, and Judgments of the Court may now by Law be enforced, whether within or beyond the local Limits of the Stannaries; and the Seal of the said Court, and the Signature of the Registrar thereof, shall be judicially noticed by all other Courts and Judges in *England*, and shall require no other Proof than the Production thereof: The Registrar of the said Court, or the Assistant Registrar, in making Sales under any Decree or Order of the Court shall be entitled to the same Privilege of selling by Auction or Competition without a Licence, and without being liable to Duty, as a Judge of the Court of Chancery is entitled to in pursuance of the Acts in that Behalf.

Provision as to Costs in Actions brought by certain Limited Companies.

69. Where a Limited Company is Plaintiff or Pursuer in any Action, Suit, or other legal Proceeding, any Judge having Jurisdiction in the Matter may, if it appears by any credible Testimony that there is Reason to believe that if the Defendant be successful in his Defence the Assets of the Company will be insufficient to pay his Costs, require sufficient Security to be given for such Costs, and may stay all Proceedings until such Security is given.

Declaration in Action against Members.

70. In any Action or Suit brought by the Company against any Member to recover any Call or other Monies due from such Member in his Character of Member, it shall not be necessary to set forth the special Matter, but it shall be sufficient to allege that the Defendant is a Member of the Company, and is indebted to the Company in respect of a Call made or other Monies due whereby an Action or Suit hath accrued to the Company.

Alteration of Forms.

Board of Trade may alter Forms in Schedule.

71. The Forms set forth in the Second Schedule hereto, or Forms as near thereto as Circumstances admit, shall be used in all Matters to which such Forms refer; the Board of Trade may from Time to Time make such Alterations in the Tables and Forms contained in the First Schedule hereto, so that it does not increase the Amount of Fees payable to the Registrar in the said Schedule mentioned, and in the Forms in the Second Schedule, or make such Additions to the last-mentioned Forms, as it deems requisite: Any such Table or Form, when altered, shall be published in the *London Gazette*, and upon such Publication being made such Table or Form shall have the same Force as if it were included in the Schedule to this Act, but no Alteration made by the Board of Trade in the Table marked A. contained in the First Schedule shall affect any Company registered prior to the Date of such Alteration, or repeal, as respects such Company, any Portion of such Table.

Arbitrations.

Power for Companies to refer Matters to Arbitration.

72. Any Company under this Act may from Time to Time, by Writing under its Common Seal, agree to refer and may refer to Arbitration, in accordance with "The Railway Companies Arbitration Act, 1859," any existing or future Difference, Question, or other Matter whatsoever in dispute between itself and any other Company or Person, and the Companies Parties to the

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Arbitration may delegate to the Person or Persons to whom the Reference is made Power to settle any Terms or to determine any Matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing Body of such Companies.

73. All the Provisions of "The Railway Companies Arbitration Act, 1859," shall be deemed to apply to Arbitrations between Companies and Persons in pursuance of this Act; and in the Construction of such Provisions "the Companies" shall be deemed to include Companies authorized by this Act to refer Disputes to Arbitration.

Provisions of
22 & 23 Vict.
c. 59. to apply.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

74. The Term "Contributory" shall mean every Person liable to contribute to the Assets of a Company under this Act, in the event of the same being wound up: It shall also, in all Proceedings for determining the Persons who are to be deemed Contributories, and in all Proceedings prior to the final Determination of such Persons, include any Person alleged to be a Contributory.

Meaning of
Contributory.

75. The Liability of any Person to contribute to the Assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a Debt (in *England* and *Ireland* of the Nature of a Specialty) accruing due from such Person at the Time when his Liability commenced, but payable at the Time or respective Times when Calls are made as herein-after mentioned for enforcing such Liability; and it shall be lawful in the Case of the Bankruptcy of any Contributory to prove against his Estate the estimated Value of his Liability to future Calls, as well as Calls already made.

Nature of
Liability of
Contributory.

76. If any Contributory dies either before or after he has been placed on the List of Contributories herein-after mentioned, his Personal Representatives, Heirs, and Devisees shall be liable in a due Course of Administration to contribute to the Assets of the Company in discharge of the Liability of such deceased Contributory, and such Personal Representatives, Heirs, and Devisees shall be deemed to be Contributories accordingly.

Contributories
in case of
Death.

77. If any Contributory becomes bankrupt, either before or after he has been placed on the List of Contributories, his Assignees shall be deemed to represent such Bankrupt for all the Purposes of the Winding-up, and shall be deemed to be Contributories accordingly, and may be called upon to admit to Proof against the Estate of such Bankrupt, or otherwise to allow to be paid out of his Assets in due Course of Law, any Monies due from such Bankrupt in respect of his Liability to contribute to the Assets of the Company being wound up; and for the Purposes of this Section any Person who may have taken the Benefit of any Act for the Relief of Insolvent Debtors before the Eleventh Day of *October* One thousand eight hundred and sixty-one shall be deemed to have become bankrupt.

Contributories
in case of
Bankruptcy.

Companies, &c. (Part IV., Winding up.)

Contributories
in case of
Marriage.

78. If any Female Contributory marries, either before or after she has been placed on the List of Contributories, her Husband shall during the Continuance of the Marriage be liable to contribute to the Assets of the Company the same Sum as she would have been liable to contribute if she had not married, and he shall be deemed to be a Contributory accordingly.

Winding up by Court.

Circumstances
under which
Company may
be wound up
by Court.

79. A Company under this Act may be wound up by the Court as herein-after defined, under the following Circumstances ; (that is to say,)

- (1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court :
- (2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year :
- (3.) Whenever the Members are reduced in Number to less than Seven :
- (4.) Whenever the Company is unable to pay its Debts :
- (5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when
deemed unable
to pay its
Debts.

80. A Company under this Act shall be deemed to be unable to pay its Debts,

- (1.) Whenever a Creditor, by Assignment or otherwise, to whom the Company is indebted, at Law or in Equity, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the reasonable Satisfaction of the Creditor :
- (2.) Whenever, in *England* and *Ireland*, Execution or other Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor, at Law or in Equity, in any Proceeding instituted by such Creditor against the Company, is returned unsatisfied in whole or in part :
- (3.) Whenever, in *Scotland*, the Induciae of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest have expired without Payment being made :
- (4.) Whenever it is proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

Definition of
"the Court."

81. The Expression "the Court," as used in this Part of this Act, shall mean the following Authorities ; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice Warden of the Stannaries, unless the Vice Warden certifies that in his Opinion the Company would be more advantageously wound up in the High Court of Chancery, in

Companies, &c. (Part IV., Winding up.)

which Case "the Court" shall mean the High Court of Chancery :

In the Case of a Company registered in *England* that is not engaged in working any such Mine as aforesaid,—the High Court of Chancery :

In the Case of a Company registered in *Ireland*, the Court of Chancery in *Ireland* :

In all Cases of Companies registered in *Scotland*, the Court of Session in either Division thereof :

Provided that where the Court of Chancery in *England* or *Ireland* makes an Order for winding up a Company under this Act, it may, if it thinks fit, direct all subsequent Proceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate ; and thereupon such last-mentioned Court of Bankruptcy shall, for the Purposes of winding up the Company, be deemed to be "the Court" within the Meaning of the Act, and shall have for the Purposes of such Winding-up all the Powers of the High Court of Chancery, or of the Court of Chancery in *Ireland*, as the Case may require.

82. Any Application to the Court for the winding up of a Company under this Act shall be by Petition ; it may be presented by the Company, or by any One or more Creditor or Creditors, Contributory or Contributories of the Company, or by all or any of the above Parties, together or separately ; and every Order which may be made on any such Petition shall operate in favour of all the Creditors and all the Contributories of the Company in the same Manner as if it had been made upon the joint Petition of a Creditor and a Contributory.

Application for winding up to be made by Petition.

83. Any Judge of the High Court of Chancery may do in Chambers any Act which the Court is hereby authorized to do ; and the Vice Warden of the Stannaries may direct that a Petition for winding up a Company be heard by him at such Time and at such Place within the Jurisdiction of the Stannaries, or within or near to the Place where the registered Office of the Company is situated, as he may deem to be convenient to the Parties concerned, or (with the Consent of the Parties concerned) at any Place in *England* ; and all Orders made thereupon shall have the same Force and Effect as if they had been made by the Vice Warden sitting at *Truro* or elsewhere within the Jurisdiction of the Court, and all Parties and Persons summoned to attend at the Hearing of any such Petition shall be compellable to give their Attendance before the Vice Warden by like Process and in like Manner as at the Hearing of any Cause or Matter at the usual Sitting of the said Court ; and the Registrar of the Court may, subject to Exception or Appeal to the Vice Warden as heretofore used, do and exercise such and the like Acts and Powers in the Matter of winding up as he is now used to do and exercise in a Suit on the Equity Side of the said Court.

Power of Court.

84. A Winding-up of a Company by the Court shall be deemed to commence at the Time of the Presentation of the Petition for the Winding-up.

Commencement of winding up.

Companies, &c. (Part IV., Winding up.)

Court may grant Injunction.

85. The Court may, at any Time after the Presentation of a Petition for winding up a Company under this Act, and before making an Order for winding up the Company, upon the Application of the Company, or of any Creditor or Contributory of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against the Company, upon such Terms as the Court thinks fit; the Court may also at any Time after the Presentation of such Petition, and before the First Appointment of Liquidators, appoint provisionally an Official Liquidator of the Estate and Effects of the Company.

Course to be pursued by Court on hearing Petition.

86. Upon hearing the Petition the Court may dismiss the same with or without Costs, may adjourn the Hearing conditionally or unconditionally, and may make any Interim Order, or any other Order that it deems just.

Actions, &c. to be stayed after Order for winding up.

87. When an Order has been made for winding up a Company under this Act no Suit, Action, or other Proceeding shall be proceeded with or commenced against the Company except with the Leave of the Court, and subject to such Terms as the Court may impose.

Copy of Order to be forwarded to Registrar.

88. When an Order has been made for winding up a Company under this Act, a Copy of such Order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay Proceedings.

89. The Court may at any Time after an Order has been made for winding up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

Effect of Order on Share Capital of Company limited by Guarantee.

90. When an Order has been made for winding up a Company limited by Guarantee and having a Capital divided into Shares, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Debt (in *England and Ireland* of the Nature of a Specialty) due to the Company from each Member to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Court.

Court may have regard to Wishes of Creditors or Contributories.

91. The Court may, as to all Matters relating to the Winding-up, have regard to the Wishes of the Creditors or Contributories, as proved to it by any sufficient Evidence, and may, if it thinks it expedient, direct Meetings of the Creditors or Contributories to be summoned, held, and conducted in such Manner as the Court directs, for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard is to be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company.

Companies, &c. (Part IV., Winding up.)

Official Liquidators.

92. For the Purpose of conducting the Proceedings in winding up a Company, and assisting the Court therein, there may be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and the Court having Jurisdiction may appoint such Person or Persons, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidator or Official Liquidators; in all Cases if more Persons than One are appointed to the Office of Official Liquidator, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidator is to be done by all or any One or more of such Persons. The Court may also determine whether any and what Security is to be given by any Official Liquidator on his Appointment; if no Official Liquidator is appointed, or during any Vacancy in such Appointment, all the Property of the Company shall be deemed to be in the Custody of the Court.

Appointment of
Official Liquidator.

93. Any Official Liquidator may resign or be removed by the Court on due Cause shown: And any Vacancy in the Office of an Official Liquidator appointed by the Court shall be filled by the Court: There shall be paid to the Official Liquidator such Salary or Remuneration, by way of Per-centage or otherwise, as the Court may direct; and if more Liquidators than One are appointed such Remuneration shall be distributed amongst them in such Proportions as the Court directs.

Resignations,
Removals,
filling up
Vacancies, and
Compensation.

94. The Official Liquidator or Liquidators shall be described by the Style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual Name or Names; he or they shall take into his or their Custody, or under his or their Control, all the Property, Effects, and Things in Actions to which the Company is or appears to be entitled, and shall perform such Duties in reference to the Winding-up of the Company as may be imposed by the Court.

Style and Duties of Official Liquidator.

95. The Official Liquidator shall have Power, with the Sanction of the Court, to do the following Things:

Powers of
Official Liquidator.

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial winding up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To do all Acts and to execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents, and for that Purpose to use, when necessary, the Company's Seal:

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To prove, rank, claim, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors :

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note in the Name and on behalf of the Company, also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money ; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by or on behalf of such Company in the course of carrying on the Business thereof :

To take out, if necessary, in his official Name, Letters of Administration to any deceased Contributory, and to do in his official Name any other Act that may be necessary for obtaining Payment of any Monies due from a Contributory or from his Estate, and which Act cannot be conveniently done in the Name of the Company ; and in all Cases where he takes out Letters of Administration, or otherwise uses his official Name for obtaining Payment of any Monies due from a Contributory, such Monies shall for the Purpose of enabling him to take out such Letters or recover such Monies, be deemed to be due to the Official Liquidator himself :

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

Discretion of Official Liquidator.

96. The Court may provide by any Order that the Official Liquidator may exercise any of the above Powers without the Sanction or Intervention of the Court, and where an Official Liquidator is provisionally appointed may limit and restrict his Powers by the Order appointing him.

Appointment of Solicitor to Official Liquidator.

97. The Official Liquidator may, with the Sanction of the Court, appoint a Solicitor or Law Agent to assist him in the Performance of his Duties.

Ordinary Powers of Court.

Collection and Application of Assets.

98. As soon as may be after making an Order for winding up the Company, the Court shall settle a List of Contributories, with Power to rectify the Register of Members in all Cases where such Rectification is required in pursuance of this Act, and shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities.

Provision as to representative Contributories.

99. In settling the List of Contributories the Court shall distinguish between Persons who are Contributories in their own Right and Persons who are Contributories as being Representatives

Companies, &c. (Part IV., Winding up.)

tives of or being liable to the Debts of others ; it shall not be necessary, where the Personal Representative of any deceased Contributory is placed on the List, to add the Heirs or Devisees of such Contributory, nevertheless such Heirs or Devisees may be added as and when the Court thinks fit.

100. The Court may, at any Time after making an Order for winding up a Company, require any Contributory for the Time being settled on the List of Contributories, Trustee, Receiver, Banker, or Agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such Time as the Court directs, to or into the Hands of the Official Liquidator, any Sum or Balance, Books, Papers, Estate, or Effects which happen to be in his Hands for the Time being, and to which the Company is *primâ facie* entitled.

Power of Court to require Delivery of Property.

101. The Court may, at any Time after making an Order for winding up the Company, make an Order on any Contributory for the Time being settled on the List of Contributories, directing Payment to be made, in manner in the said Order mentioned, of any Monies due from him or from the Estate of the Person whom he represents to the Company, exclusive of any Monies which he or the Estate of the Person whom he represents may be liable to contribute by virtue of any Call made or to be made by the Court in pursuance of this Part of this Act ; and it may, in making such Order, when the Company is not limited, allow to such Contributory by way of Set-off any Monies due to him or the Estate which he represents from the Company on any independent Dealing or Contract with the Company, but not any Monies due to him as a Member of the Company in respect of any Dividend or Profit :

Power of Court to order Payment of Debts by Contributory.

Provided that when all the Creditors of any Company whether limited or unlimited are paid in full, any Monies due on any Account whatever to any Contributory from the Company may be allowed to him by way of Set-off against any subsequent Call or Calls.

102. The Court may, at any Time after making an Order for winding up a Company, and either before or after it has ascertained the Sufficiency of the Assets of the Company, make Calls on and order Payment thereof by all or any of the Contributories for the Time being settled on the List of Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to make Calls.

103. The Court may order any Contributory, Purchaser, or other Person from whom Money is due to the Company to pay the same into the Bank of *England* or any Branch thereof to the Account of the Official Liquidator instead of to the Official

Power of Court to order Payment into Bank.

Companies, &c. (Part IV., Winding up.)

Liquidator, and such Order may be enforced in the same Manner as if it had directed Payment to the Official Liquidator.

Regulation of Account with Court.

104. All Monies, Bills, Notes, and other Securities paid and delivered into the Bank of *England* or any Branch thereof in the event of a Company being wound up by the Court, shall be subject to such Order and Regulation for the keeping of the Account of such Monies and other Effects, and for the Payment and Delivery in, or Investment and Payment and Delivery out of the same as the Court may direct.

In case of representative Contributory not paying Monies ordered.

105. If any Person made a Contributory as Personal Representative of a deceased Contributory makes default in paying any Sum ordered to be paid by him, Proceedings may be taken for administering the Personal and Real Estates of such deceased Contributory, or either of such Estates, and of compelling Payment thereof of the Monies due.

Order conclusive Evidence.

106. Any Order made by the Court in pursuance of this Act upon any Contributory shall, subject to the Provisions herein contained for appealing against such Order, be conclusive Evidence that the Monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent Matters stated in such Order are to be taken to be truly stated as against all Persons, and in all Proceedings whatsoever, with the Exception of Proceedings taken against the Real Estate of any deceased Contributory, in which Case such Order shall only be *primâ facie* Evidence for the Purpose of charging his Real Estate, unless his Heirs or Devisees were on the List of Contributories at the Time of the Order being made.

Court may exclude Creditors not proving in certain Time.

107. The Court may fix a certain Day or certain Days on or within which Creditors of the Company are to prove their Debts or Claims, or to be excluded from the Benefit of any Distribution made before such Debts are proved.

Proceedings in the Court of the Vice Warden of the Stannaries on Proof of Debts.

108. If in the course of proving the Debts and Claims of Creditors in the Court of the Vice Warden of the Stannaries any Debt or Claim is disputed by the Official Liquidator or by any Creditor or Contributory, or appears to the Court to be open to Question, the Court shall have Power, subject to Appeal as hereinafter provided, to adjudicate upon it, and for that Purpose the said Court shall have and exercise all needful Powers of Inquiry touching the same by Affidavit or by oral Examination of Witnesses or of Parties, whether voluntarily offering themselves for Examination or summoned to attend by compulsory Process of the Court, or to produce Documents before the Court; and the Court shall also have Power, incidentally, to decide on the Validity and Extent of any Lien or Charge claimed by any Creditor on any Property of the Company in respect of such Debt, and to make Declarations of Right, binding on all Persons interested; and for the more satisfactory Determination of any Question of Fact, or mixed Question of Law and Fact arising on such Inquiry, the Vice Warden shall have Power, if he thinks fit, to direct and settle any Action or Issue to be tried either on the Common Law Side of his Court, or by a Common or Special Jury, before the Justices of Assize in and for the Counties of *Cornwall* or *Devon*,

Companies, &c. (Part IV., Winding up.)

Devon, or at any Sitting of One of the Superior Courts in *London* or *Middlesex*, which Action or Issue shall accordingly be tried in due Course of Law, and without other or further Consent of Parties; and the Finding of the Jury in such Action or Issue shall be conclusive of the Facts found, unless the Judge who tried it makes known to the Vice Warden that he was not satisfied with the Finding, or unless it appears to the Vice Warden that, in consequence of Miscarriage, Accident, or the subsequent Discovery of fresh material Evidence, such Finding ought not to be conclusive.

109. The Court shall adjust the Rights of the Contributories amongst themselves, and distribute any Surplus that may remain amongst the Parties entitled thereto.

Court to adjust Rights of Contributories.

110. The Court may, in the event of the Assets being insufficient to satisfy the Liabilities, make an Order as to the Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company in such Order of Priority as the Court thinks just.

Court to order Costs.

111. When the Affairs of the Company have been completely wound up, the Court shall make an Order that the Company be dissolved from the Date of such Order, and the Company shall be dissolved accordingly.

Dissolution of Company.

112. Any Order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Registrar to make Minute of Dissolution.

113. If the Official Liquidator makes default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Order that the Company be dissolved, he shall be liable to a Penalty not exceeding Five Pounds for every Day during which he is so in default.

Penalty on not reporting Dissolution.

114. Any Petition for winding up a Company by the Court under this Act shall constitute a *Lis pendens* within the Terms of the Act passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Eleven, and intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, provided the same is duly registered in manner required by such Act concerning Suits in Equity.

Petition to be *Lis pendens*.

Extraordinary Powers of Court.

115. The Court may, after it has made an Order for winding up the Company, summon before it any Officer of the Company or Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Officer or Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power relating to the Company; and if any Person so summoned, after being tendered a reasonable Sum for his Expenses, refuses to come before the Court at the Time appointed, having no lawful Impediment (made

Power of Court to summon Persons before it suspected of having Property of Company.

Companies, &c. (Part IV., Winding up.)

known to the Court at the Time of its sitting, and allowed by it), the Court may cause such Person to be apprehended, and brought before the Court for Examination; nevertheless, in Cases where any Person claims any Lien on Papers, Deeds, or Writings or Documents produced by him, such Production shall be without Prejudice to such Lien, and the Court shall have Jurisdiction in the Winding-up to determine all Questions relating to such Lien.

116. If, after an Order for Winding-up in the Court of the Vice Warden of the Stannaries, it appears that any Person claims Property in, or any Lien, legal or equitable, upon any of the Machinery, Materials, Ores, or Effects on the Mine or on Premises occupied by the Company in connexion with the Mine, or to which the Company was, at the Time of the Order, *primâ facie* entitled, it shall be lawful for the Vice Warden or the Registrar to adjudicate upon such Claim on Interpleader in the Manner provided by Section Eleven of the Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two; and any Action or Issue directed upon such Interpleader may, if the Vice Warden think fit, be tried in his Court or at the Assizes or the Sittings in *London* or *Middlesex*, before a Judge of One of the Superior Courts, in the Manner and on the Terms and Conditions herein-before provided in the Case of disputed Debts and Claims of Creditors.

117. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid concerning the Affairs, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to subscribe the same.

118. The Court may, at any Time before or after it has made an Order for winding up a Company, upon Proof being given that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods, and Chattels to be seized, and him and them to be safely kept until such Time as the Court may order.

119. Any Powers by this Act conferred on the Court shall be deemed to be in addition to and not in restriction of any other Powers subsisting, either at Law or in Equity, of instituting Proceedings against any Contributory, or the Estate of any Contributory, or against any Debtor of the Company for the Recovery of any Call or other Sums due from such Contributory or Debtor, or his Estate, and such Proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

120. All Orders made by the Court of Chancery in *England* or *Ireland* under this Act may be enforced in the same Manner

Special Provisions as to Court of Vice Warden of the Stannaries.

Examination of Parties by Court.

Power to arrest Contributory about to abscond, or to remove or conceal any of his Property.

Powers of Court cumulative.

Power to enforce Orders.

Companies, &c. (Part IV., Winding up.)

in which Orders of such Court of Chancery made in any Suit pending therein may be enforced, and for the Purposes of this Part of this Act the Court of the Vice Warden of the Stannaries shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it as the Court of Chancery in *England* has in relation to Matters within the Jurisdiction of such Court, and for the last-mentioned Purposes the Jurisdiction of the Vice Warden of the Stannaries shall be deemed to be co-extensive in local Limits with the Jurisdiction of the Court of Chancery in *England*.

121. Where an Order, Interlocutor, or Decree has been made in *Scotland* for winding up a Company by the Court, it shall be competent to the Court in *Scotland* during Session, and to the Lord Ordinary on the Bills during Vacation, on Production by the Liquidators of a List certified by them of the Names of the Contributories liable in Payment of any Calls which they may wish to enforce, and of the Amount due by each Contributory respectively, and of the Date when the same became due, to pronounce forthwith a Decree against such Contributories for Payment of the Sums so certified to be due by each of them respectively, with Interest from the said Date till Payment, at the Rate of Five Pounds *per Centum per Annum*, in the same Way and to the same Effect as if they had severally consented to Registration for Execution, on a Charge of Six Days, of a legal Obligation to pay such Calls and Interest; and such Decree may be extracted immediately, and no Suspension thereof shall be competent, except on Caution or Consignation, unless with special Leave of the Court or Lord Ordinary.

Power to order Contributories in *Scotland* to pay Calls.

122. Any Order made by the Court in *England* for or in the Course of the Winding-up of a Company under this Act shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company had been situate in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by the Court in *Scotland* for or in the Course of the Winding-up of a Company shall be enforced in *England* and *Ireland*, and Orders made by the Court in *Ireland* for or in the Course of winding up a Company shall be enforced in *England* and *Scotland* by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the Company were situate in the Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Order made in *England* to be enforced in *Ireland* and *Scotland*.

123. Where any Order, Interlocutor, or Decree made by one Court is required to be enforced by another Court, as herein-before provided, an Office Copy of the Order, Interlocutor, or Decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such

Mode of dealing with Orders to be enforced by other Courts.

Companies, &c. (Part IV., Winding up.)

Office Copy shall be sufficient Evidence of such Order, Interlocutor, or Decree having been made, and thereupon such last-mentioned Court shall take such Steps in the Matter as may be requisite for enforcing such Order, Interlocutor, or Decree, in the same Manner as if it were the Order, Interlocutor, or Decree of the Court enforcing the same.

Appeals from
Orders.

124. Rehearings of and Appeals from any Order or Decision made or given in the Matter of the Winding-up of a Company by any Court having Jurisdiction under this Act, may be had in the same Manner and subject to the same Conditions in and subject to which Appeals may be had from any Order or Decision of the same Court in Cases within its ordinary Jurisdiction; subject to this Restriction, that no such Rehearing or Appeal shall be heard unless Notice of the same is given within Three Weeks after any Order complained of has been made, in manner in which Notices of Appeal are ordinarily given, according to the Practice of the Court appealed from, unless such Time is extended by the Court of Appeal: Provided that it shall be lawful for the Lord Warden of the Stannaries, by a Special or General Order, to remit at once any Appeal allowed and regularly lodged with him against any Order or Decision of the Vice Warden made in the Matter of a Winding-up to the Court of Appeal in Chancery, which Court shall thereupon hear and determine such Appeal, and have Power to require all such Certificates of the Vice Warden, Records of Proceedings below, Documents, and Papers as the Lord Warden would or might have required upon the Hearing of such Appeal, and to exercise all other the Jurisdiction and Powers of the Lord Warden specified in the Act of Parliament passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two, and any Order so made by the Court of Appeal in Chancery shall be final, without any further Appeal.

Judicial Notice
to be taken of
Signature of
Officers.

125. In all Proceedings under this Part of this Act, all Courts, Judges, and Persons judicially acting, and all other Officers, Judicial or Ministerial, of any Court, or employed in enforcing the Process of any Court, shall take judicial Notice of the Signature of any Officer of the Courts of Chancery or Bankruptcy in *England* or in *Ireland*, or of the Court of Session in *Scotland*, or of the Registrar of the Court of the Vice Warden of the Stannaries, and also of the official Seal or Stamp of the several Offices of the Courts of Chancery or Bankruptcy in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Vice Warden of the Stannaries, when such Seal or Stamp is appended to or impressed on any Document made, issued, or signed under the Provisions of this Part of the Act, or any official Copy thereof.

Special Com-
missioners for
receiving Evi-
dence.

126. The Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under this Act

Companies, &c. (Part IV., Winding up.)

in Cases where any Company is wound up in any Part of the United Kingdom, and it shall be lawful for the Court to refer the whole or any Part of the Examination of any Witnesses under this Act to any Person hereby appointed Commissioner, although such Commissioner is out of the Jurisdiction of the Court that made the Order or Decree for winding up the Company ; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding up the Company has ; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

127. The Court may direct the Examination in *Scotland* of any Person for the Time being in *Scotland*, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of any Company in the course of being wound up, or in regard to the Estate, Dealings, or Affairs of any Person being a Contributory of the Company, so far as the Company may be interested therein by reason of his being such Contributory, and the Order or Commission to take such Examination shall be directed to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time, and the Sheriff shall summon such Person to appear before him at a Time and Place to be specified in the Summons for Examination upon Oath as a Witness or as a Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Court, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof are required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as may be necessary ; and in case any Person so summoned fails to appear at the Time and Place specified, or appearing refuses to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver duly cited, and failing to appear or refusing to give Evidence or make Production may be proceeded against by the Law of *Scotland* ; and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of *Scotland* : If any Objection is stated to the

Court may
order the
Examination of
Persons in
Scotland.

Companies, &c. (Part IV., Winding up.)

Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, the Sheriff may, if he thinks fit, report such Objection to the Court, and suspend the Examination of such Witness until such Objection has been disposed of by the Court.

Affidavits, &c. may be sworn in Ireland, Scotland, or the Colonies before any competent Court or Person.

128. Any Affidavit, Affirmation, or Declaration required to be sworn or made, under the Provisions or for the Purposes of this Part of this Act, may be lawfully sworn or made in *Great Britain* or *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations, or before any of Her Majesty's Consuls or Vice-Consuls, in any Foreign Parts out of Her Majesty's Dominions, and all Courts, Judges, Justices, Commissioners, and Persons acting judicially shall take judicial Notice of the Seal or Stamp or Signature (as the Case may be) of any such Court, Judge, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Affidavit, Affirmation, or Declaration, or to any other Document to be used for the Purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

129. A Company under this Act may be wound up voluntarily,

- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily :
- (2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily :
- (3.) Whenever the Company has passed an Extraordinary Resolution to the Effect that it has been proved to their Satisfaction that the Company cannot by reason of its Liabilities continue its Business, and that it is advisable to wind up the same :

For the Purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such Manner as would, if it had been confirmed by a subsequent Meeting, have constituted a Special Resolution, as herein-before defined.

Commencement of voluntary Winding-up.

130. A voluntary Winding-up shall be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Effect of voluntary Winding-up on Status of Company.

131. Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, and all Transfers of Shares except Transfers made to or with the Sanction of the Liquidators, or Alteration in the Status of the Members of the Company taking place after the Commencement of such Winding-

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up shall be void, but its Corporate State and all its Corporate Powers shall, notwithstanding it is otherwise provided by its Regulations, continue until the Affairs of the Company are wound up.

132. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by Advertisement as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Notice of Resolution to wind up voluntarily.

133. The following Consequences shall ensue upon the voluntary Winding-up of a Company :

Consequences of voluntary Winding-up.

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities *pari passu*, and subject thereto, shall, unless it be otherwise provided by the Regulations of the Company, be distributed amongst the Members according to their Rights and Interests in the Company :
- (2.) Liquidators shall be appointed for the Purpose of winding up the Affairs of the Company and distributing the Property :
- (3.) The Company in General Meeting shall appoint such Persons or Person as it thinks fit to be Liquidators or a Liquidator, and may fix the Remuneration to be paid to them or him :
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him :
- (5.) Upon the Appointment of Liquidators all the Power of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the Continuance of such Powers :
- (6.) When several Liquidators are appointed, every Power hereby given may be exercised by such One or more of them, as may be determined at the Time of their Appointment, or in default of such Determination by any Number not less than Two :
- (7.) The Liquidators may, without the Sanction of the Court, exercise all Powers by this Act given to the Official Liquidator :
- (8.) The Liquidators may exercise the Powers herein-before given to the Court of settling the List of Contributories of the Company, and any List so settled shall be *primâ facie* Evidence of the Liability of the Persons named therein to be Contributories :
- (9.) The Liquidators may at any Time after the passing of the Resolution for winding up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, call on all or any of the Contributories for the Time being settled on the List of Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses

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of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and the Liquidators may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same :

- (10.) The Liquidators shall pay the Debts of the Company, and adjust the Rights of the Contributories amongst themselves.

Effect of Winding-up on Share Capital of Company limited by Guarantee.

134. Where a Company limited by Guarantee, and having a Capital divided into Shares, is being wound up voluntarily, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Specialty Debt due from each Member to the Company to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Liquidators.

Power of Company to delegate Authority to appoint Liquidators.

135. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an Extraordinary Resolution, delegate to its Creditors, or to any Committee of its Creditors, the Power of appointing Liquidators or any of them, and supplying any Vacancies in the Appointment of Liquidators, or may by a like Resolution enter into any Arrangement with respect to the Powers to be exercised by the Liquidators, and the Manner in which they are to be exercised ; and any Act done by the Creditors, in pursuance of such delegated Power, shall have the same Effect as if it had been done by the Company.

Arrangement when binding on Creditors.

136. Any Arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its Creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the Creditors if acceded to by Three Fourths in Number and Value of the Creditors, subject to such Right of Appeal as is herein-after mentioned.

Power of Creditor or Contributory to appeal.

137. Any Creditor or Contributory of a Company that has in manner aforesaid entered into any Arrangement with its Creditors may, within Three Weeks from the Date of the Completion of such Arrangement, appeal to the Court against such Arrangement, and the Court may thereupon, as it thinks just, amend, vary, or confirm the same.

Power for Liquidators or Contributories in voluntary Winding-up to apply to Court.

138. Where a Company is being wound up voluntarily the Liquidators or any Contributory of the Company may apply to the Court in *England, Ireland, or Scotland*, or to the Lord Ordinary on the Bills in *Scotland* in Time of Vacation, to determine any Question arising in the Matter of such Winding up, or to exercise, as respects the enforcing of Calls, or in respect of any other Matter, all or any of the Powers which the Court might exercise if the Company were being wound up by the Court ; and the Court or Lord Ordinary in the Case aforesaid, if satisfied that the Determination of such Question, or the required Exercise of Power, will be just and beneficial, may accede, wholly or partially, to such Application, on such Terms and subject to such Conditions as the Court thinks fit, or it may

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make such other Order, Interlocutor, or Decree on such Application as the Court thinks just.

139. Where a Company is being wound up voluntarily the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by Special Resolution or Extraordinary Resolution, or for any other Purposes they think fit; and in the event of the Winding-up continuing for more than One Year, the Liquidators shall summon a General Meeting of the Company at the End of the First Year, and of each succeeding Year from the Commencement of the Winding-up, or as soon thereafter as may be convenient, and shall lay before such Meeting an Account showing their Acts and Dealings, and the Manner in which the Winding-up has been conducted during the preceding Year.

Power of Liquidators to call General Meeting.

140. If any Vacancy occurs in the Office of Liquidators appointed by the Company, by Death, Resignation, or otherwise, the Company in General Meeting may, subject to any Arrangement they may have entered into with their Creditors, fill up such Vacancy, and a General Meeting for the Purpose of filling up such Vacancy may be convened by the continuing Liquidators, if any, or by any Contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the Regulations of the Company, or in such other Manner as may, on Application by the continuing Liquidator, if any, or by any Contributory of the Company, be determined by the Court.

Power to fill up Vacancy in Liquidators.

141. If from any Cause whatever there is no Liquidator acting in the Case of a voluntary Winding-up, the Court may, on the Application of a Contributory, appoint a Liquidator or Liquidators: The Court may also, on due Cause shown, remove any Liquidator, and appoint another Liquidator to act in the Matter of a voluntary Winding-up.

Power of Court to appoint Liquidators.

142. As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the Purpose of having the Account laid before them and hearing any Explanation that may be given by the Liquidators: The Meeting shall be called by Advertisement, specifying the Time, Place, and Object of such Meeting; and such Advertisement shall be published One Month at least previously to the Meeting, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Liquidators on Conclusion of Winding up to make up an Account.

143. The Liquidators shall make a Return to the Registrar of such Meeting having been held, and of the Date at which the same was held, and on the Expiration of Three Months from the Date of the Registration of such Return the Company shall be deemed to be dissolved: If the Liquidators make default in making such Return to the Registrar they shall incur a Penalty

Liquidators to report Meeting to Registrar.

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not exceeding Five Pounds for every Day during which such Default continues.

Costs of voluntary Liquidation.

144. All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

145. The voluntary Winding-up of a Company shall not be a Bar to the Right of any Creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the Rights of such Creditor will be prejudiced by a voluntary Winding-up.

Power of Court to adopt Proceedings of voluntary Winding-up.

146. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up.

Winding up subject to the Supervision of the Court.

Power of Court, on Application, to direct Winding-up, subject to Supervision.

147. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an Order directing that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others, to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

Petition for winding up, subject to Supervision.

148. A Petition, praying wholly or in part that a voluntary Winding-up should continue, but subject to the Supervision of the Court, and which Winding-up is herein-after referred to as a Winding-up subject to the Supervision of the Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, be deemed to be a Petition for winding up the Company by the Court.

Court may have regard to Wishes of Creditors.

149. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the Supervision of the Court, in the Appointment of Liquidator or Liquidators, and in all other Matters relating to the winding up subject to Supervision, have regard to the Wishes of the Creditors or Contributories as proved to it by any sufficient Evidence, and may direct Meetings of the Creditors or Contributories to be summoned, held, and regulated in such Manner as the Court directs for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard shall be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company.

Power to Court to appoint additional Liquidators

150. Where any Order is made by the Court for a Winding-up subject to the Supervision of the Court, the Court may, in such Order or in any subsequent Order, appoint any additional Liquidator

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dator or Liquidators; and any Liquidators so appointed by the Court shall have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by Death or Resignation.

in Winding-up subject to Supervision.

151. Where an Order is made for a Winding-up subject to the Supervision of the Court, the Liquidators appointed to conduct such Winding-up may, subject to any Restrictions imposed by the Court, exercise all their Powers, without the Sanction or Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court for a Winding-up, subject to the Supervision of the Court, shall for all Purposes, including the staying of Actions, Suits, and other Proceedings, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised if an Order had been made for winding up the Company altogether by the Court, and in the Construction of the Provisions whereby the Court is empowered to direct any Act or Thing to be done to or in favour of the Official Liquidators, the Expression Official Liquidators shall be deemed to mean the Liquidators conducting the Winding-up, subject to the Supervision of the Court.

Effect of Order of Court for winding-up subject to Supervision.

152. Where an Order has been made for the Winding-up of a Company subject to the Supervision of the Court, and such Order is afterwards superseded by an Order directing the Company to be wound up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be Official Liquidators.

Appointment in certain Cases of voluntary Liquidators to Office of Official Liquidators.

Supplemental Provisions.

153. Where any Company is being wound up by the Court or subject to the Supervision of the Court all Dispositions of the Property, Effects, and Things in Action of the Company, and every Transfer of Shares, or Alteration in the Status of the Members of the Company made between the Commencement of the winding up and the Order for winding up, shall, unless the Court otherwise orders, be void.

Dispositions after the Commencement of the Winding-up avoided.

154. Where any Company is being wound up, all Books, Accounts, and Documents of the Company and of the Liquidators shall, as between the Contributories of the Company, be *prima facie* Evidence of the Truth of all Matters purporting to be therein recorded.

The Books of the Company to be Evidence.

155. Where any Company has been wound up under this Act and is about to be dissolved, the Books, Accounts, and Documents of the Company and of the Liquidators may be disposed of in the following Way; that is to say, where the

As to Disposal of Books, Accounts, and Documents of the Company.

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Company has been wound up by or subject to the Supervision of the Court, in such Way as the Court directs, and where the Company has been wound up voluntarily, in such Way as the Company by an Extraordinary Resolution directs; but after the Lapse of Five Years from the Date of such Dissolution, no Responsibility shall rest on the Company, or the Liquidators, or anyone to whom the Custody of such Books, Accounts, and Documents has been committed, by reason that the same, or any of them, cannot be made forthcoming to any Party or Parties claiming to be interested therein.

156. Where an Order has been made for winding up a Company by the Court, or subject to the Supervision of the Court, the Court may make such Order for the Inspection by the Creditors and Contributories of the Company of its Books and Papers as the Court thinks just, and any Books and Papers in the Possession of the Company may be inspected by Creditors or Contributories in conformity with the Order of the Court, but not further or otherwise.

157. Any Person to whom any Thing in Action belonging to the Company is assigned, in pursuance of this Act, may bring or defend any Action or Suit relating to such Thing in Action in his own Name.

158. In the event of any Company being wound up under this Act, all Debts payable on a Contingency, and all Claims against the Company, present or future, certain or contingent, ascertained or sounding only in Damages, shall be admissible to Proof against the Company, a just Estimate being made, so far as is possible, of the Value of all such Debts or Claims as may be subject to any Contingency or sound only in Damages, or for some other Reason do not bear a certain Value.

159. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any Classes of Creditors in full, or make such Compromise or other Arrangement as the Liquidators may deem expedient with Creditors or Persons claiming to be Creditors, or Persons having or alleging themselves to have any Claim, present or future, certain or contingent, ascertained or sounding only in Damages against the Company, or whereby the Company may be rendered liable.

160. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, and all Questions in any way relating

Inspection of Books.

Power of Assignee to sue.

Debts of all Descriptions to be proved.

General Scheme of Liquidation may be sanctioned.

Power to compromise.

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to or affecting the Assets of the Company or the winding up of the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities.

161. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a Portion of its Business or Property is proposed to be transferred or sold to another Company, the Liquidators of the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general Authority on the Liquidators, or an Authority in respect of any particular Arrangement, receive in Compensation or part Compensation for such Transfer or Sale Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound up, or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash, Shares, Policies, or other like Interests, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Members of the Company being wound up; subject to this Proviso, that if any Member of the Company being wound up who has not voted in favour of the Special Resolution passed by the Company of which he is a Member at either of the Meetings held for passing the same expresses his Dissent from any such Special Resolution in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company not later than Seven Days after the Date of the Meeting at which such Special Resolution was passed, such dissentient Member may require the Liquidators to do One of the following Things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Interest held by such dissentient Member at a Price to be determined in manner herein-after mentioned, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by Special Resolution: No Special Resolution shall be deemed invalid for the Purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an Order be made within a Year for winding up the Company by or subject to the Supervision of the Court, such Resolution shall not be of any Validity unless it is sanctioned by the Court.

162. The Price to be paid for the Purchase of the Interest of any dissentient Member may be determined by Agreement, but if the Parties dispute about the same, such Dispute shall be settled by Arbitration, and for the Purposes of such Arbitration the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall

Power for Liquidators to accept Shares, &c. as a Consideration for Sale of Property of Company.

Mode of determining Price.

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be incorporated with this Act; and in the Construction of such Provisions this Act shall be deemed to be the Special Act, and "the Company" shall mean the Company that is being wound up, and any Appointment by the said incorporated Provisions directed to be made under the Hand of the Secretary, or any Two of the Directors, may be made under the Hand of the Liquidator, if only One, or any Two or more of the Liquidators if more than One.

Certain Attachments, Sequestrations, and Executions to be void.

163. Where any Company is being wound up by the Court or subject to the Supervision of the Court, any Attachment, Sequestration, Distress, or Execution put in force against the Estate or Effects of the Company after the Commencement of the Winding-up shall be void to all Intents.

Fraudulent Preference.

164. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of the Creditors of such Trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent Preference of the Creditors of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall in the Case of a Company being wound up by the Court or subject to the Supervision of the Court, and a Resolution for winding up the Company shall, in the Case of a voluntary Winding-up, be deemed to correspond with the Act of Bankruptcy in the Case of an individual Trader; and any Conveyance or Assignment made by any Company formed under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Power of Court to assess Damages against delinquent Directors and Officers.

165. Where, in the course of the Winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own Hands or become liable or accountable for any Monies of the Company, or been guilty of any Misfeasance or Breach of Trust in relation to the Company, the Court may, on the Application of any Liquidator, or of any Creditor or Contributory of the Company, notwithstanding that the Offence is one for which the Offender is criminally responsible, examine into the Conduct of such Director, Manager, or other Officer, and compel him to repay any Monies so misapplied or retained, or for which he has become liable or accountable, together with Interest after such Rate as the Court thinks just, or to contribute such Sums of Money to the Assets of the Company by way of Compensation in respect of such Misapplication, Retainer, Misfeasance, or Breach of Trust, as the Court thinks just.

Penalty on Falsification of Books.

166. If any Director, Officer, or Contributory of any Company wound up under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy

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to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company with Intent to defraud or deceive any Person, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

167. Where any Order is made for winding up a Company by the Court or subject to the Supervision of the Court, if it appear in the course of such Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, direct the Official Liquidators, or the Liquidators, (as the Case may be,) to institute and conduct a Prosecution or Prosecutions for such Offence, and may order the Costs and Expenses to be paid out of the Assets of the Company.

Prosecution of delinquent Directors in the Case of winding up by Court.

168. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators, with the previous Sanction of the Court, to prosecute such Offender, and all Expenses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in priority to all other Liabilities.

Prosecution of delinquent Directors, &c. in case of voluntary Winding-up.

169. If any Person, upon any Examination upon Oath or Affirmation authorized under this Act, or in any Affidavit, Deposition, or solemn Affirmation in or about the Winding-up of any Company under this Act, or otherwise in or about any Matter arising under this Act, wilfully and corruptly gives false Evidence, he shall, upon Conviction, be liable to the Penalties of wilful Perjury.

Penalty of Perjury.

Power of Courts to make Rules.

170. In *England* the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of Proceeding to be had for winding up a Company in the Court of Chancery as may from Time to Time seem necessary, but until such Rules are made the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company.

Power of Lord Chancellor of Great Britain to make Rules.

171. In *Scotland* the Court of Session may make such Rules concerning the Mode of winding up as may be necessary by Act of Sederunt; but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official

Power of Court of Session in Scotland to make Rules.

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Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power to make Rules in Stannaries Court.

172. The Vice Warden of the Stannaries may from Time to Time, with the Consent provided for by Section Twenty-three of the Act of Eighteenth of *Victoria*, Chapter Thirty-two, make Rules for carrying into effect the Powers conferred by this Act upon the Court of the Vice Warden, but, subject to such Rules, the general Practice of the said Court and of the Registrar's Office in the said Court, including the present Practice of the said Court in winding up Companies, may be applied to all Proceedings under this Act; the said Vice Warden may likewise, with the same Consent, make from Time to Time Rules for specifying the Fees to be taken in his said Court in Proceedings under this Act; and any Rules so made shall be of the same Force as if they had been enacted in the Body of this Act; and the Fees paid in respect of Proceeding taken under this Act, including Fees taken under "The Joint Stock Companies Act, 1856," in the Matter of winding up Companies, shall be applied exclusively towards Payment of such additional Officers, or such Increase of the Salaries of existing Officers, or Pensions to retired Officers, or such other needful Expenses of the Court, as the Lord Warden of the Stannaries shall, from Time to Time, on the Application of the Vice Warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall be kept as a separate Fund apart from the ordinary Fees of the Court arising from other Business, to await such Direction and Order of the Lord Warden herein, and to accumulate by Investment in Government Securities until the whole shall have been so appropriated.

Power of Lord Chancellor of Ireland to make Rules.

173. In *Ireland* the Lord Chancellor of *Ireland* may, as respects the winding up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain*; but until such Rules are made the general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company.

PART V.

REGISTRATION OFFICE.

Constitution of Registration Office.

174. The Registration of Companies under this Act shall be conducted as follows; (that is to say.)

- (1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and remove them at pleasure:
- (2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid:

Companies, &c. (Part V., Registration Office)

- (3.) The Board of Trade may from Time to Time determine the Places at which Offices for the Registration of Companies are to be established, so that there be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established; and the Board may require that the Registrar's Office of the Court of the Vice Warden of the Stannaries shall be One of the Offices for the Registration of Companies formed for working Mines within the Jurisdiction of the Court :
- (4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies :
- (5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection; and any Person may require a Certificate of the Incorporation of any Company, or a Copy or Extract of any other Document or any Part of any other Document, to be certified by the Registrar; and there shall be paid for such Certificate of Incorporation, certified Copy, or Extract such Fees as the Board of Trade may appoint, not exceeding Five Shillings for the Certificate of Incorporation, and not exceeding Sixpence for each Folio of such Copy or Extract, or in *Scotland* for each Sheet of Two hundred Words :
- (6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade :
- (7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct :
- (8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies, or in his Absence to or by such Person as the Board of Trade may for the Time being authorize; in *Scotland* to or by the existing Registrar of Joint Stock

Companies, &c. (Part VI., Registration.)

Stock Companies in *Scotland*; and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland*, or by such Person as the Board of Trade may for the Time being authorize in *Scotland* or *Ireland* in the Absence of the Registrar; but in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE
JOINT STOCK COMPANIES ACTS.

Definition of
Joint Stock
Companies
Acts.

175. The Expression "Joint Stock Companies Acts" as used in this Act shall mean "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Acts, 1856, 1857," "The Joint Stock Banking Companies Act, 1857," and "The Act to enable "Joint Stock Banking Companies to be formed on the Principle "of Limited Liability," or any One or more of such Acts, as the Case may require; but shall not include the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

Application of
Act to Compa-
nies formed
under Joint
Stock Com-
panies Acts.

176. Subject as herein-after mentioned, this Act, with the Exception of Table A. in the First Schedule, shall apply to Companies formed and registered under the said Joint Stock Companies Acts, or any of them, in the same Manner in the Case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by Shares, and in the Case of a Company other than a Limited Company as if such Company had been formed and registered as an Unlimited Company under this Act, with this Qualification, that wherever Reference is made expressly or impliedly to the Date of Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them, and the Power of altering Regulations by Special Resolution given by this Act shall, in the Case of any Company formed and registered under the said Joint Stock Companies Acts or any of them, extend to altering any Provisions contained in the Table marked B. annexed to "The Joint Stock Companies Act, 1856," and shall also in the Case of an Unlimited Company formed and registered as last aforesaid extend to altering any Regulations relating to the Amount of Capital or its Distribution into Shares, notwithstanding such Regulations are contained in the Memorandum of Association.

Application of
Act to Compa-
nies regis-
tered under
Joint Stock

177. This Act shall apply to Companies registered but not formed under the said Joint Stock Companies Acts or any of them in the same Manner as it is herein-after declared to apply to Companies registered but not formed under this Act, with this

Companies, &c. (Part VII., Registration.)

Qualification, that wherever Reference is made expressly or impliedly to the Date of Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them.

Companies Acts.

178. Any Company registered under the said Joint Stock Companies Acts or any of them may cause its Shares to be transferred in manner hitherto in use, or in such other Manner as the Company may direct.

Mode of transferring Shares.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

179. The following Regulations shall be observed with respect to the Registration of Companies under this Part of this Act ; (that is to say,)

Regulations as to Registration of existing Companies.

- (1.) No Company having the Liability of its Members limited by Act of Parliament or Letters Patent, and not being a Joint Stock Company as herein-after defined, shall register under this Act in pursuance of this Part thereof :
- (2.) No Company having the Liability of its Members limited by Act of Parliament or by Letters Patent shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by Guarantee :
- (3.) No Company that is not a Joint Stock Company as herein-after defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by Shares :
- (4.) No Company shall register under this Act in pursuance of this Part thereof unless an Assent to its so registering is given by a Majority of such of its Members as may be present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for the Purpose :
- (5.) Where a Company not having the Liability of its Members limited by Act of Parliament or Letters Patent is about to register as a Limited Company, the Majority required to assent as aforesaid shall consist of not less than Three Fourths of the Members present, personally or by Proxy, at such last-mentioned General Meeting :
- (6.) Where a Company is about to register as a Company limited by Guarantee the Assent to its being so registered shall be accompanied by a Resolution declaring that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceased to be a Member, and of the Costs, Charges, and Expenses of winding up the Company,

Companies, &c. (Part VII., Registration.)

and for the Adjustment of the Rights of the Contributors amongst themselves, such Amount as may be required, not exceeding a specified Amount :

In computing any Majority under this Section when a Poll is demanded regard shall be had to the Number of Votes to which each Member is entitled according to the Regulations of the Company of which he is a Member.

Companies capable of being registered.

180. With the above Exceptions, and subject to the foregoing Regulations, every Company existing at the Time of the Commencement of this Act, including any Company registered under the said Joint Stock Companies Acts, consisting of Seven or more Members, and any Company hereafter formed in pursuance of any Act of Parliament other than this Act, or of Letters Patent, or being a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, or being otherwise duly constituted by Law, and consisting of Seven or more Members, may at any Time hereafter register itself under this Act as an Unlimited Company, or a Company limited by Shares, or a Company limited by Guarantee ; and no such Registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Definition of Joint Stock Company.

181. For the Purposes of this Part of this Act, so far as the same relates to the Description of Companies empowered to register as Companies limited by Shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, or held and transferable as Stock, or divided and held partly in one way and partly in the other, and formed on the Principle of having for its Members the Holders of Shares in such Capital, or the Holders of such Stock, and no other Persons ; and such Company when registered with Limited Liability under this Act shall be deemed to be a Company limited by Shares.

Proviso as to Banking Company.

182. No Banking Company claiming to issue Notes in the United Kingdom shall be entitled to Limited Liability in respect of such Issue, but shall continue subject to Unlimited Liability in respect thereof, and, if necessary, the Assets shall be marshalled for the Benefit of the general Creditors, and the Members shall be liable for the whole Amount of the Issue, in addition to the Sum for which they would be liable as Members of a Limited Company.

Requisitions for Registration by Companies.

183. Previously to the Registration in pursuance of this Part of this Act of any Joint Stock Company there shall be delivered to the Registrar the following Documents ; (that is to say,)

- (1.) A List showing the Names, Addresses, and Occupations of all Persons who on a Day named in such List, and not being more than Six clear Days before the Day of Registration, were Members of such Company, with the Addition of the Shares held by such Persons respectively, distinguishing, in Cases where such Shares are numbered, each Share by its Number :

Companies, &c. (Part VII., Registration.)

(2.) A Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnership, Cost Book Regulations, or other Instrument constituting or regulating the Company :

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars ; that is to say,

The nominal Capital of the Company and the Number of Shares into which it is divided :

The Number of Shares taken and the Amount paid on each Share :

The Name of the Company, with the Addition of the Word " Limited " as the last Word thereof :

With the Addition, in the Case of a Company intended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of the Guarantee.

184. Previously to the Registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company there shall be delivered to the Registrar a List showing the Names, Addresses, and Occupations of the Directors or other Managers (if any) of the Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, Contract of Copartnership, Cost Book Regulations, or other Instrument constituting or regulating the Company, with the Addition, in the Case of a Company intended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of Guarantee.

Requisitions for Registration by existing Company not being a Joint Stock Company.

185. Where a Joint Stock Company authorized to register under this Act has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar a Statement of Shares, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than Six clear Days before the Day of Registration.

Power for existing Company to register Amount of Stock instead of Shares.

186. The Lists of Members and Directors and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two.

Authentication of Statements of existing Companies.

187. The Registrar may require such Evidence as he thinks necessary for the Purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as herein-before defined.

Registrar may require Evidence, &c.

188. Every Banking Company existing at the Date of the passing of this Act which registers itself as a Limited Company shall, at least Thirty Days previous to obtaining a Certificate of Registration with Limited Liability, give Notice that it is intended

On Registration of Banking Company with Limited Liability Notice to

Companies, &c. (Part VII., Registration.)

be given to
Customers.

intended so to register the same to every Person and Partnership Firm who have a Banking Account with the Company, and such Notice shall be given either by delivering the same to such Person or Firm, or leaving the same or putting the same into the Post addressed to him or them at such Address as shall have been last communicated or otherwise become known as his or their Address to or by the Company; and in case the Company omits to give any such Notice as is herein-before required to be given, then as between the Company and the Person or Persons only who are for the Time being interested in the Account in respect of which such Notice ought to have been given, and so far as respects such Account and all Variations thereof down to the Time at which such Notice shall be given, but not further or otherwise, the Certificate of Registration with Limited Liability shall have no Operation.

Exemption of
certain Com-
panies from
Payment of
Fees.

189. No Fees shall be charged in respect of the Registration in pursuance of this Part of this Act of any Company in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Power to Com-
pany to change
Name.

190. Any Company authorized by this Part of this Act to register with Limited Liability shall, for the Purpose of obtaining Registration with Limited Liability, change its Name, by adding thereto the Word "Limited."

Certificate of
Registration of
existing Com-
panies.

191. Upon Compliance with the Requisitions in this Part of this Act contained with respect to Registration, and on Payment of such Fees, if any, as are payable under the Tables marked B. and C. in the First Schedule hereto, the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and, in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual Succession and a Common Seal, with Power to hold Lands; and any Banking Company in *Scotland* so incorporated shall be deemed and taken to be a Bank incorporated, constituted, or established by or under Act of Parliament.

Certificate to
be Evidence of
Compliance
with Act.

192. A Certificate of Incorporation given at any Time to any Company registered in pursuance of this Part of this Act shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the Case may be, and the Date of Incorporation mentioned in such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Transfer of
Property to
Company.

193. All such Property, Real and Personal, including all Interests and Rights in, to, and out of Property, Real and Personal, and including Obligations and Things in Action, as may belong to or be vested in the Company at the Date of its Registration under this Act, shall on Registration pass to and vest in the Company

Companies, &c. (Part VII., Registration.)

Company as incorporated under this Act for all the Estate and Interest of the Company therein.

194. The Registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the Liability of such Company to have enforced against it, or its Right to enforce, any Debt or Obligation incurred, or any Contract entered into, by, to, with, or on behalf of such Company previously to such Registration.

Registration not to affect Obligations incurred previously.

195. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the Public Officer or any Member thereof, may be continued in the same Manner as if such Registration had not taken place ; nevertheless, Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained in any Action, Suit, or Proceeding so commenced as aforesaid ; but in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company.

Continuation of existing Actions and Suits.

196. When a Company is registered under this Act in pursuance of this Part thereof, all Provisions contained in any Act of Parliament, Deed of Settlement, Contract of Copartnership, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, including, in the Case of a Company registered as a Company Limited by Guarantee, the Resolution declaring the Amount of the Guarantee, shall be deemed to be Conditions and Regulations of the Company, in the same Manner and with the same Incidents as if they were contained in a registered Memorandum of Association and Articles of Association ; and all the Provisions of this Act shall apply to such Company and the Members, Contributories, and Creditors thereof, in the same Manner in all respects as if it had been formed under this Act, subject to the Provisions following ; (that is to say,)

Effect of Registration under Act.

- (1.) That Table A. in the First Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof :
- (2.) That the Provisions of this Act relating to the numbering of Shares shall not apply to any Joint Stock Company whose Shares are not numbered :
- (3.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company :
- (4.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company :
- (5.) That in the event of the Company being wound up, every Person shall be a Contributory, in respect of the Debts and Liabilities of the Company contracted prior to

Companies, &c. (Part VII., Registration.)

Registration, who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company contracted prior to Registration, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves in respect of any such Debt or Liability; or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up the Company, so far as relates to such Debts or Liabilities as aforesaid; and every such Contributory shall be liable to contribute to the Assets of the Company, in the course of the Winding-up, all Sums due from him in respect of any such Liability as aforesaid; and in the event of the Death, Bankruptcy, or Insolvency of any such Contributory as last aforesaid, or Marriage of any such Contributory being a Female, the Provisions herein-before contained with respect to the Representatives, Heirs, and Devisees of deceased Contributories, and with reference to the Assignees of bankrupt or insolvent Contributories, and to the Husbands of married Contributories, shall apply:

- (6.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Contract of Copartnership, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Deed of Settlement, Contract of Copartnership, Letters Patent, or other Instrument constituting or regulating the Company.

Power of Court to restrain further Proceedings.

197. The Court may, at any Time after the Presentation of a Petition for winding up a Company registered in pursuance of this Part of this Act, and before making an Order for winding up the Company, upon the Application by Motion of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or legal Proceeding against any Contributory of the Company as well as against the Company as herein-before provided, upon such Terms as the Court thinks fit.

Order for winding up Company.

198. Where an Order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the Provisions herein-before contained, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Companies, &c. (Part VIII., Unregistered Companies.)

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES.

199. Subject as herein-after mentioned, any Partnership, Association, or Company, except Railway Companies incorporated by Act of Parliament, consisting of more than Seven Members, and not registered under this Act, and herein-after included under the Term unregistered Company, may be wound up under this Act, and all the Provisions of this Act with respect to winding up shall apply to such Company, with the following Exceptions and Additions :

Winding-up
of unregistered
Companies.

- (1.) An unregistered Company shall, for the Purpose of determining the Court having Jurisdiction in the Matter of the Winding-up, be deemed to be registered in that Part of the United Kingdom where its principal Place of Business is situate; or, if it has a principal Place of Business situate in more than One Part of the United Kingdom, then in each Part of the United Kingdom where it has a principal Place of Business; moreover the principal Place of Business of an unregistered Company, or (where it has a principal Place of Business situate in more than One Part of the United Kingdom) such One of its principal Places of Business as is situate in that Part of the United Kingdom in which Proceedings are being instituted, shall for all the Purposes of the winding up of such Company be deemed to be the registered Office of the Company :
- (2.) No unregistered Company shall be wound up under this Act voluntarily or subject to the Supervision of the Court :
- (3.) The Circumstances under which an unregistered Company may be wound up are as follows ; (that is to say,)
 - (a.) Whenever the Company is dissolved, or has ceased to carry on Business, or is carrying on Business only for the Purpose of winding up its Affairs ;
 - (b.) Whenever the Company is unable to pay its Debts ;
 - (c.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up :
- (4.) An unregistered Company shall, for the Purposes of this Act, be deemed to be unable to pay its Debts,
 - (a.) Whenever a Creditor to whom the Company is indebted, at Law or in Equity, by Assignment or otherwise, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at the principal Place of Business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand

Companies, &c. (Part VIII., Unregistered Companies.)

Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor :

- (b.) Whenever any Action, Suit, or other Proceeding has been instituted against any Member of the Company for any Debt or Demand due, or claimed to be due, from the Company, or from him in his Character of Member of the Company, and Notice in Writing of the Institution of such Action, Suit, or other legal Proceeding having been served upon the Company by leaving the same at the principal Place of Business of the Company, or by delivering it to the Secretary, or some Director, Manager, or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, the Company has not within Ten Days after Service of such Notice paid, secured, or compounded for such Debt or Demand, or procured such Action, Suit, or other legal Proceeding to be stayed, or indemnified the Defendant to his reasonable Satisfaction against such Action, Suit, or other legal Proceeding, and against all Costs, Damages, and Expenses to be incurred by him by reason of the same :
- (c.) Whenever, in *England* or *Ireland*, Execution or other Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Proceeding at Law or in Equity instituted by such Creditor against the Company, or any Member thereof as such, or against any Person authorized to be sued as nominal Defendant on behalf of the Company, is returned unsatisfied :
- (d.) Whenever, in the Case of an unregistered Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, a customary Decree or Order absolute for the Sale of the Machinery, Materials, and Effects of such Mine has been made in a Creditor's Suit in the Court of the Vice Warden :
- (e.) Whenever, in *Scotland*, the Induciae of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made :
- (f.) Whenever it is otherwise proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

Who to be deemed a Contributory in the event of Company being wound up.

200. In the event of an unregistered Company being wound up every Person shall be deemed to be a Contributory who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves, or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up

Companies, &c. (Part VIII., Unregistered Companies.)

up the Company, and every such Contributory shall be liable to contribute to the Assets of the Company in the course of the Winding-up all Sums due from him in respect of any such Liability as aforesaid; but in the event of the Death, Bankruptcy, or Insolvency of any Contributory, or Marriage of any Female Contributory, the Provisions herein-before contained with respect to the Personal Representatives, Heirs, and Devisees of a deceased Contributory, and to the Assignees of a bankrupt or insolvent Contributory, and to the Husband of married Contributories, shall apply.

201. The Court may, at any Time after the Presentation of a Petition for winding up an unregistered Company, and before making an Order for winding up the Company, upon the Application of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against any Contributory of the Company, or against the Company as herein-before provided, upon such Terms as the Court thinks fit.

Power of Court to restrain further Proceedings.

202. Where an Order has been made for winding up an unregistered Company in addition to the Provisions herein-before contained in the Case of Companies formed under this Act, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Effect of Order for winding up Company.

203. If any unregistered Company has no Power to sue and be sued in a common Name, or if for any Reason it appears expedient, the Court may by the Order made for winding up such Company, or by any subsequent Order, direct that all such Property, Real and Personal, including all Interest, Claims, and Rights into and out of Property, Real and Personal, and including Things in Action, as may belong to or be vested in the Company, or to or in any Person or Persons on Trust for or on behalf of the Company, or any Part of such Property, is to vest in the Official Liquidator or Official Liquidators by his or their official Name or Names, and thereupon the same or such Part thereof as may be specified in the Order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official Name or Names, or in such Name or Names and after giving such Indemnity as the Court directs, bring or defend any Actions, Suits, or other legal Proceeding relating to any Property vested in him or them, or any Actions, Suits, or other legal Proceedings necessary to be brought or defended for the Purposes of effectually winding up the Company and recovering the Property thereof.

Provision in case of unregistered Company.

204. The Provisions made by this Part of the Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any Provisions herein-before contained with respect to winding up Companies by the Court, and the Court or Official Liquidator may, in addition to anything contained in this Part of the Act, exercise any Powers or do any Act in the Case of unregistered Companies which might

Provisions in this Part of Act cumulative.

Companies, &c. (Part IX., Repeal of Acts, &c.)

be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the Extent provided by this Part of this Act.

PART IX.

REPEAL OF ACTS, AND TEMPORARY PROVISIONS.

Repeal of Acts.

205. After the Commencement of this Act there shall be repealed the several Acts specified in the First Part of the Third Schedule hereto, with this Qualification, that so much of the said Acts as is set forth in the Second Part of the said Third Schedule shall be hereby re-enacted and continue in force as if unrepealed.

Saving Clause as to Repeal.

206. No Repeal hereby enacted shall affect,

- (1.) Anything duly done under any Acts hereby repealed:
- (2.) The Incorporation of any Company registered under any Act hereby repealed:
- (3.) Any Right or Privilege acquired or Liability incurred under any Act hereby repealed:
- (4.) Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:
- (5.) Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, or any Part thereof, so far as the same applies to any Company existing at the Time of the Commencement of this Act.

Saving of existing Proceedings for winding up.

207. Where previously to the Commencement of this Act an Order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same Manner and with the same Incidents as if this Act were not passed, and for the Purposes of such Winding-up such repealed Acts or Act shall be deemed to remain in full Force.

Saving of Conveyance Deeds.

208. Where previously to the Commencement of this Act any Conveyance, Mortgage, or other Deed has been made in pursuance of any Act hereby repealed, such Deed shall be of the same Force as if this Act had not passed, and for the Purposes of such Deed such repealed Act shall be deemed to remain in full Force.

Compulsory Registration of certain Companies.

209. Every Insurance Company completely registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, shall on or before the Second Day of *November* One thousand eight hundred and sixty-two, and every other Company required by any Act hereby repealed to register under the said Joint Stock Companies Acts, or One of such Acts, and which has not so registered, shall, on or before the Expiration of the Thirty-first Day from the Commencement of this Act, register itself as a Company under this Act, in manner and subject to the Regulations herein-before contained, with this Exception, that no Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty shall be required to deliver

Companies, &c. (Part IX., Repeal of Acts, &c.)

to the Registrar a Copy of its Deed of Settlement; and for the Purpose of enabling such Insurance Companies as are mentioned in this Section to register under this Act, this Act shall be deemed to come into operation immediately on the passing thereof; nevertheless the Registration of such Companies shall not have any Effect until the Time of the Commencement of this Act. No Fees shall be charged in respect of the Registration of any Company required to register by this Section.

210. If any Company required by the last Section to register under this Act makes default in complying with the Provisions thereof, then, from and after the Day upon which such Company is required to register under this Act, until the Day on which such Company is registered under this Act (which it is empowered to do at any Time), the following Consequences shall ensue; (that is to say,)

- (1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity;
- (2.) No Dividend shall be payable to any Shareholder in such Company;
- (3.) Each Director or Manager of the Company shall for each Day during which the Company so being in default carries on Business incur a Penalty not exceeding Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use;

Nevertheless, such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section; and Registration under this Act shall cancel any Penalty or Forfeiture, and put an end to any Disability which any Company may have incurred under any Act hereby repealed by reason of its not having registered under the said Joint Stock Companies Acts, 1856, 1857, or One of them.

211. Upon the Application of the Directors of any Company registered under the Joint Stock Companies Acts as herein-before defined, or any of them, made within One Year after the Date of the Commencement of this Act, sanctioned by a Resolution passed at an Extraordinary General Meeting, but subject to the Restrictions herein-after mentioned, the Board of Trade shall have Authority by their Certificate in Writing to change the registered Office of any such Company from any one Part of the United Kingdom of *Great Britain and Ireland* to any other Part thereof, and the Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon Receipt of such Certificate, note in Writing upon the Margin or at the Foot of the said Memorandum the Name of the Place to which such registered Office is to be transferred, and the Day upon which such Transfer is pursuant to such Certificate to take place, and shall attach the Certificate to the Memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that Part of the United Kingdom to which the registered Office is to be so transferred Copies of the

Penalty on
Company not
registering.
21 Vict. c. 14.
s. 28.

Temporary
Power for
Companies to
change regis-
tered Office.

Companies, &c. (First Schedule.)

said Certificate and of the said Memorandum of Registration so noted certified by him; and the said Registrar for the said last-mentioned Part of the United Kingdom shall, upon Receipt of such Copies of Certificate and Memorandum, retain and register the same in like Manner, and on Payment of the like Fees to him as provided in the Case of the Registration of an original Memorandum of Registration, and thereupon the Place of the registered Office shall, from the said last-mentioned Registration and the said Day mentioned in the said Certificate, be the Place mentioned as such on the said Certificate: Provided, however, that such Change shall in nowise alter or affect anything theretofore done by the said Company, or any of their Rights or Liabilities in respect thereof.

212. The Board of Trade shall not issue their Certificate in pursuance of the foregoing Section until they are satisfied that an Advertisement of the Intention of the Company to apply to the Board of Trade for a Certificate, with a Declaration that all Parties objecting thereto are forthwith to apply to the Board of Trade, has been published once at the least in each of Four successive Weeks in the Newspapers following; that is to say, in some Newspaper circulating in the District where the registered Office of the Company is situate, and also if the Company is registered in *England* in the *London Gazette*, if in *Ireland* in the *Dublin Gazette*, if in *Scotland* in the *Edinburgh Gazette*, nor until the said Board are satisfied that the Objections, if any, that may be urged against the Issue of such Certificate are groundless.

Restrictions on
Issue of Certi-
ficate.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT of a COMPANY LIMITED by SHARES.

Shares.

- (1.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (2.) Every Member shall, on Payment of One Shilling, or such less Sum as the Company in General Meeting may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.
- (3.) If such Certificate is worn out or lost, it may be renewed, on Payment of One Shilling, or such less Sum as the Company in General Meeting may prescribe.

Calls on Shares.

- (4.) The Directors may from Time to Time make such Calls upon the Members in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Member shall be liable to pay the Amount of Calls so made to the

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Persons and at the Times and Places appointed by the Directors.

- (5.) A Call shall be deemed to have been made at the Time when the Resolution of the Directors authorizing such Call was passed.
- (6.) If the Call payable in respect of any Share is not paid before or on the Day appointed for Payment thereof, the Holder for the Time being of such Share shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (7.) The Directors may, if they think fit, receive from any Member willing to advance the same all or any Part of the Monies due upon the Shares held by him beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Member paying such Sum in advance and the Directors agree upon.

Transfers of Shares.

- (8.) The Instrument of Transfer of any Share in the Company shall be executed both by the Transferor and Transferee, and the Transferor shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register Book in respect thereof.

- (9.) Shares in the Company shall be transferred in the following Form:—

I *A.B.* of _____ in consideration of the Sum of _____ Pounds paid to me by *C.D.* of _____ do hereby transfer to the said *C.D.* the Share [*or* Shares] numbered _____ standing in my Name in the Books of the _____ Company, to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said *C.D.* do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands, the Day of _____ .

- (10.) The Company may decline to register any Transfer of Shares made by a Member who is indebted to them.
- (11.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the Ordinary General Meeting in each Year.

Transmission of Shares.

- (12.) The Executors or Administrators of a deceased Member shall be the only Persons recognized by the Company as having any Title to his Share.
- (13.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member,

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or in consequence of the Marriage of any Female Member, may be registered as a Member upon such Evidence being produced as may from Time to Time be required by the Company.

- (14.) Any Person who has become entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member, or in consequence of the Marriage of any Female Member, may, instead of being registered himself, elect to have some Person to be named by him registered as a Transferee of such Share.
- (15.) The Person so becoming entitled shall testify such Election by executing to his Nominee an Instrument of Transfer of such Share.
- (16.) The Instrument of Transfer shall be presented to the Company, accompanied with such Evidence as the Directors may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferee as a Member.

Forfeiture of Shares.

- (17.) If any Member fails to pay any Call on the Day appointed for Payment thereof, the Directors may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with Interest and any Expenses that may have accrued by reason of such Nonpayment.
- (18.) The Notice shall name a further Day, on or before which such Call, and all Interest and Expenses that have accrued by reason of such Nonpayment, are to be paid. It shall also name the Place where Payment is to be made (the Place so named being either the registered Office of the Company or some other Place at which Calls of the Company are usually made payable). The Notice shall also state that in the event of Nonpayment at or before the Time and at the Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (19.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may at any Time thereafter, before Payment of all Calls, Interest, and Expenses due in respect thereof has been made, be forfeited, by a Resolution of the Directors to that Effect.
- (20.) Any Share so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company in General Meeting thinks fit.
- (21.) Any Member whose Shares have been forfeited shall notwithstanding be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.
- (22.) A statutory Declaration in Writing, that the Call in respect of a Share was made and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was made by a Resolution of

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of the Directors to that Effect, shall be sufficient Evidence of the Facts therein stated, as against all Persons entitled to such Share, and such Declaration and the Receipt of the Company for the Price of such Share shall constitute a good Title to such Share, and a Certificate of Proprietorship shall be delivered to a Purchaser, and thereupon he shall be deemed the Holder of such Share discharged from all Calls due prior to such Purchase, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale.

Conversion of Shares into Stock.

- (23.) The Directors may, with the Sanction of the Company previously given in General Meeting, convert any paid up Shares into Stock.
- (24.) When any Shares have been converted into Stock, the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Part of such Interests, in the same Manner and subject to the same Regulations as and subject to which any Shares in the Capital of the Company may be transferred, or as near thereto as Circumstances admit.
- (25.) The several Holders of Stock shall be entitled to participate in the Dividends and Profits of the Company according to the Amount of their respective Interests in such Stock; and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages for the Purpose of voting at Meetings of the Company, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company; but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any such aliquot Part of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages.

Increase in Capital.

- (26.) The Directors may, with the Sanction of a special Resolution of the Company previously given in General Meeting, increase its Capital by the Issue of new Shares, such aggregate Increase to be of such Amount, and to be divided into Shares of such respective Amounts, as the Company in General Meeting directs, or, if no Direction is given, as the Directors think expedient.
- (27.) Subject to any Direction to the contrary that may be given by the Meeting that sanctions the Increase of Capital, all new Shares shall be offered to the Members in proportion to the existing Shares held by them, and such Offer shall be made by Notice specifying the Number of

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Shares to which the Member is entitled, and limiting a Time within which the Offer, if not accepted, will be deemed to be declined, and after the Expiration of such Time, or on the Receipt of an Intimation from the Member to whom such Notice is given that he declines to accept the Shares offered, the Directors may dispose of the same in such Manner as they think most beneficial to the Company.

- (28.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions with reference to the Payment of Calls, and the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

General Meetings.

- (29.) The First General Meeting shall be held at such Time, not being more than Six Months after the Registration of the Company, and at such Place, as the Directors may determine.
- (30.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (32.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by not less than One Fifth in Number of the Members of the Company, convene an Extraordinary General Meeting.
- (33.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.
- (34.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Members amounting to the required Number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

- (35.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.

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- (36.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of sanctioning a Dividend and the Consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.
- (37.) No Business shall be transacted at any General Meeting, except the Declaration of a Dividend, unless a Quorum of Members is present at the Time when the Meeting proceeds to Business ; and such Quorum shall be ascertained as follows ; that is to say, if the Persons who have taken Shares in the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five ; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Twenty.
- (38.) If within One Hour from the Time appointed for the Meeting a Quorum is not present, the Meeting, if convened upon the Requisition of Members, shall be dissolved : In any other Case it shall stand adjourned to the same Day in the next Week, at the same Time and Place ; and if at such adjourned Meeting a Quorum is not present, it shall be adjourned sine die.
- (39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.
- (40.) If there is no such Chairman, or if at any Meeting he is not present within Fifteen Minutes after the Time appointed for holding the Meeting, the Members present shall choose some One of their Number to be Chairman.
- (41.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (42.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.
- (43.) If a Poll is demanded by Five or more Members it shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting. In the Case of an Equality of Votes at any General Meeting the Chairman shall be entitled to a Second or Casting Vote.

Votes of Members.

- (44.) Every Member shall have One Vote for every Share up to Ten : He shall have an additional Vote for every Five Shares

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- Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares beyond the first Hundred Shares.
- (45.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.
- (46.) If One or more Persons are jointly entitled to a Share or Shares, the Member whose Name stands first in the Register of Members as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (47.) No Member shall be entitled to vote at any General Meeting unless all Calls due from him have been paid, and no Member shall be entitled to vote in respect of any Share that he has acquired by Transfer at any Meeting held after the Expiration of Three Months from the Registration of the Company, unless he has been possessed of the Share in respect of which he claims to vote for at least Three Months previously to the Time of holding the Meeting at which he proposes to vote.
- (48.) Votes may be given either personally or by Proxy.
- (49.) The Instrument appointing a Proxy shall be in Writing, under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal, and shall be attested by One or more Witness or Witnesses: No Person shall be appointed a Proxy who is not a Member of the Company.
- (50.) The Instrument appointing a Proxy shall be deposited at the registered Office of the Company not less than Seventy-two Hours before the Time for holding the Meeting at which the Person named in such Instrument proposes to vote, but no Instrument appointing a Proxy shall be valid after the Expiration of Twelve Months from the Date of its Execution.
- (51.) Any Instrument appointing a Proxy shall be in the following Form:—
- Company Limited.
- I of in the County of
 being a Member of the Company Limited,
 and entitled to Vote or Votes, hereby appoint
 of as my Proxy, to vote for me
 and on my Behalf at the [Ordinary or Extraordinary, *as the Case may be*] General Meeting of the Company to
 be held on the Day of , and
 at any Adjournment thereof [*or*, at any Meeting of the
 Company that may be held in the Year].
 As witness my Hand, this Day of .
 Signed by the said in the Presence of .

Directors.

- (52.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

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- (53.) Until Directors are appointed the Subscribers of the Memorandum of Association shall be deemed to be Directors.
- (54.) The future Remuneration of the Directors, and their Remuneration for Services performed previously to the First General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

- (55.) The Business of the Company shall be managed by the Directors, who may pay all Expenses incurred in getting up and registering the Company, and may exercise all such Powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any Regulations of these Articles, to the Provisions of the foregoing Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.
- (56.) The continuing Directors may act notwithstanding any Vacancy in their Body.

Disqualification of Directors.

- (57.) The Office of Director shall be vacated,—
- If he holds any other Office or Place of Profit under the Company;
 - If he becomes bankrupt or insolvent;
 - If he is concerned in or participates in the Profits of any Contract with the Company:
- But the above Rules shall be subject to the following Exceptions:
- That no Director shall vacate his Office by reason of his being a Member of any Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted.

Rotation of Directors.

- (58.) At the First Ordinary Meeting after the Registration of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (59.) The One Third or other nearest Number to retire during the First and Second Years ensuing the First Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent

Companies, &c. (First Schedule.)

- subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.
- (60.) A retiring Director shall be re-eligible.
- (61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.
- (62.) If at any Meeting at which an Election of Directors ought to take place the Places of the vacating Directors are not filled up, the Meeting shall stand adjourned till the same Day in the next Week, at the same Time and Place ; and if at such adjourned Meeting the Places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their Places filled up, shall continue in Office until the Ordinary Meeting in the next Year, and so on from Time to Time until their Places are filled up.
- (63.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (64.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.
- (65.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and may by an ordinary Resolution appoint another Person in his Stead : The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

- (66.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business : Questions arising at any Meeting shall be decided by a Majority of Votes : In case of an Equality of Votes the Chairman shall have a Second or Casting Vote : A Director may at any Time summon a Meeting of the Directors.
- 67.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office ; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (68.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit : Any Committee so formed shall, in the Exercise of the Powers so delegated, conform

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to any Regulations that may be imposed on them by the Directors.

- (69.) A Committee may elect a Chairman of their Meetings : If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (70.) A Committee may meet and adjourn as they think proper : Questions arising at any Meeting shall be determined by a Majority of Votes of the Members present ; and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.
- (71.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Dividends.

- (72.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Members in proportion to their Shares.
- (73.) No Dividend shall be payable except out of the Profits arising from the Business of the Company.
- (74.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing or maintaining the Works connected with the Business of the Company, or any Part thereof ; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they may select.
- (75.) The Directors may deduct from the Dividends payable to any Member all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.
- (76.) Notice of any Dividend that may have been declared shall be given to each Member in manner herein-after mentioned ; and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.
- (77.) No Dividend shall bear Interest as against the Company.

Accounts.

- (78.) The Directors shall cause true Accounts to be kept,—
 Of the Stock in Trade of the Company ;
 Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place ; and,
 Of the Credits and Liabilities of the Company :

Companies, &c. (First Schedule.)

The Books of Account shall be kept at the registered Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Members during the Hours of Business.

- (79.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.
- (80.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.
- (81.) A Balance Sheet shall be made out in every Year, and laid before the Company in General Meeting, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.
- (82.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be served on every Member in the Manner in which Notices are herein-after directed to be served.

Audit.

- (83.) Once at the least in every Year the Accounts of the Company shall be examined, and the Correctness of the Balance Sheet ascertained, by One or more Auditor or Auditors.
- (84.) The First Auditors shall be appointed by the Directors: Subsequent Auditors shall be appointed by the Company in General Meeting.
- (85.) If One Auditor only is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (86.) The Auditors may be Members of the Company; but no Person is eligible as an Auditor who is interested otherwise than as a Member in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (87.) The Election of Auditors shall be made by the Company at their Ordinary Meeting in each Year.

Companies, &c. (First Schedule.)

- (88.) The Remuneration of the First Auditors shall be fixed by the Directors; that of subsequent Auditors shall be fixed by the Company in General Meeting.
- (89.) Any Auditor shall be re-eligible on his quitting Office.
- (90.) If any casual Vacancy occurs in the Office of any Auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (91.) If no Election of Auditors is made in manner aforesaid the Board of Trade may, on the Application of not less than Five Members of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.
- (92.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (93.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.
- (94.) The Auditors shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Notices.

- (95.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.
- (96.) All Notices directed to be given to the Members shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of such Persons is named first in the Register of Members; and Notice so given shall be sufficient Notice to all the Holders of such Share.
- (97.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notices was properly addressed and put into the Post Office.

Companies, &c. (First Schedule.)

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Co. made up to

BALANCE SHEET of the

Dr.

CAPITAL AND LIABILITIES.		£ s. d.	PROPERTY AND ASSETS.	£ s. d.
I. CAPITAL-				
	Showing:		Showing:	
1.	The Number of Shares -		(a.) Freehold Land -	
2.	The Amount paid per Share -		(b.) " Buildings -	
3.	If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters.		(c.) Leasehold " -	
4.	The Particulars of any forfeited Shares		(d.) Stock in Trade -	
	Showing:		(e.) Plant -	
5.	The Amount of Loans on Mortgages or Debenture Bonds.		The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.	
6.	The Amount of Debts owing by the Company, distinguishing—			
	(a.) Debts for which Acceptances have been given.		Showing:	
	(b.) Debts to Tradesmen for Supplies of Stock in Trade or other Articles.		Debts considered good for which the Company hold Bills or other Securities.	
	(c.) Debts for Law Expenses.		Debts considered good for which the Company hold no Security.	
	(d.) Debts for Interest on Debentures or other Loans.		Debts considered doubtful and bad -	
	(e.) Unclaimed Dividends.		Any Debt due from a Director or other Officer of the Company to be separately stated.	
	(f.) Debts not enumerated above.			
VI. RESERVE FUND.	Showing:		Showing:	
	The Amount set aside from Profits to meet Contingencies.		The Nature of Investment and Rate of Interest.	
VII. PROFIT AND LOSS.	Showing:		The Amount of Cash, where lodged, and if bearing Interest.	
	The disposable Balance for Payment of Dividend, &c.			
VIII. CONTINGENT LIABILITIES.	Claims against the Company not acknowledged as Debts.			
	Monies for which the Company is contingently liable.			

Companies, &c. (First Schedule.)

TABLE B.

TABLE OF FEES to be paid to the REGISTRAR of JOINT STOCK COMPANIES by a Company having a Capital divided into Shares.

For Registration of a Company whose nominal Capital £ *s. d.*
does not exceed 2,000*l.*, a Fee of - - - 2 0 0

For Registration of a Company whose nominal Capital exceeds 2,000*l.*, the above Fee of 2*l.*, with the following additional Fees, regulated according to the Amount of nominal Capital; (that is to say,)

For every 1,000*l.* of nominal Capital, £ *s. d.*
or Part of 1,000*l.*, after the first
2,000*l.*, up to 5,000*l.* - - - 1 0 0

For every 1,000*l.* of nominal Capital, or
Part of 1,000*l.*, after the first 5,000*l.*,
up to 100,000*l.* - - - 0 5 0

For every 1,000*l.* of nominal Capital,
or Part of 1,000*l.*, after the first
100,000*l.* - - - 0 1 0

For Registration of any Increase of Capital made after the First Registration of the Company, the same Fees per 1,000*l.*, or Part of a 1,000*l.*, as would have been payable if such increased Capital had formed Part of the original Capital at the Time of Registration.

Provided that no Company shall be liable to pay, in respect of nominal Capital on Registration, or afterwards, any greater Amount of Fees than 50*l.*, taking into account in the Case of Fees payable on an Increase of Capital after Registration the Fees paid on Registration.

For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.

For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - 0 5 0

For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - 0 5 0

TABLE C.

TABLE OF FEES to be paid to the REGISTRAR of JOINT STOCK COMPANIES by a Company not having a Capital divided into Shares.

For Registration of a Company whose Number of Members as stated in the Articles of Association does not exceed 20 - - - 2 0 0

For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 - - - 5 0 0

Companies, &c. (First Schedule.)

	<i>£</i>	<i>s.</i>	<i>d.</i>
For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above Fee of 5 <i>l.</i> , with an additional 5 <i>s.</i> for every 50 Members or less Number than 50 Members after the first 100.			
For Registration of a Company in which the Number of Members is stated in the Articles of Association to be unlimited, a Fee of - - - -	20	0	0
For Registration of any Increase on the Number of Members made after the Registration of the Company in respect of every 50 Members, or less than 50 Members, of such Increase - - - -	0	5	0
Provided that no One Company shall be liable to pay on the whole a greater Fee than 20 <i>l.</i> in respect of its Number of Members, taking into account the Fee paid on the First Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - -	0	5	0

FORM D.

FORM OF STATEMENT referred to in Part III. of the Act.

* The Capital of the Company is _____, divided into
Shares of _____ each.

The Number of Shares issued is _____.

Calls to the Amount of _____ Pounds per Share have been made, under which the Sum of _____ Pounds has been received.

The Liabilities of the Company on the First Day of January (or July) were,—

Debts owing to sundry Persons by the Company :

- On Judgment, £
- On Specialty, £
- On Notes or Bills, £
- On Simple Contracts, £
- On estimated Liabilities, £

The Assets of the Company on that Day were,—

- Government Securities [*stating them*], £
- Bills of Exchange and Promissory Notes, £
- Cash at the Bankers, £
- Other Securities, £

* If the Company has no Capital divided into Shares the Portion of the Statement relating to Capital and Shares must be omitted.

Companies, &c. (Second Schedule.)

SECOND SCHEDULE.

FORM A.

MEMORANDUM of ASSOCIATION of a Company limited by Shares.

1st. The Name of the Company is "The Eastern Steam Packet Company, Limited."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats between such Places as the Company may from Time to Time determine, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."

4th. The Liability of the Members is limited.

5th. The Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of in the County of Merchant	200
" 2. John Smith of in the County of - -	25
" 3. Thomas Green of in the County of - -	30
" 4. John Thompson of in the County of - -	40
" 5. Caleb White of in the County of - -	15
" 6. Andrew Brown of in the County of - -	5
" 7. Cæsar White of in the County of - -	10
Total Shares taken - -	325

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM B.

MEMORANDUM and ARTICLES of ASSOCIATION of a Company limited by Guarantee, and not having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Mutual London Marine Association, Limited."

2d. The registered Office of the Company will be situate in England.

Companies, &c. (Second Schedule.)

3d. The Objects for which the Company is established are
 “ the mutual Insurance of Ships belonging to Members of the
 “ Company, and the doing all such other Things as are incidental
 “ or conducive to the Attainment of the above Objects.”

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributors amongst themselves, such Amount as may be required not exceeding Ten Pounds.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

- | | | |
|-----------------------|------------------|-----------|
| “ 1. John Jones of | in the County of | Merchant. |
| “ 2. John Smith of | in the County of | |
| “ 3. Thomas Green of | in the County of | |
| “ 4. John Thompson of | in the County of | |
| “ 5. Caleb White of | in the County of | |
| “ 6. Andrew Brown of | in the County of | |
| “ 7. Cæsar White of | in the County of | |

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

ARTICLES of ASSOCIATION to accompany preceding MEMORANDUM
of ASSOCIATION.

- (1.) The Company, for the Purpose of Registration, is declared to consist of Five hundred Members.
- (2.) The Directors herein-after mentioned may, whenever the Business of the Association requires it, register an Increase of Members.

Definition of Members.

- (3.) Every Person shall be deemed to have agreed to become a Member of the Company who insures any Ship or Share in a Ship in pursuance of the Regulations herein-after contained.

General Meetings.

- (4.) The First General Meeting shall be held at such Time, not being more than Three Months after the Incorporation of the Company, and at such Place, as the Directors may determine.
- (5.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in

Companies, &c. (Second Schedule.)

- General Meeting ; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (6.) The above-mentioned General Meetings shall be called Ordinary Meetings ; all other General Meetings shall be called Extraordinary.
 - (7.) The Directors may, whenever they think fit, and they shall, upon a Requisition made in Writing by any Five or more Members, convene an Extraordinary General Meeting.
 - (8.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.
 - (9.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting : If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Five Members, may themselves convene a Meeting.

Proceedings at General Meetings.

- (10.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting ; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.
- (11.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of the Consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.
- (12.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Members is present at the Commencement of such Business ; and such Quorum shall be ascertained as follows ; that is to say, if the Members of the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five ; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Thirty.
- (13.) If within One Hour from the Time appointed for the Meeting a Quorum of Members is not present, the Meeting, if convened upon the Requisition of the Members, shall be dissolved : In any other Case it shall stand adjourned to the same Day in the following Week at the same

Companies, &c. (Second Schedule.)

- same Time and Place ; and if at such adjourned Meeting a Quorum of Members is not present, it shall be adjourned sine die.
- (14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.
- (15.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting.
- (16.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (17.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.
- (18.) If a Poll is demanded in manner aforesaid, the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

- (19.) Every Member shall have One Vote and no more.
- (20.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.
- (21.) No Member shall be entitled to vote at any Meeting unless all Monies due from him to the Company have been paid.
- (22.) Votes may be given either personally or by Proxies : A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under its Common Seal.
- (23.) No Person shall be appointed a Proxy who is not a Member, and the Instrument appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.
- (24.) Any Instrument appointing a Proxy shall be in the following Form :—

Company Limited.

I of in the County of being
 a Member of the Company Limited, hereby
 appoint of as my Proxy, to vote for
 me and on my Behalf at the [Ordinary or Extraordinary,
as the Case may be] General Meeting of the Company to

Companies, &c. (Second Schedule.)

be held on the _____ Day of _____, and at any
Adjournment thereof to be held on the _____ Day
of _____ next [or, at any Meeting of the Company
that may be held in the Year _____].

As witness my Hand, this _____ Day of _____
Signed by the said _____ in the Presence of _____.

Directors.

- (25.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.
- (26.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

Powers of Directors.

- (27.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

Election of Directors.

- (28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

[Here insert Rules as to Mode in which Business of Insurance is to be conducted.]

Accounts.

- (29.) The Accounts of the Company shall be audited by a Committee of Five Members, to be called the Audit Committee.
- (30.) The first Audit Committee shall be nominated by the Directors out of the Body of Members.
- (31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each Year.
- (32.) The Audit Committee shall be supplied with a Copy of the Balance Sheet, and it shall be their Duty to examine the same with the Accounts and Vouchers relating thereto.
- (33.) The Audit Committee shall have a List delivered to them of all Books kept by the Company, and they shall at all reasonable Times have Access to the Books and Accounts of the Company: They may, at the Expense of the

Companies, &c. (Second Schedule.)

the Company, employ Accountants or other Persons to assist them in investigating such Accounts, and they may in relation to such Accounts examine the Directors or any other Officer of the Company.

- (34.) The Audit Committee shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether in their Opinion the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations of the Company, and properly drawn up, so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanation or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory, and such Report shall be read together with the Report of the Directors at the Ordinary Meeting.

Notices.

- (35.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.
- (36.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notice was properly addressed, and put into the Post Office.

Winding-up.

- (37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Companies Act, 1862, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

- | | | |
|-----------------------|------------------|-----------|
| " 1. John Jones of | in the County of | Merchant. |
| " 2. John Smith of | in the County of | |
| " 3. Thomas Green of | in the County of | |
| " 4. John Thompson of | in the County of | |
| " 5. Caleb White of | in the County of | |
| " 6. Andrew Brown of | in the County of | |
| " 7. Cæsar White of | in the County of | |

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Companies, &c. (Second Schedule.)

FORM C.

MEMORANDUM and ARTICLES of ASSOCIATION of a Company limited by Guarantee, and having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Highland Hotel Company, Limited."

2d. The registered Office of the Company will be situate in Scotland.

3d. The Objects for which the Company is established are "the facilitating travelling in the Highlands of Scotland, by providing Hotels and Conveyances by Sea and by Land for the Accommodation of Travellers, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributors amongst themselves, such Amount as may be required not exceeding Twenty Pounds.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

- " 1. John Jones of in the County of Merchant.
- " 2. John Smith of in the County of
- " 3. Thomas Green of in the County of
- " 4. John Thompson of in the County of
- " 5. Caleb White of in the County of
- " 6. Andrew Brown of in the County of
- " 7. Cæsar White of in the County of

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Articles of Association to accompany preceding Memorandum of Association.

1. The Capital of the Company shall consist of Five hundred thousand Pounds, divided into Five thousand Shares of One hundred Pounds each.

2. The Directors may, with the Sanction of the Company in General Meeting, reduce the Amount of Shares.

3. The Directors may, with the Sanction of the Company in General Meeting, cancel any Shares belonging to the Company.

4. All the Articles of Table A. shall be deemed to be incorporated with these Articles, and to apply to the Company.

Companies, &c. (Second Schedule.)

WE, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of in the County of - -	200
" 2. John Smith of in the County of - -	25
" 3. Thomas Green of in the County of - -	30
" 4. John Thompson of in the County of - -	40
" 5. Caleb White of in the County of - -	15
" 6. Andrew Brown of in the County of - -	5
" 7. Cæsar White of in the County of - -	10
Total Shares taken - -	325

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM D.

MEMORANDUM and ARTICLES of ASSOCIATION of an unlimited Company, having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are "the working of a Patent Method of founding and casting Stereotype Plates, of which Method John Smith, of London, is the sole Patentee."

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

- | | |
|---|-----------|
| " 1. John Jones of in the County of | Merchant. |
| " 2. John Smith of in the County of | |
| " 3. Thomas Green of in the County of | |
| " 4. John Thompson of in the County of | |
| " 5. Caleb White of in the County of | |
| " 6. Andrew Brown of in the County of | |
| " 7. Abel Brown of in the County of | |

Dated 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 20, Bond Street, Middlesex.

Companies, &c. (Second Schedule.)

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

Application of Table A.

All the Articles of Table A, shall be deemed to be incorporated with these Articles, and to apply to the Company.

WE, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by Subscribers.
" 1. John Jones of in the County of Merchant	1
" 2. John Smith of in the County of -	5
" 3. Thomas Green of in the County of -	2
" 4. John Thompson of in the County of -	2
" 5. Caleb White of in the County of -	3
" 6. Andrew Brown of in the County of -	4
" 7. Abel Brown of in the County of -	1
Total Shares taken - -	18

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 20, Bond Street, Middlesex.

FORM E. as required by the Second Part of the Act.

SUMMARY of CAPITAL and SHARES of the COMPANY,
made up to the Day of

Nominal Capital £ divided into Shares of £ each.

Number of Shares taken up to the Day of

There has been called up on each Share £

Total Amount of Calls received £

Total Amount of Calls unpaid £

Companies, &c. (Second Schedule.)

LIST of Persons holding Shares in the _____ Company on the _____
 Day of _____, and of Persons who have held Shares thereon at any
 Time during the Year immediately preceding the said _____ Day
 of _____, showing their Names and Addresses, and an Account of
 the Shares so held.

Folio in Register Ledger containing Particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.				ACCOUNT OF SHARES.				Remarks.	
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the Day of _____	Additional Shares held by existing Members during preceding Year.		Shares held by Persons no longer Members.		
						Number.	Date of Transfer.	Number.		Date of Transfer.

FORM F.

LICENCE to hold LANDS.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the _____ Association, Limited, to hold the Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert Conditions, if any*].

THIRD SCHEDULE.

FIRST PART.

Date and Chapter of Act.	Title of Act.
21 & 22 Geo. 3. c. 46. (Parliament of Ireland.)	An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.
7 & 8 Vict. c. 110. -	An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
7 & 8 Vict. c. 111. -	An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.

Companies, &c. (Third Schedule.)

Date and Chapter of Act.	Title of Act.
7 & 8 Vict. c. 113.	- An Act to regulate Joint Stock Banks in England.
8 & 9 Vict. c. 98.	- An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.
9 & 10 Vict. c. 28.	- An Act to facilitate the Dissolution of certain Railway Companies.
9 & 10 Vict. c. 75.	- An Act to regulate Joint Stock Banks in Scotland and Ireland.
10 & 11 Vict. c. 78.	- An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
11 & 12 Vict. c. 45.	- An Act to amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships.
12 & 13 Vict. c. 108.	- An Act to amend the Joint Stock Companies Winding-up Act, 1848.
19 & 20 Vict. c. 47.	- An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations.
20 & 21 Vict. c. 14.	- An Act to amend the Joint Stock Companies Act, 1856.
20 & 21 Vict. c. 49.	- An Act to amend the Law relating to Banking Companies.
20 & 21 Vict. c. 78.	- An Act to amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the Joint Stock Companies Winding-up Acts, 1848 and 1849.
20 & 21 Vict. c. 80.	- An Act to amend the Joint Stock Companies Act, 1856.
21 & 22 Vict. c. 60.	- An Act to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.
21 & 22 Vict. c. 91.	- An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

Companies, &c. (Third Schedule.)

SECOND PART.

7 & 8 Vict. c. 113. s. 47.

Existing Companies to have the Powers of suing and being sued.

Every Company of more than Six Persons established on the Sixth Day of May One thousand eight hundred and forty-four, for the Purpose of carrying on the Trade or Business of Bankers within the Distance of Sixty-five Miles from London, and not within the Provisions of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, shall have the same Powers and Privileges of suing and being sued in the Name of any One of the Public Officers of such Copartnership as the nominal Plaintiff, Petitioner, or Defendant on behalf of such Copartnership; and all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided with respect to such Companies carrying on the said Trade or Business at any Place in England exceeding the Distance of Sixty-five Miles from London, under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, Chapter Forty-six, intituled "An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled 'An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of Three Millions towards the Supply for the Service of the Year One thousand eight hundred,' as relates to the same," provided that such first-mentioned Company shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act, and all the Provisions of the last-recited Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by such first-mentioned Companies as if they had been originally included in the Provisions of the last-recited Act.

20 & 21 Vict. c. 49., Part of Section XII.

Power to form Banking Partnerships of Ten Persons.

Notwithstanding anything contained in any Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in England," or in any other Act, it shall be lawful for any Number of Persons, not exceeding Ten, to carry on in Partnership the Business of Banking, in the same Manner and upon the same Conditions in all respects as any Company of not more than Six Persons could before the passing of this Act have carried on such Business.

African Slave Trade Treaty (No. 2.)

C A P. XC.

An Act for rectifying a clerical Error in the Act of the present Session, Chapter Forty, with respect to the *African Slave Trade Treaty*. [7th August 1862.]

WHEREAS in the Act of the present Session of Parliament, Chapter Forty, intituled *An Act to carry into effect the Treaty between Her Majesty and the United States of America for the Suppression of the African Slave Trade*, it is accurately recited that it was on the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two that the Treaty to which the Act relates was signed at *Washington*, but in the Form (given in the Eighth Section of the Act) of the Oath to be taken by Judges and Arbitrators to be appointed by Her Majesty for the Purposes of the Treaty, Reference is made to the Treaty as having been signed at *Washington* on the Seventh Day of *June* One thousand eight hundred and sixty-two, the Word "*June*" being given (by clerical Error) for the Word "*April*," and it is expedient that the Error be rectified: 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 Oath which, in accordance with the Eighth Section of the recited Act, is to be taken by every Judge and Arbitrator referred to in that Section, shall not be in the Form which is given in that Section, but shall be in the Form following; that is to say,

I *A.B.* do solemnly swear that I will, according to the best of my Skill and Knowledge, act in the Execution of my Office of _____ faithfully, impartially, fairly, and without Prejudice or Disfavour, either for or against Claimants or Captors, or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the United States of America, signed at *Washington* on the Seventh Day of *April* One thousand eight hundred and sixty-two.

2. The recited Act, as from the Time of the passing thereof into a Law, shall be read and have Effect as if the Oath which, in accordance with the Eighth Section of that Act is to be taken by Judges and Arbitrators were an Oath not in the Form which is given in that Behalf in that Section, but in the Form which is given in that Behalf in this Act, and the recited Act and this Act shall accordingly be read and have Effect as if they were One Act.

3. The recited Act and this Act may for all Purposes be cited as follows; (that is to say,) the recited Act as the "*African Slave Trade Treaty Act (No. 1.)*, 1862," this Act as the "*African Slave Trade Treaty Act (No. 2.)*, 1862," and the recited Act and this Act together as the "*African Slave Trade Treaty Acts (Nos. 1. and 2.)*, 1862."

25 & 26 Vict.
c. 40.

Form of Oath to be taken by Judges, &c. instead of that in recited Act.

[See Act of this Session, Cap. 40, Sect. 8., Page 147.]

Recited Act to be read accordingly.

Short Titles.

Council of Medical Education.

C A P. XCI.

An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other Purposes. [7th August 1862.]

21 & 22 Vict.
c. 90.

‘ WHEREAS by the Medical Act passed in the Session
‘ holden in the Twenty-first and Twenty-second Years of
‘ the Reign of Her present Majesty, Chapter Ninety, a Council
‘ is established, under the Style of “The General Council of
‘ Medical Education and Registration of the United Kingdom,”
‘ and certain Duties and Obligations are imposed on such Council,
‘ and in particular it is provided, that the General Council shall
‘ cause to be published under their Direction a Book, containing
‘ a List of Medicines and Compounds, and the Manner of pre-
‘ paring them, together with the true Weights and Measures by
‘ which they are to be prepared and mixed, and containing such
‘ other Matter and Things relating thereto as the General Council
‘ shall think fit, to be called “*British Pharmacopœia*,” and
‘ Power is given to the said Council to alter, amend, and republish
‘ such Pharmacopœia as often as they shall deem it necessary :
‘ And whereas different Pharmacopœias have hitherto been in
‘ use in *England, Scotland, and Ireland*, published in *England*
‘ under the Direction of the Royal College of Physicians of *London*,
‘ and sanctioned by an Order of Her Majesty in Council,
‘ published in *Scotland* under the Direction of the Royal College
‘ of Physicians of *Edinburgh*, but without any legal Sanction,
‘ and published in *Ireland* under the Direction of the King and
‘ Queen’s College of Physicians in *Ireland*, and sanctioned by
‘ Act of Parliament : And whereas the Pharmacopœia to be pub-
‘ lished by the said Council is intended to supersede the above-
‘ mentioned Pharmacopœias : And whereas it is expedient to
‘ incorporate the said Council, and to make such Provisions as
‘ are herein-after contained with respect to the said *British*
‘ Pharmacopœia ;’ 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 Parliam-
ent assembled, and by the Authority of the same, as follows :

Incorporation
of Council.

1. “The General Council of Medical Education and Registra-
“tion of the United Kingdom” shall be deemed to be and to
have been, from the Date of its first Establishment, a Body
Corporate by the Name aforesaid, having a perpetual Succession
and a Common Seal, with a Capacity to hold Lands for the
Purposes of the said Medical Act.

Right of print-
ing Pharma-
copœia vested
in Council.

2. The exclusive Right of publishing, printing, and selling the
said Pharmacopœia shall vest in the said General Council, subject
to this Proviso, that it shall be lawful for the Commissioners of
the Treasury from Time to Time to fix the Price at which Copies
of the said Work are to be sold to the Public.

Notice to be
given in Ga-
zettes when
*British Phar-
macopœia* is
published.

3. The *British Pharmacopœia*, when published, shall for all
Purposes be deemed to be substituted throughout *Great Britain*
and *Ireland* for the several above-mentioned Pharmacopœias, and
any Act of Parliament, Order in Council, or Custom relating to
any

*Council of Medical Education.**Elections (Ireland).*

any of such last-mentioned Pharmacopœias shall be deemed, after the Publication of the *British Pharmacopœia*, to refer to such Pharmacopœia.

Notice in the *London, Edinburgh, and Dublin Gazettes* to the Effect that the *British Pharmacopœia* has been published shall be deemed sufficient Evidence of its Publication for the Purposes of this Act, and a Copy of the said Pharmacopœia printed by such Person as may be named in the said Notice, or in any other Notice published in the said Gazettes, as authorized by the General Council to print the said Pharmacopœia, shall be admitted in Evidence as being the Pharmacopœia directed to be published by the above-mentioned Act.

C A P. XCII.

An Act to limit the Time for proceeding to Elections in Counties and Boroughs in *Ireland*. [7th August 1862.]

WHEREAS by the Fifth Section of the Act of the First ^{1 G. 4. c. 11.}
George the Fourth, Chapter Eleven, it is provided that ^{s. 5.}
 immediately after the Receipt of the Writ for making an Election for any County in *Ireland* the Sheriff of such County shall endorse thereon the Date of receiving the same, and that such Sheriff shall, within Two Days after the Receipt of such Writ, cause Proclamation of the Time and Place of holding such Election to be made at the Place where the ensuing Election ought by Law to be holden, between the Hours of Ten of the Clock of the Forenoon and Two of the Clock in the Afternoon, and that the said Sheriff on the same Day shall cause to be affixed on the Doors of the County Court House Public Notice, signed by himself, of a Special County Court to be there holden for the Purpose of such Election only, and which shall be holden on some Day (*Sunday, Christmas Day, and Good Friday* excepted) not later from the Day of making such Proclamation and affixing such Notice than the Sixteenth Day, nor sooner than the Tenth Day: And whereas it is expedient to limit the Time for proceeding to such Elections: 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. From and after the passing of this Act any such Special County Court for the Purpose of the Election of a Member or Members to serve in Parliament for any County in *Ireland* shall be holden on any Day (*Sunday, Good Friday, and Christmas Day* excepted) not later from the Day of making such Proclamation than the Twelfth Day, nor sooner than the Sixth Day; provided that this Section shall not apply to the Election for any County of a City or of a Town.

2. From and after the passing of this Act the Act of the Ninth and Tenth *Victoria*, Chapter Thirty, defining the Notice of Elections of Members to serve in Parliament for Cities, Towns, or Boroughs in *Ireland*, shall be and the same is hereby repealed; ^{9 & 10 Vict. c. 30. repealed.}
^{Period for Elections in Cities, &c.}

Elections (Ireland).

and in every City or Town in *Ireland*, being a County of itself, and in every Borough in *Ireland*, returning or contributing to return a Member or Members to serve in Parliament, the Sheriff or other Officer to whom the Duty of giving such Notice belongs shall proceed to Election within Six Days after the Receipt of the Writ or Precept, giving Three clear Days Notice at least of the Day appointed for the Election, exclusive of the Day of Proclamation and the Day of Election.

Sheriff to be Returning Officer in Boroughs where the Office of Returning Officer shall be vacant.

3. Every Writ for making any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* shall be directed to the Returning Officer of the said City, Town, or Borough, or his Deputy, and in their Absence to the Sheriff of the County in which the said City, Town, or Borough is situate; and in all Cases whatever whenever there shall be, either from temporary Vacancy or from some other Cause, no Person duly qualified in any such City, Town, or Borough to perform the Duties of a Returning Officer for the same, the Sheriff of the County in which such City, Town, or Borough is situate shall be charged with the Execution of the said Writ, and shall execute the same, and in all respects perform the Duties of and incidental to the Office of Returning Officer: Provided always, that it shall not be lawful for the said Sheriff to receive or execute the Writ except when there shall be no Person within the said City, Town, or Borough legally qualified and competent as Returning Officer to execute the same.

Writs, &c. to be conformable to this Act.

4. All Writs for the Election of any Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* issued after the Commencement of this Act, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be and the same are hereby authorized to be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

C A P. XCIII.

An Act for embanking the North Side of the River *Thames* from *Westminster Bridge* to *Blackfriars Bridge*, and for making new Streets in and near thereto.

[7th August 1862.]

24 & 25 Vict. c. 42.

‘ **W**HEREAS by “The *London* Coal and Wine Duties Continuance Act, 1861,” after reciting that by an Act passed
 ‘ in the Session holden in the Fifth and Sixth Years of the Reign
 ‘ of King *William* and Queen *Mary*, Chapter Ten, intituled *An*
 ‘ *Act for the Relief of the Orphans and other Creditors of the*
 ‘ *City of London*, it was enacted (amongst other things) that,
 ‘ towards raising a Fund as therein mentioned, a Duty of Four
 ‘ Shillings *per* Tun should be imposed upon all Sorts of Wines
 ‘ whatsoever which from and after the Fourth Day of *June* One
 ‘ thousand six hundred and ninety-four should be imported into
 ‘ the Port of the City of *London*, or the Members thereof, by way
 ‘ of Merchandise, over and above the then present Duties charged

Thames Embankment.

or chargeable thereupon, and so proportionably for a greater or lesser Quantity, which said Duty should from Time to Time for ever be paid by the Importer thereof unto the Mayor, Commonalty, and Citizens of the City of *London* (herein-after called "the Corporation of *London*"); and reciting, that by the Acts therein-after mentioned, and therein-after referred to as the Coal Duties Acts, or some or One of such Acts, Two several Duties of One Penny and Twelve pence *per* Ton were authorized to be levied by the Corporation of *London* upon all Coals, Culm, and Cinders brought to any Place within the Port of *London* or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or thereafter to be constructed, or by Inland Navigation, or by any other Means of Conveyance, it was enacted (amongst other Things), that the above-mentioned Duty of Four Shillings a Tun on Wines should continue and be levied in all respects in the same Manner as the same was then leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two; and that all Duties authorized by the said Coal Duties Acts or any of them to be levied upon Coal, Culm, and Cinders should continue and be levied in the same Manner in which the same were then leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two, subject to the following Qualification, that, notwithstanding anything contained in the said Acts, no Duties should be payable in respect of any Coal, Culm, or Cinders unless the same was contained in some Ship or Vessel arriving at her Moorings within some Part of the Port of *London* to the Westward of *Gravesend*, within the Limits of the Metropolitan Police District as defined by Act of Parliament, or be brought by Railway or by Inland Navigation or by some other Mode of Conveyance within the said Limits of the Metropolitan Police District, including the Cities of *London* and *Westminster*; and it was further enacted, that the Duty of One Penny *per* Ton on Coals, Culm, and Cinders should, from and after the passing of the Act now in recital, and the said Duty of Four Shillings *per* Tun on Wines, and the Duty of Eight pence, Part of the said Duty of Twelve pence on Coals, Culm, and Cinders, should, from and after such Time as all Charges on the *London Bridge* Approaches Fund might be satisfied, be paid to an Account to be opened in the Name of the Lords Commissioners of Her Majesty's Treasury at the Bank of *England*, to be intitled "The *Thames* Embankment and Metropolis Improvement Fund," and such Fund should be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament; and it was further enacted, that the Monies from Time to Time paid to the Account created by the Act now in recital should, when received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds or upon Government or Real Securities at Interest in the Name of the said Commissioners, and that the said Commis-

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' sioners should from Time to Time lay out or invest the yearly
 ' Dividends or Interest of the Stocks, Funds, and Securities so
 ' to be purchased in their Names on the Account aforesaid in like
 ' Manner for the Purpose of Accumulation in the meantime until
 ' the said Fund was appropriated by Parliament to the Execution
 ' of Improvements in the Metropolis ; and it was further enacted,
 ' that all Monies, Stocks, Funds, and Securities standing to the
 ' Account of the Metropolis Improvement Fund Account created
 ' by the Act of the Session of the Eighth and Ninth Years of the
 ' Reign of Her Majesty, Chapter One hundred and one, should,
 ' from and after the passing of the Act now in recital, and all
 ' Monies, Stocks, Funds, and Securities standing to the Account
 ' of the *London Bridge Approaches Fund* should, from and after
 ' such Time as all Charges on the said Funds might be satisfied,
 ' be carried to and form Part of the *Thames Embankment and*
 ' *Metropolis Improvement Fund* created by the Act now in re-
 ' cital, and the said *London Bridge Approaches Fund* should
 ' thereupon cease and determine : And whereas all Monies, Stocks,
 ' Funds, and Securities standing to the Account of the *London*
 ' *Bridge Approaches Fund* have, with the Consent of the Corpo-
 ' ration of the City of *London*, been carried over to the said
 ' *Thames Embankment and Metropolis Improvement Fund* upon
 ' the Understanding that the Charges on the said *London Bridge*
 ' *Approaches* should be duly discharged out of the said *Thames*
 ' *Embankment and Metropolis Improvement Fund* : And whereas
 ' it is expedient to set apart for meeting the aforesaid Charges
 ' such Sum as the Commissioners of Her Majesty's Treasury may
 ' think sufficient : And whereas on the Twenty-third Day of
 ' *February* in the Year One thousand eight hundred and sixty-
 ' one Her Majesty issued a Commission, addressed to the Right
 ' Honourable the Lord Mayor of the City of *London*, Major
 ' General Sir *Joshua Jebb* K.C.B., *John Thwaites* Esquire,
 ' Chairman of the Metropolitan Board of Works, Captain *Douglas*
 ' *Galton* of the Royal Engineers, *Edward Burstall* Esquire,
 ' Commander in Her Majesty's Navy, *Henry Arthur Hunt* Es-
 ' quire, Surveyor of Her Majesty's Works and Public Buildings,
 ' and *John Robinson M'Clean* Esquire (to which Commission
 ' *Henry Kingscote* was Secretary), to examine into Plans for
 ' embanking the River *Thames* within the Metropolis, so as to
 ' provide with the greatest Efficiency and Economy for the Relief
 ' of the most crowded Streets by the Establishment of a new and
 ' spacious Thoroughfare for the Improvement of the Navigation
 ' of the River, and which would afford an Opportunity of making
 ' the Low-level Sewer without disturbing the *Strand* or *Fleet*
 ' *Street*, and also to report upon the Cost and Means of carrying
 ' the same into execution : And whereas the Commissioners acting
 ' under the recited Commission, by their Report to Her Majesty
 ' dated the Twenty-second Day of *July* One thousand eight
 ' hundred and sixty-one (and which has been presented to both
 ' Houses of Parliament by command of Her Majesty), have re-
 ' commended that the several Improvements and Works herein-
 ' after specified should be executed and effected : And whereas
 ' by

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by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter One hundred and forty-seven, all the Estate, Right, Title, and Interest of the Corporation of *London* in the Bed and Soil and Shores of the River *Thames* from *Staines* to *Yantlete*, and all the Estate, Right, Title, and Interest to which Her Majesty was on the Twenty-third Day of *February* One thousand eight hundred and fifty-seven entitled in right of Her Crown of, in, and to the Bed and Soil and Shores of the said River, within the Flux and Reflux of the Tides, bounded Eastward as in the Act now in recital is mentioned, and of, in, and to all Encroachments, Embankments, and Inclosures therefrom or thereupon, except such Parts thereof as in the same Act are specified, were vested in the Conservators of the River *Thames*, a Corporation by the same Act constituted: And whereas by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and four, it was enacted, that the Metropolitan Board of Works should cause to be commenced, as soon as might be after the passing thereof, the necessary Sewers and Works for the Improvement of the Main Drainage of the Metropolis, and for preventing the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis, and that for the Purposes of the Act now in recital the said Board might construct any Work through, along, over, or under the Bed and Soil and Banks and Shores of the River *Thames*, making Compensation as therein mentioned: And whereas it is expedient that the Metropolitan Board of Works should be empowered to form the Embankment and new Streets, and to execute, effect, and maintain the other Improvements and Works herein-after specified; and for the Purpose of providing a Fund to enable such Board to effect the Objects aforesaid it is expedient that the Commissioners of Her Majesty's Treasury should be authorized, out of or by Charge upon the *Thames* Embankment and Metropolis Improvement Fund aforesaid, to raise and provide such Sum or Sums as may from Time to Time be necessary for those Purposes; and that every such Sum, when so raised or provided, should be paid over to the said Board for the Purposes of this Act: 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; (that is to say,)

L. "The Lands Clauses Consolidation Act, 1845," (except the Sections Thirty-four and Ninety-two,) and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, so far as the Provisions of such Acts respectively are not expressly varied by or excepted from this Act, be incorporated with and form Part of this Act; and the Metropolitan Board of Works shall be taken to be the Persons in such first-mentioned Act intended by the Words "Promoters of the Undertaking."

8 & 9 Vict.
c. 18. (except
ss. 34 and 92.)
and 23 & 24
Vict. c. 106.
incorporated.

Thames Embankment.

Short Title.

2. This Act may for all Purposes be cited as "The *Thames Embankment Act, 1862.*"

Interpretation
of Terms.

3. The following Words and Expressions in this Act have for the Purposes of this Act the following Meanings, unless excluded by the Subject or Context; (to wit,)

"The Board" means the Metropolitan Board of Works constituted by and acting under the Statute, Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, for the better Local Management of the Metropolis :

"The Treasury" means the Commissioners of Her Majesty's Treasury :

"The Admiralty" means the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral :

"The Conservators" means the Conservators of the River *Thames* :

"The herein-before recited Act" means "The *London Coal and Wine Duties Continuance Act, 1861* :"

"The *Thames Embankment and Metropolis Improvement Fund*" shall mean and include the Stocks, Funds, and Securities from Time to Time constituting the Fund so intituled in the herein-before recited Act, and thereby so made applicable to Improvements in the Metropolis as aforesaid, and the Duties, Income, and Monies in and by the same Act made applicable to the Formation of such Fund :

The Word "Justice" shall in relation to any Lands or to the Purchase or taking by the Board of any Lands situated within the City of *London* or the Liberties thereof, mean the Lord Mayor or any Alderman or the Recorder of the City of *London*, and shall, in relation to any Lands or to the Purchase or taking by the Board of any Lands situated not within the City of *London* or the Liberties thereof, but within the County of *Middlesex*, mean a Justice of the Peace acting in or for the County of *Middlesex* :

The Word "Sheriff" in "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, with respect to this Act, so far as the same affects the Works and Improvements authorized by this Act which shall be within the City and Liberty of *Westminster*, mean the High Bailiff of *Westminster* in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff :

The Word "Street" shall include any Square, Street, Highway, Road, Lane, Footway, Thoroughfare, or public Place, Court, Alley, or Passage, whether a Thoroughfare or not, and a Part of any such Square, Street, Highway, Road, Lane, Footway, Thoroughfare, or public Place, Court, Alley, or Passage.

4. The several Words and Expressions to which by the said "Lands Clauses Consolidation Act, 1845," Meanings are assigned, have

Same Meaning
to Words in
incorporated

Thames Embankment.

have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided always, that for the Purposes of this Act the Expression "the Superior Courts" therein includes all Courts of competent Jurisdiction, and the Word "Lands" therein also includes Easements, Interests, Rights, and Privileges in, over, or affecting Lands.

Act as in this Act.

5. 'Whereas Plans and Sections of the Works and Improvements by this Act authorized describing the proposed Situation of the same and the Lines and Levels thereof and the Lands intended to be taken for the Purposes thereof respectively, and also Books of Reference to the said Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands which may be required for the Purposes of this Act, have been deposited at the Offices of the Clerk of the Peace for the City of *London*, the Clerk of the Peace for the County of *Middlesex*, and the Clerk of the Peace for the City and Liberty of *Westminster* respectively: Such Plans and Sections and Books of Reference shall remain in the said Offices, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Plans deposited at the Offices of the Clerks of the Peace to remain there and be open to Inspection.

6. Subject to the Provisions and for the Purposes of this Act, it shall be lawful for the Board to make the Improvements and Works by this Act authorized in the Situations and Lines and according to the Levels, and within the Limits of Deviation (qualified as herein-after mentioned), and upon the Lands delineated on the said Plans and Sections and described or mentioned in the said Books of Reference, and otherwise to carry this Act into operation: Provided always, that nothing herein contained shall authorize or empower the Construction of any Part of that Portion of the Embankment or Viaduct delineated on the said Plans which lies between *Blackfriars Bridge* and that Point of the Embankment or Viaduct where it turns off towards *Chatham Place*.

Power to make Works according to deposited Plans.

7. It shall be lawful for the Board from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes which the Board are hereby empowered to do, execute, or perform, which Committee shall have so much or so many of the Powers, Authorities, and Discretions by this Act given to and reposed in the Board as the Board shall think fit or proper to delegate to such Committee.

Board to appoint Committee to carry the Act into execution.

8. The Improvements and Works by this Act authorized comprise the following; (to wit,)

Works authorized.

1. The making and maintaining an Embankment and Viaduct on the Left Bank of the River *Thames*, with all necessary and convenient Walls, Piers, Arches, Culverts, Drains, Quays, Wharves, Barge Beds, Basins, Landing Places, Stairs, Waterways, Approaches, and other Conveniences and Works, such Embankment to commence at the Northern Side of the *Middlesex* End of *Westminster Bridge*, and to terminate at or near the Eastern Boundary of the *Inner*

Thames Embankment.

Temple, and such Viaduct to commence at the Eastern Boundary of the *Inner Temple* and to terminate near to the Western Side of the Northern End of *Blackfriars Bridge*; the said Embankment and Viaduct respectively to be constructed in whole or in the greater Part upon the Bed or Foreshore of the River *Thames*, and the Site of which Embankment and Viaduct will be within the Parishes, Liberties, Extra-parochial and other Places following, or some of them; (that is to say,) *Saint Margaret Westminster*, *Saint Martin in the Fields*, *Saint Clement Dane*, *Saint Mary le Strand*, *Saint John the Baptist*, and the *Savoy* or Precinct of the *Savoy*, all in the County of *Middlesex*, and the *Middle Temple* and the *Inner Temple*, the Precinct of *Whitefriars*, *Saint Bridget* otherwise *Saint Bride*, the Precinct of *Bridewell*, and the Parish or Precinct of *Saint Ann Blackfriars*, all in the City of *London* or County of *Middlesex*:

2. The making upon the said Embankment and Viaduct a public Roadway One hundred Feet wide up to the Eastern Boundary of the *Inner Temple*, and not less than Seventy Feet wide thence to *Chatham Place*, with all necessary Approaches to the said Roadway :
3. The making of an Approach Road of an uniform Width of not less than Forty Feet, and on a Gradient not steeper in any Part thereof than One in Thirty, leading from and out of such Embankment Roadway, and communicating by means of Approaches with each of the Streets following; namely, *Surrey Street*, *Norfolk Street*, and *Arundel Street*; and which last-mentioned Approach Road and Approaches will be in the Parish of *Saint Clement Dane* in the City of *Westminster*, each of which Approaches shall be formed on a Gradient not steeper in any Part thereof than One in Thirty, and of a Width not less than the Width of the Street with which the same shall so communicate as aforesaid :
4. The making a new Street which shall commence from and out of the said Embankment and Roadway at or near the East Side of the *Middlesex* End of *Hungerford Bridge* in the Parish of *Saint Martin in the Fields*, and shall pass on, over, and through divers Streets, Wharves, Lands, and Places in the Parishes of *Saint Martin in the Fields*, *Saint Clement Dane*, and the Precinct of the *Savoy*, and shall terminate in *Wellington Street*, *Waterloo Bridge*, in the Precinct of the *Savoy*, opposite to the Northern Wing of the Western Front of *Somerset House*, with all necessary Approaches to such new Street; and also several short Streets or Communications, each to commence from and out of such last-mentioned new Street, and respectively to communicate with and terminate in *Villiers Street* and *Buckingham Street* in the Parish of *Saint Martin in the Fields*, and *Cecil Street* in the Parishes of *Saint Martin in the Fields* and *Saint Clement Dane*, or One of them :

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5. The making a new Street which shall commence by a Junction with the intended new Street fourthly herein described at or near to *George Street* in the *Adelphi*, and shall terminate in and by a Junction with *Whitehall Place* at the East End thereof, all in the Parish of *Saint Martin in the Fields* :
6. The making a new Street which shall commence from and out of the said Embankment and Roadway at or near a Place called *Whitehall Stairs*, and shall pass thence through *Whitehall Yard*, and shall terminate in the Street known as *Whitehall*, opposite to the *Horse Guards*, all in the Parishes of *Saint Margaret Westminster* and *Saint Martin in the Fields* :
7. The reclaiming and enclosing all or so much of the Bed or Foreshore of the River *Thames* as shall lie between the present Left Bank of such River and the said intended Embankment.
9. Nothing herein contained shall authorize the Board to enter upon, take, or use the Lands numbered on the deposited Plans 45, 45^a, 45^b, and 45^c, or any Part thereof respectively, in the Parish of *St. Margaret's Westminster*, without the Consent of the Owners, Lessees, and Occupiers for the Time being of the same respectively.
10. The Provisions of this Act, and the Powers and Appropriation herein contained with reference to the *Thames* Embankment and Metropolis Improvement Fund, shall apply to all such further Works for extending the Embankment of the *Thames* and relieving the Thoroughfares of the Metropolis in connexion with the present and any future Embankment as may hereafter be authorized by Parliament, as if such Works were specifically authorized by the present Act.
11. Save as herein otherwise expressly provided, it shall be lawful for the Board to cause such Part of the said Roadway and of the said Ground so to be inclosed as aforesaid, and of the said Streets respectively, to be laid out for Carriageways, and such Part thereof for Foot Passengers, as they shall think proper.
12. In carrying the said Works and Improvements into execution it shall be lawful for the Board, save as herein otherwise expressly provided, to deviate to any Extent not exceeding Five Feet from the Levels defined in the said Sections, and the Board shall not deviate beyond the Limits of Deviation delineated in the said Plans without Consent of the Person through whose Lands such Deviation shall be made, nor carry the Line of the Embankment Wall, as shown on the said Plans, further into the Stream of the said River than Three Feet, without the Consent of the Conservators, signified in Writing under the Hand of their Secretary.
13. The Powers of the Board for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.
14. In and for the Purpose, of effecting the Embankment, Viaduct, or other Works, and the reclaiming of Land hereby respectively
- Certain Land not to be taken without Consent.
- Provision for further Works.
- Power to set out Footways, &c.
- Power to deviate.
- Powers for compulsory Purchases limited.
- Power to inclose and fill up Bed and

Thames Embankment.

Shore of River,
to remove
Stairs, &c.

respectively authorized, it shall be lawful for the Board to inclose and fill up the Bed and Shore of the River *Thames* as shown in the said deposited Plans, and also such further Parts thereof as shall be required by the Board for constructing any Barge Beds, Recesses, Stairs, Piers, Landing Places, Hards, or other Works in pursuance of the Powers in that Behalf herein contained; and also to remove, destroy, alter, divert, stop up, or inclose such Streets, Streams, Drains, Sewers, Watercourses, void Ground, Wharves, Jetties, Quays, Barge Beds, Stairs, Piers, Landing Places, Hards, Mooring Posts or Rings, Posts, Piles, and other Materials and Things, or such Part or Parts thereof respectively as shall in the Judgment of the Board be necessary to be removed, destroyed, altered, diverted, stopped up, or inclosed for the Purposes of this Act, making Compensation to all Persons having any Interest in any Wharves, Jetties, or other Property taken for or injuriously affected by such Works or other the Exercise of the Powers of this Act.

Power to purchase Lands
and extinguish
Rights and
Claims to
Shore, &c.

15. Save as herein otherwise expressly provided, it shall be lawful for the Board to purchase any Lands, and to purchase and extinguish or procure the Extinguishment of any Rights, Interests, Easements, or Privileges which any Person may have, possess, or claim in, to, over, or in respect of the Bank or Shore or Bed of the River *Thames* lying within the Limits of Deviation defined on the said deposited Plans.

Soil may be
raised from the
River to form
the Embankment
by the
Conservators.

16. For the Purpose of effecting or forming the said Embankment or any other the Works by this Act authorized, it shall be lawful for the Conservators, and they are hereby required, when and as often as and within a reasonable Time after they shall have been required by the Board so to do, to dig, raise, and take up from the Bed of the said River, in any Places they may think fit, whether above or below *London Bridge*, Gravel, Sand, Soil, or other Materials, and to lay and deposit the Gravel, Sand, and Soil and other Materials so raised in such Places as the Board shall from Time to Time designate and point out by Notice in Writing to be addressed to the Conservators, they the Board paying to the Conservators (and which the Board are hereby authorized to do) such Sums of Money as the Conservators shall have actually incurred and expended in and about such digging, raising, and taking up, and such laying and depositing as aforesaid: Provided always, that in case the Conservators shall refuse or neglect within Ten Days after they shall have been required by the Board so to do to proceed to dig, raise, and take up from the Bed of the said River such Gravel, Sand, Soil, or other Materials for the Purposes aforesaid, it shall be lawful for the Board to do the several Acts hereby required to be done by the Conservators for the Purposes aforesaid without being in anywise required to obtain the Consent of the Conservators: Provided always, that the dredging be done at such Places within the Limits of the Metropolis, as defined by the Metropolis Local Management Act, and to such Depths as the Conservators shall within Ten Days after Requisition define, and in default of such Definition then at any Places and at such Depths as the Board may think

Thames Embankment.

fit, and that all Gravel, Sand, Soil, or other Materials which shall be raised as aforesaid shall be wholly removed and taken away from the said River without screening or returning any Part thereof into the said River after the same shall have been so raised; provided also, and the Conservators are hereby required, at the Expense of the Board as aforesaid, to level all Holes and Pits that shall be dug or caused by any such Excavation or digging as aforesaid, and in all Places where they shall deepen the Bed of the said River to deepen the same uniformly: Provided always, that, notwithstanding anything contained in the Sixth and Seventh *Victoria*, Chapter Fifty-seven, the Conservators shall be entitled to be paid as aforesaid for the Cost of Materials so raised as well below as above *London Bridge*.

17. It shall be lawful for the Board to take on Lease or to agree for the Use and Occupation of proper Places on any Part of the North Bank of the said River between *Westminster Bridge* and *Blackfriars Bridge*, or within Five hundred Yards of the Site of the said intended Embankment, for the Purpose of depositing and working Stone, Iron, Timber, and other Materials for constructing and completing the said Embankment and Roadway.

Board empowered to take Places for depositing Materials.

18. No Works, other than those necessary for the Completion of the Works expressly authorized by this Act, upon the Bed or Shore of the River *Thames* below High-water Mark which may interfere with the Navigation of that River shall at any Time be commenced or executed under the Provisions of this Act without the same having been previously approved of by the Admiralty, such Approval to be from Time to Time specified in Writing under the Hand of the Secretary to the Admiralty.

Works, &c. to be approved of by the Admiralty.

19. The Stairs, Hards, Quays, Wharves, Barge Beds, Recesses, Approaches, Piers, Landing Places, and temporary Works by this Act authorized shall be made according to Plans and Elevations to be first approved by and deposited at the Office of the Conservators.

Certain Works to be first approved by the Conservators.

20. During the Construction of the said Embankment and the Works connected therewith the Board shall cause to be hung out or exhibited every Night from Sunset to Sunrise good and sufficient Lights, to be kept burning by and at the Expense of the Board, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Board in such Manner, and be of such Description and Number, and be so used and placed, as the Conservators shall by Writing under the Hand of their Secretary approve of.

Lights to be exhibited at Night during Construction of Embankment.

21. Whenever the Board shall shut up, remove, or take away, or in any Manner obstruct the free Use and Enjoyment of any existing Piers, Public Stairs, or Landing Place now marked by the Watermen's Company, they shall cause some Pier, Public Stairs, or Landing Place to be erected or provided, to the Satisfaction of the Conservators, in the Stead of the Pier, Stairs, or Landing Place so shut up, removed, or taken away, or the free Use and Enjoyment of which may be obstructed; and every such substituted Pier shall, so soon as the same shall be completed, be and hereby is vested in the Conservators, and subject in their

Piers and Stairs to be provided in lieu of those taken away.

Thames Embankment.

Hands to all the Powers and Provisions applicable thereto of "The *Thames* Conservancy Act, 1857."

22. From and after the Completion of the Embankment and Viaduct by this Act authorized the Board shall, out of the Rates raised for defraying the Expenses of the Board under the Act Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, keep and maintain the same respectively and every Part thereof in proper Repair; and if the Embankment or Viaduct or any Portion thereof or any of the Works connected therewith be out of repair or insecure, so as to be dangerous to any Person passing along the River *Thames*, or to any Vessel either moored alongside of or passing by the same respectively, or be in any Manner injurious or likely to be injurious to the River *Thames* or to the free Navigation thereof, the Conservators may, by Notice in Writing to the Board, require them to repair the Embankment or Viaduct, or the Portion thereof or the Works connected therewith so out of repair or insecure as aforesaid, to the reasonable Satisfaction in all respects of the Surveyor from Time to Time of the Conservators, within a Time to be limited in such Notice; and in case the Board refuse or fail to repair the Embankment or Viaduct, or such Portion thereof, to the reasonable Satisfaction in all respects of such Surveyor, within the Time to be limited as aforesaid, then and in every such Case the Conservators may repair the same respectively, and may recover the Expenses incurred thereby from the Board; provided that all the Parts of the Metropolis shall be deemed to be equally benefited by all Sums expended by the Board for such Maintenance and Repair as aforesaid.

23. If the Owner, Lessee, or Occupier of any Lands authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the Board or any Person authorized by them shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess and every Arbitrator shall ascertain the Value of the whole Premises, according to the Condition in which they were at the Time the Notice requiring to take the same was served, and also the Value of that Part of the Premises which will remain after the Board or the Persons authorized by them have taken away so much as they shall think necessary for the Purposes of this Act; and the Jury or Arbitrator having made these Two Valuations, the Difference between them shall be the Price to be paid by the Board for that Part for which they shall have Occasion.

24. It shall be lawful for the Board to purchase, take, and use for the Purposes of this Act any of the Lands described in the said Plans deposited at the Office of the Clerk of the Peace for the City of *London*, and of the Clerk of the Peace for the County of *Middlesex*, and of the Clerk of the Peace for the City and Liberty of *Westminster*, as intended to be taken for the Purposes

Embankment to be kept in repair.

Mode of ascertaining Value of Property to be taken under Act.

Premises may be taken notwithstanding Errors in Book of Reference.

Thames Embankment.

of this Act, although the same Lands, or the Names of the Owners or Occupiers thereof may happen to be erroneously stated in or omitted from the said Book of Reference, in case it shall appear to any Two Aldermen of the City of *London*, or, as the Case may require, to any Two Justices acting in or for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information: Provided always, that previously to submitting the Case to Two Aldermen or to Two Justices as aforesaid, Ten clear Days Notice shall be given to the Owners whose Lands shall be affected by such erroneous Statement or Omission in the said Book of Reference; provided also, that nothing in this Act contained shall authorize the Board to purchase, take, or use any Parish Church without the Consent of the Bishop of the Diocese.

25. When the said Roadway and new Streets, and the Approaches to the same respectively, shall be made and paved in pursuance of this Act, all the Ground and Lands which shall be laid open into the said Roadway, or any of such new Streets, or the Approaches of the same respectively, shall form Part of such Roadway or new Street, as the Case may be, and shall, except as hereby otherwise expressly provided, be used by the Public accordingly; and the same Roadway, new Streets, and Approaches, and the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching thereof respectively, and of rating the Lands and Hereditaments situate and being within the same, shall be under the Care, Management, Control, and Jurisdiction of the same Vestries, Board, District Boards, Commissioners, or Persons as the other Streets in the Wards, Districts, Parishes, or Places in which the same respectively shall be situate.

Ground laid into the Streets &c. to be used by the Public.

26. All the Land to be reclaimed from the River *Thames* on the South of the Streets fourthly and fifthly herein-before described, and not required for Streets or Roads, nor otherwise specifically appropriated by the Provisions of this Act, and lying between an imaginary Line drawn from the Eastern Boundary of the Houses on the East Side of *Cecil Street* to the Embankment Roadway on the East and the Crown Lands on the West, and the Embankment Roadway on the South, together with the Lands to be reclaimed between the Southern Side of the Approach Road, shown on the Plan marked C. herein-after referred to, leading towards *Norfolk Street*, *Surrey Street*, and *Arundel Street*, shall for ever hereafter be vested in and maintained by the Board for the Use of the Public as Places of Recreation or Ornamental Ground, and the Expenses incident to such Maintenance shall be deemed to be Expenses of the Board in the Execution of the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and all the Parts of the Metropolis shall be deemed to be equally benefited by all Sums so expended by the Board.

Reclaimed Land to be dedicated to the Use of the Public.

27. Subject to the Provisions herein contained, it shall be lawful for the Board, by Agreement, to appropriate by way of Grant or Demise, either in perpetuity or for any Term of Years or other Period, and for or subject to a nominal or any other Con-

Power to appropriate Land or Easements in respect of Loss of River Frontage.

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sideration or Rent, any reclaimed Land, or any absolute or partial or qualified Licence or Right of User or Enjoyment, Right of Way, Right of Frontage, or other Right or Easement of, out of, over, upon, in connexion with, or in relation to any reclaimed Land, or any Wharf, Basin, Barge Bed, Recess, Slip, Hard, Stairs, Waterway, and Landing Place to be constructed or provided by the Board under the Powers of this Act, and the Approaches, Conveniences, and Works connected therewith, to any Owner of Lands now situated on the present Left Bank and River Frontage of the River *Thames*, in front whereof the said intended Embankment and Roadway shall pass as aforesaid, in consideration of, and in lieu in whole or in part of the Compensation which such Owner or Person may be entitled to claim for the Damage, if any, to be sustained by him by Loss of River Frontage or otherwise by reason of such Embankment and Roadway, or other the Exercise of any of the Powers of this Act.

No House to be erected in front of the Gardens of the Inner and Middle Temple.

28. No House or Building shall be erected upon any Part of the Lands to be acquired or reclaimed as aforesaid situated between the River *Thames* and the Gardens of the Societies of the *Inner* and *Middle Temple* respectively, other than any such Porters or Gardeners Lodges, Alcoves, or other Buildings of a like Nature, of only One Floor each, as are from Time to Time, whether before or after the passing of this Act, approved by the First Commissioner of Her Majesty's Works and Public Buildings, by Writing under his Hand.

As to the Roadway, &c. connected with the Inner and Middle Temples.

29. Notwithstanding anything in this Act contained, the public Roadway herein-before mentioned shall, so far as the same passes Southward of the Gardens of the Societies of the *Inner* and *Middle Temples* respectively, be constructed on an Embankment, and all the Land reclaimed and enclosed from the River *Thames* lying in front of the present Southern Boundary of the *Inner* and the *Middle Temples*, except so much as is occupied by the Embankment and Road thereon, shall for ever hereafter be the exclusive Property, as to such Land Southward of the *Inner Temple*, of and be vested in the Trustees for the Society of the *Inner Temple*, and as to the Lands Southward of the *Middle Temple*, of and be vested in the Trustees for the Society of the *Middle Temple*, for an Estate in Fee Simple absolute in possession, to and upon the like Uses and Trusts as the Uses and Trusts to and upon which the Lands adjoining thereto of the Societies respectively are from Time to Time held; and such Lands, but not the Embankment or Road thereon, shall for all Parochial Purposes be within and Part of the Places called the *Inner Temple* and the *Middle Temple* respectively; and in order that so far as can be the Two Societies respectively and their respective Property and Rights shall be protected against being prejudicially affected by the Execution of this Act, the Board from Time to Time may and shall take all such Precautions, and make, execute, and do all such Matters and Things, in, upon, in connexion with, and near to the *Temple Land*, and fulfil all such Stipulations, as are before the passing of this Act specified, under the Hand of the First Commissioner of Her Majesty's

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Works and Public Buildings ; and the said Societies of the *Inner Temple* and *Middle Temple* shall not claim any Damage or Compensation in respect of the Execution of the Powers of this Act.

30. The Board may and shall make for the Two Societies a Landing Place, with proper and sufficient Works and Conveniences connected therewith, in substitution for their present Landing Place at the End of *Middle Temple Lane*, and the same shall be used by the *Inner Temple* and the *Middle Temple*, and shall be held, enjoyed, and regulated by the Two Societies as their private Landing Place accordingly.

Board to erect Landing Stairs for the Use of the Temples.

31. Except only as is by this Act expressly enacted, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any of the Estates, Rights, Interests, Jurisdictions, Franchises, Powers, Authorities, Immunities, or Privileges of the *Inner Temple* and the *Middle Temple*, or either of them.

Saving Rights of the Temples.

32. As regards all Lands which shall be purchased or otherwise acquired by the Board under the Provisions of this Act, and which shall not be wanted for the Purposes of the same (other than and except such Lands as are by virtue of this Act reserved and excepted from the Operation of this Power of leasing, or are otherwise dealt with), it shall be lawful for the Board, subject to the Provisions of this Act, when and as they shall think fit, by an Indenture or Indentures under their Common Seal, to demise and lease such Ground and Hereditaments, or such Part thereof as they shall think it expedient to let on Building Leases, either together or in Parcels, to any Person or Persons who shall erect and build or covenant and agree to erect and build thereon, or on any Part or Parts thereof, Houses, Erections, and Buildings of such Rate or Class or respective Rates or Classes of Buildings, upon such Plan and Elevation or respective Plans and Elevations, of such Height or respective Heights, and with such Stories, as the Board shall think proper, for such Number of Years and under such Conditions as they may think fit, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named as the Board shall reasonably require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent (if any) thereby to be reserved, or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed, and that the Lessee or Lessees named in every such Lease shall execute a Counterpart thereof, and on the Negotiation for any such Lease the Board may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases on such Terms and Conditions as they may think fit ; and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved on such Leases, and may apportion the same and grant separate

Board may grant Building Leases of Ground not wanted for Purposes of this Act.

Board may make Agreements for Leases and accept Surrenders of Leases, &c.

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Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they may think fit ; and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants, or otherwise in all respects as the Board shall think fit ; and further, any Part of the said Lands may be appropriated for Squares, Gardens, or open Places, or for Basins, Docks, Barge Beds, or other Works or Conveniences as aforesaid, and any Part thereof may be let for Yards or Courts to be attached to any Houses, to be leased as the Board shall think fit.

Power to Board to sell the Ground Rents and Reversions comprised in such Lease.

33. As soon as conveniently may be, and either before or after the Houses, Erections, and Buildings to be erected and built as lastly herein-before is mentioned, or any of them, shall be finished and completed, and either before or after such Leases as last aforesaid shall have been granted, the Board shall and they are hereby authorized and required to sell and dispose of the Ground Rents to be reserved by the Leases or Demises in pursuance or in consideration of which the same Houses or Buildings respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in Possession (subject to any such Lease or Demise or Agreement) of the Pieces or Parcels of Ground thereby demised or agreed to be demised, and such Houses and other Buildings thereon, either altogether or in Parcels, by Public Auction or Private Contract, for such Prices or Sums of Money as the Board shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built thereon, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the Board shall think fit ; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the Board for the Benefit of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the Board may think fit ; and the Board shall at the Costs and Charges of the Purchaser of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively to the Board, by any Writing under their Common Seal convey and assure the Piece or Parcel of Ground so purchased by such Purchaser, together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser, his Heirs and Assigns, or as he or they shall in that Behalf direct, free from all Incumbrances (except the Building Lease or Building Leases, or Agreement or Agreements to be granted thereof by virtue of this Act) ; and all Conveyances and Leases which shall be made as aforesaid pursuant to the Authority hereby in the Board reposed shall be

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adjudged sufficient to vest such Estate in the Purchaser or Lessee as shall have been agreed for, or shall be expressed or intended to be conveyed and granted by any such Conveyance or Lease.

34. It shall be lawful for the Board to sell in manner and subject as aforesaid, and absolutely to grant and convey, any of the Lands which shall be purchased or otherwise acquired by the Board as aforesaid, and which shall not be wanted for the Purposes of this Act, and which they shall not think it expedient to let on Building Leases as aforesaid (other than and always except such Lands as by virtue of this Act are reserved and excepted from the Operation of this Power of Sale, or are otherwise dealt with), subject nevertheless to such Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the Board as they shall think fit.

Power to Board to sell any Ground which may not be wanted for the Purposes of this Act.

35. Before the Board dispose of any superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, and if any such Person be desirous of purchasing such Lands then within Six Weeks after such Offer of Sale he shall signify his Desire in that Behalf to the Board, or if he decline such Offer, or if for Six Weeks he neglect to signify his Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and a Declaration in Writing made before a Justice by some Person not interested in the Matter in Question stating that such Offer was made and was refused, or not accepted within Six Weeks from the Time of making the same, shall in all Courts be sufficient Evidence of the Facts therein stated.

Superfluous Lands before Sale to be offered to Owners of Lands from which they were originally severed.

36. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Board do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Costs of such Arbitration shall be in the Discretion of the Arbitrators.

Differences as to Price to be settled by Arbitration.

37. The Board shall apply all the Monies arising by any such Sale or Disposition respectively as aforesaid, after paying all Expenses incident to such Sales or Dispositions, and satisfying all lawful Demands to which the Lands, Rents, and Premises so respectively sold or disposed of shall be liable, and also apply all the Rents and Profits of the Lands and Premises to be acquired by the Board under the Provisions of this Act, for and towards the carrying the Purposes of this Act into execution.

Application of Monies arising from Sale of Lands or from Rents.

38. After the Expiration of Five Years from the Commencement of this Act, if it shall at any Time appear at any annual Audit of the Accounts of the Board that the Monies received by them from any Source within the previous Year by virtue of this Act, and which shall be applicable to the Purposes of this Act, shall have been more than sufficient to pay the Expenses of the Board incurred under the Authority of this Act within such Year, then such Surplus shall be applied in paying off any Monies which may have been borrowed by the Board under the Authority of this Act; and when all the Monies which may have been borrowed by the Board under the Authority of this Act,

Surplus to be applied in Reduction of Monies borrowed, and subject thereto to the Embankment Fund.

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and which for the Time being may be owing, shall have been repaid with all Interest which may have accrued due in respect thereof, the ultimate Surplus in the Hands of the Board shall be paid over by them to the *Thames Embankment and Metropolis Improvement Fund*, and such surplus Monies, when so paid over, shall be subject to the Provisions of "The *London Coal and Wines Duties Continuance Act, 1861*," in relation to that Fund.

Provisions of
18 & 19 Vict.
c. 120.,
19 & 20 Vict.
c. 112.,
21 & 22 Vict.
c. 104. incorpo-
rated.

39. The Provisions of the Acts relating to the Local Management of the Metropolis, namely, the Acts Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, Nineteen and Twenty *Victoria*, Chapter One hundred and twelve, Twenty-one and Twenty-two *Victoria*, Chapter One hundred and four, shall, so far as the same are not inconsistent with the Provisions of this Act, extend and apply to the Objects and Purposes of this Act; and the Board shall, for carrying out those Objects and Purposes, have and may exercise all such Powers, Privileges, and Authorities as are conferred upon them by such Acts; provided that the Board shall not apply any Monies which they are authorized to raise under the said Acts to the Construction or Completion of the Works specially authorized by this Act.

Costs of Arbitra-
tions under
this Act.

40. All the Costs of any Arbitration under this Act and incident thereto, to be settled, in case of Difference, by One of the Masters of the Court of Queen's Bench, shall be borne by the Board, unless the Arbitrators shall award the same or a less Sum than shall have been offered by the Board, in which Case each Party shall bear his own Costs incident to the Arbitration; and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions.

Locomotives
prohibited.

41. It shall not be lawful for any Person to use a Locomotive Engine propelled by Steam along the Streets or Roadways constructed under the Provisions of this Act.

Power of Board
to borrow on
Mortgage, &c.

42. For the Purposes of this Act, the Board may, with the Consent of the Treasury from Time to Time borrow by way of Mortgage or Bond on the Security of the Lands and Funds acquired under and appropriated to the Purposes of this Act, and at such Rate of Interest and upon such Terms as to the Time of Repayment and otherwise as the Treasury may approve, any Sums of Money the Board may require for the Purposes of this Act, not exceeding in the whole One million Pounds.

Securities
transferable by
Deed duly
stamped.

43. All the Bonds and Securities upon the Funds so appropriated as aforesaid, and issued under the Authority of this Act, shall be transferable by Deed or Instrument in Writing duly stamped, and the Right to sue in respect of the Principal or Interest Monies secured by any such Bonds or Securities shall be vested in the Holders thereof for the Time being, without any Preference by reason of some of such Bonds or Securities being prior in Date to others.

For Repayment
of Principal.

44. The Board may at any Time, with such Consent as aforesaid, raise by the Issue of new Mortgages, Bonds, or other Securities as aforesaid any Money that may be required to pay any Principal Money for the Time being due on any Mortgages, Bonds, or other Securities issued in pursuance of this Act.

45. The

Thames Embankment.

45. The said *Thames Embankment* and *Metropolis Improvement Fund* shall be appropriated as follows ; that is to say,

Appropriation of *Thames Embankment* and *Metropolis Improvement Fund*.

- (1.) There shall be set apart thereout, and carried to such separate Account at the Bank of *England* as the Treasury may direct, such Sum as the Treasury may think necessary for paying off the Charges created as aforesaid on the said *London Bridge Approaches Fund*, and for Payment of all Costs, Charges, and Expenses of and incidental to the obtaining this Act, and of the Costs, Charges, and Expenses incurred by the Board in relation thereto, and the Treasury shall apply the same to such Purposes accordingly :
- (2.) So much of the said *Thames Embankment* and *Metropolis Improvement Fund* as remains at the Time of the passing of this Act, after deducting the Sum so set apart as aforesaid, shall be paid over to the Board at such Times and in such Manner as the Treasury may direct, to be applied by the Board for the Purposes of this Act :
- (3.) All Monies becoming Part of the said last-mentioned Fund after the passing of this Act shall be paid by the Treasury to the Board, in such Proportions as the Board may from Time to Time, by Writing under their Seal, require, and shall be applied by them, firstly, in paying the Interest for the Time being due on the Securities authorized to be issued under this Act ; secondly, in paying the Principal Monies from Time to Time becoming due on such Securities ; thirdly, in paying the Expenses incurred in respect of the several Works by this Act authorized, or in carrying this Act into execution ; and lastly, in the Improvement of the *Metropolis*, in such Manner as may hereafter be determined by Parliament.

46. All Sums of Money, Bills, and Drafts which shall be received by the Board under the Provisions of this Act shall from Time to Time within Two Days after the same shall have been received, or within Two Days after any Bill shall have been accepted, completed, and perfected, if the same shall not be accepted, completed, and perfected at the Time it shall be received, be paid by the Board into the Hands of the Governor and Company of the Bank of *England*, for which the Receipt of the Cashier or One of the Cashiers of the Bank of *England* shall be a sufficient Discharge, and all such Monies, Bills, and Drafts so to be paid as aforesaid shall from Time to Time be placed to the Account of "The Board" so to be opened as aforesaid, and shall be applied and disposed of by the Board for and towards the carrying of the several Purposes of this Act into execution.

Monies received by the Board to be paid into the Bank of *England* to their Account.

47. The Board shall cause a separate Account to be kept of the Money borrowed by the Board under this Act, and of all other Monies received and expended by them under this Act ; and the Auditor appointed by the Secretary of State, under the Provisions of the Act of the Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, shall, upon his Audit of the Accounts of the Board in every Year, cause a separate Account and Statement to

Annual Accounts to be audited and laid before Parliament.

Thames Embankment.

be prepared of the Receipt and Expenditure of the Board under this Act, and the same shall be sent by the Board to One of Her Majesty's Principal Secretaries of State, and shall be laid by him before Parliament at the same Time and Manner as is provided in Section Two hundred and one of the said Act.

Owners of Vessels liable for Damage done to the Embankment, &c.

48. In case any Damage or Mischief shall be done to the said Embankment or Roadway, or to any such Quays, Piers, Stairs, Hards, Slips, or Landing Places as aforesaid, or any of the Works, Matters, or Things to be constructed or provided under the Provisions of this Act, or any Part thereof respectively, by any Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner of such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel is hereby made answerable to the Board for the Amount or Value of any such Damage or Mischief, and the same, provided it shall not exceed the Sum of Twenty Pounds, if not forthwith paid and satisfied, may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are by virtue of the Metropolis Local Management Act Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, directed to be recovered.

Masters compelled to pay Penalties for Neglect of Servants, may recover the same from Servants.

49. In case the Owner of any such Ship, Lighter, Barge, Boat, Float, Raft, or Vessel shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his Servants or Mariners, or any of them, such Servants, and each and every of them, shall be liable to pay such Penalty or Damages (with the Costs thereof) to such Owner; and in case of Nonpayment, upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him by such Servants or Mariners, or any of them, although demanded (such Oath to be made before any One or more Justice or Justices of the Peace for the County or Place where such Penalty or Satisfaction shall have been recovered), the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is by virtue of the Metropolis Local Management Act, Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty, directed to be recovered.

Application or Penalties not appropriated.

50. When any Fine or Penalty shall be recovered under the Authority of this Act, the Application whereof is not otherwise provided for, the same shall be paid to the Board, and be applied by them for the Purposes of this Act.

Plaintiff not to recover without Notice, or after Tender of Amends.

51. No Plaintiff shall recover in any Action to be commenced against any Person for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or left at his last or usual Place of Abode Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such

Thames Embankment.

Action ; nor shall the Plaintiff recover if Tender of good and sufficient Amends shall have been made to him or his Attorney by or on behalf of the Defendant before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought and before the Trial thereof, with Costs of Suit, to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law ; or in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit ; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

52. Provided always, That no Action or Suit shall be brought or prosecuted against any Person or Body for anything done in pursuance of this Act after Three Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Three Months next after the doing or committing such Damage shall have ceased, and not afterwards ; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere ; and the Defendant in any such Action or Suit shall and may at his Election plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act ; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant.

Limitation of Actions.

53. Except with the previous Consent in Writing of the Most Noble *Algernon Duke of Northumberland*, his Heirs, Sequels in Estate, or Assigns, the Board shall not take any more Land belonging to the said Duke, under the Provisions of this Act, than is requisite for the Formation of the following Streets, not exceeding Sixty Feet in Width ; that is to say, a Street in continuation of *Whitehall Place* and a Street in continuation of *Northumberland Street*, such Streets to be made respectively in the Direction shown on the Plan A. herein-after referred to, or within the Limits of Deviation shown on such Plan ; and, except with the previous Consent in Writing of the said Duke, his Heirs, Sequels in Estate, or Assigns, and of the said Board, no Building shall be erected upon the Lands taken from the said Duke, his Heirs, Sequels in Estate, or Assigns, for such Streets, or upon the Lands coloured Green upon the Plan marked (A.) signed in Duplicate by the Right Honourable *William Cowper*,

Land of the Duke of Northumberland, except that required for the Formation of certain Streets, not to be taken without Consent.

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One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons, except any Buildings for making necessary Fences on the Sides of such Streets, or for accommodating the Public with Fountains or covered Resting Places, or for Public Monuments, such Buildings or Monuments not exceeding Nineteen Feet in Height above Trinity High-water Mark.

As to Appropriation of certain Land Southward of the Craven Estate.

54. The Board shall appropriate and set apart so much of the Land to be acquired by them under the Powers of this Act lying Southward of the *Craven* Estate, belonging to *William George Craven* Esquire, as shall be necessary for the Formation of a public Street of not less than Sixty Feet in Width, in continuation of *Craven Street*, up to and to communicate with the new Street fourthly herein described, and such Land shall not be used for any other Purpose.

As to Street between Whitehall Place and Wellington Street.

55. The Street shown upon the said deposited Plans between *Whitehall Place* and *Wellington Street* shall pass on the South Side of the North Abutment of the *Charing Cross* Railway Company's Bridge now constructing across the River *Thames*, and under the Northernmost Opening of such Bridge.

Certain Land of Charing Cross Railway Company not to be taken without Consent.

56. The Board shall not, without the Consent in Writing of the *Charing Cross* Railway Company under their Common Seal, enter upon or take any of the Lands or Property of that Company coloured Red upon the Plan marked B. signed in Duplicate by the Right Honourable *William Cowper*, One Part whereof shall be deposited in the Private Bill Office of the House of Commons, and in constructing the said Street and Embankment and the Works connected therewith shall not in any Manner injure the said Railway or Works, but shall submit the Plans of the Works passing under and affecting the said Railway to *John Hawkshaw* or other the Engineer of the said *Charing Cross* Railway Company, and construct the same to his reasonable Satisfaction.

As to Repair of Charing Cross Railway and Works.

57. Notwithstanding anything in this Act contained, it shall be lawful for the said Company, after Notice to the Board, and subject to their reasonable Regulations, at all Times hereafter to enter upon and use, for the Purposes of repairing, amending, or restoring their Railway and Works, and their Steamboat Pier and Landing Place at *Hungerford*, and the Works connected therewith, so much of the said Street or Embankment as adjoins to or passes under the said Railway and Works.

As to Construction of Landing Places.

58. No Public Landing Place, Pier, Stairs, or Quay for landing Passengers (other than such as shall be substituted for the present *Adelphi* Pier at the Site now occupied by that Pier) shall be constructed under the Powers of this Act on the South Side of the said Embankment within One hundred and fifty Yards on either Side of the Steamboat Pier belonging to the *Charing Cross* Railway Company at *Hungerford*.

Saving Rights of Charing Cross Railway Company.

59. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or derogate from any of the Estates, Rights, Interests, Liberties, or Privileges of the *Charing Cross* Railway Company.

Thames Embankment.

60. Opposite the *Strand Estate* of the Duke of *Norfolk*, the North Side of the Approach Road, and the Approaches therefrom to *Surrey Street*, *Norfolk Street*, and *Arundel Street* respectively, shall be constructed on the Line and in the Position shown on the Plan marked C, signed by the Right Honourable *William Cowper*.

Provision as to the Land belonging to the Duke of *Norfolk*.

The Board shall not exercise any Powers of compulsory Purchase in respect of any Estate, Right, or Interest of the Duke of *Norfolk* in the *Strand Estate*, except so far as may be necessary for the Construction of the said Approach Road and Approaches.

No Buildings shall be placed on the reclaimed Land between *Somerset House* and the *Middle Temple* Southward of the said Approach Road on the said Plan, except the Walls or Arches of the Embankment or of any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains and covered Resting Places for Public Use or Public Monuments.

All the Land between the present Southern Boundary of the *Strand Estate* and the North Boundary of the said Approach Road, and the Freehold and Inheritance thereof, shall, upon Payment or Allowance to the Board of the Value thereof, vest in the Duke of *Norfolk* by force of this Act, and be held by him as Part and Parcel of the *Strand Estate*.

The Duke of *Norfolk* shall have Power to build up to the Line of the Footways on the North Side of such Approach Road, and on both Sides of the Approaches to *Surrey Street*, *Norfolk Street*, and *Arundel Street* respectively, and have free Access to the said Approach Road and Approaches.

The Compensation to be paid to the Duke of *Norfolk* by the Board for the Value of or Injury to his Property, and the Sum to be paid by the Duke of *Norfolk* to the Board for the Value of the Land so hereby vested in him, shall, in case of Dispute, be settled in the Manner prescribed by this Act.

Throughout this Act the Expression the Duke of *Norfolk* means *Henry* now Duke of *Norfolk*, and every future Owner in possession of "the *Arundel Estates*," and every Guardian or Guardians of the said *Henry* Duke of *Norfolk* and every such future Owner during his Minority; and the Expression "the *Arundel Estates*" means the Estates for the Time being settled or conveyed to the Uses of an Act of Parliament passed in the Third Year of the Reign of King *Charles* the First (whereby certain Estates were settled upon the Heirs Male of *Thomas* Earl of *Arundel and Surrey*), and in the Possession of the Duke of *Norfolk* for the Time being; and the Expression "the *Strand Estate*" means such Parts of the *Arundel Estates* as are situate in the Parish of *Saint Clement Dane* in the County of *Middlesex*.

61. The Board shall not take by Compulsion under the Powers of this Act any other Part of the *Adelphi Estate* in the Parish of *Saint Martin in the Fields*, belonging to or claimed by *George James Drummond*, than such as shall be required for the making of the Roadway and Footpath of the Street in this Act described, between

Provision as to the *Adelphi Estate*.

Thames Embankment.

between *Whitehall Place* and *Wellington Street*; and the Land reclaimed under this Act from the River *Thames*, and lying between the *Adelphi* Estate and the Northern Side of the Line of that Street, shall be subject to the like Restrictions and Provisions in respect to Buildings and other Matters which might occasion Injury or Annoyance to the adjoining Property, or the Owners or Occupiers thereof, as are under the Act of the Eleventh Year of the Reign of King *George* the Third, intituled *An Act to enable certain Persons to enclose and embank Part of the River Thames adjoining to Durham Yard, Salisbury Street, Cecil Street, and Beaufort Buildings in the County of Middlesex*, enacted, and as are now in force in respect of that Part of the *Adelphi* Estate which immediately adjoins thereto, and was enclosed and embanked under that Act; and the same Land so lying between the *Adelphi* Estate and the Northern Side of such Line of Street, and the Fee Simple and Inheritance thereof in possession, shall upon the Completion of the same Street, or of that Portion thereof which shall pass in front of the said *Adelphi* Estate, or on the Completion of the Embankment by this Act authorized, which Event shall first happen, and on Payment of the Balance, if any, which, under the Arbitration herein-after referred to, will have to be paid by the said Owner to the Board, vest in the Owner of the said *Adelphi* Estate; and the Amount of Compensation to be paid by the Board in respect of any Land purchased, and for any Damage done to the said *Adelphi* Estate by the Execution of the Powers of this Act, to which the said Owner may be entitled, under the Provisions of this Act, and also the Value of the said Land so to be vested in the Owner of the *Adelphi* Estate, shall be settled by Arbitration, pursuant to the Provisions of this Act; and the Sum or Sums awarded in respect of the Value of the Land to be so vested and in respect of such Compensation may be set off one against the other, and the Difference shall be paid by the Owner to the Board, or by the Board to the Owner, as the Case may be: Provided always, that no Building shall be erected between the Land so vested in the Owner of the said *Adelphi* Estate and the River *Thames* other than the Walls or Arches of the Embankment or of any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains, and covered Resting Places for Public Use or Public Monuments.

62. No House or Building shall be constructed without the Consent of the Marquis of *Salisbury*, his Heirs, Sequels in Right, or Assigns, upon any Land now lying between, or which shall or may after the Reclamation and Enclosure of the Bed and Fore-shore of the River, lie between, *Cecil Street* and *Salisbury Street*, and the Houses on the Southern Ends thereof on the North and the River *Thames* on the South, other than the Walls or Arches of the Embankment, or any Roads or Approaches to be made on the said Land, and except any Public Stairs or Landing Places, Fountains, and covered Resting Places for Public Use or Public Monuments; but the said Marquis, his Heirs and Assigns,

Buildings not to be erected between the Property of the Marquis of *Salisbury* and the River.

Thames Embankment.

and his and their Lessees and Tenants of Houses and Premises in *Cecil Street* and *Salisbury Street* respectively, shall have full and free Rights of Communication, and Access and Egress, at all Times, to and from the Land so to be reclaimed and enclosed as aforesaid, and the Board shall provide and construct such convenient Means of Communication therewith as may be necessary for giving to the Marquis, his Heirs and Assigns, and his and their Lessees and Tenants, such Access accordingly.

63. No Roadway to *Salisbury Street* shall be constructed without the Consent of the said Marquis, his Heirs or Assigns, and if so constructed shall not be open to the Public except for Foot Passengers, unless the said Marquis, his Heirs or Assigns, shall by some Writing under his or their Hand or Hands signify his or their Intention to dedicate it to the Public for other Purposes, to be specified in such Writing or Writings.

Junction with *Salisbury Street* not to be constructed without Consent.

64. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor of the said City for the Time being.

Nothing to prejudice Rights of the Corporation of *London*.

65. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Saving Rights of *Thames Conservators*.

66. Nothing in this Act shall interfere with the Powers given by Law to the Commissioners of the Police of the Metropolis.

Saving Powers of Metropolitan Police.

67. If the Board in the course of the Construction of the Works hereby authorized shall interrupt the Course of any Main or other Sewer or Drain, or the Flow of Sewage therefrom, the Board shall, until the Low Level Sewer is available, provide a proper and sufficient Substitute before the Flow of Sewage in any such Sewer or Drain is so interrupted.

As to Interference with Sewers.

68. Nothing in this Act contained shall in any Manner prejudice or affect any of the Powers of the Commissioners of Sewers of the City of *London* further than may be absolutely necessary for effecting the Works by this Act authorized; and any Expense which such Commissioners may incur in making any additional Sewers or Drains, or altering any existing Sewers or Drains (not being Main Drains), in consequence of the Removal, Destruction, Alteration, or Diversion or stopping up any existing Sewers or Drains, shall be repaid to them by the Board.

Saving Rights of Commissioners of Sewers.

69. Except only as by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Powers, Rights, Privileges, and Authorities of any District Board or Vestry.

Saving Rights of District Boards and Vestries.

70. Except as herein is specially provided, nothing in this Act shall prejudice, diminish, alter, or affect any of the Rights, Privileges, Powers, or Authorities by Law vested in the *Charing Cross Bridge Company*, the *Waterloo Bridge Company*, the

Saving of Rights of Companies herein named.

Thames Embankment.

Corporation of *London* in respect of *Blackfriars Bridge*, the Commissioners of Her Majesty's Works and Public Buildings in respect of *Westminster Bridge*, and the *London, Chatham, and Dover Railway Company* respectively.

No Deviation
in Works opo-
site Crown
Land without
Consent.

71. ' Whereas Two Copies of the aforesaid Plans and Sections (which Copies are herein-after called the Crown Plans) have been prepared, on which certain Parts of the Bed or Foreshore of the River *Thames* up to High-water Mark, belonging to or claimed by Her Majesty as Part of the Hereditary Land Revenues of the Crown, are coloured Blue, and other Parts of the same Bed or Foreshore in front of *Somerset House* and of the Buildings in *Cannon Row*, commonly called the Board of Control, respectively are coloured Green, and other Parts of the same Bed or Foreshore in front of certain Land belonging to the Commissioners of Her Majesty's Works and Public Buildings, incorporated for the Purposes of "The *Westminster Bridge Act* of 1853," are coloured Red, and on which Crown Plans the Line of the Roadway and Street authorized by this Act on the said Parts of the said Bed or Foreshore coloured Blue, Green, and Red respectively is confined between Red and Black Lines, and the Line of the *Whitehall Yard Street* authorized by this Act on the said Bed or Foreshore coloured Blue is confined between Red Lines: And whereas the said Crown Plans have been or are intended to be forthwith signed by the First Commissioner of Her Majesty's Works and Public Buildings and by One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues: Be it enacted, That one Part of the said Crown Plans so signed as aforesaid shall be deposited among the Records of Her Majesty's Court of Exchequer, and the other Part thereof in the Office of Land Revenue Records and Inrolments, as soon as conveniently may be after the passing of this Act (if not so deposited previously to the passing thereof); and it shall not be lawful for the Board, in the Construction of the said intended Roadway and Street respectively, to make any Deviation from the Levels defined in the Sections shown on the Crown Plans, nor from the Limits of Deviation defined by the said Red and Black Lines and Red Lines respectively on the said Crown Plans, without the Consent in Writing of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Bed or Foreshore coloured Green and Red on such Plans, or of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being as regards the Bed or Foreshore coloured Blue on such Plans.

Works to be
done before
Roadway on
Crown Lands
opened to
Public.

72. The Board shall, at their Expense, before opening to the Public the Parts of the intended Roadway which will be constructed on the Bed or Foreshore coloured Blue and Green respectively on the Crown Plans, fill up, level, and wall or fence all those Parts of the said Bed or Foreshore coloured Blue and Green respectively lying between the intended Roadway and the present River Frontage (above High-water Mark), to the Satisfaction in all respects of the Commissioners of Her Majesty's

Thames Embankment.

Woods, Forests, and Land Revenues, or One of them, as to the Bed or Foreshore coloured Blue, and of the First Commissioner of Her Majesty's Works and Public Buildings as to the Bed or Foreshore coloured Green, and such filling up and levelling (unless such last-mentioned Commissioners respectively shall otherwise direct in Writing under their respective Hands as to the whole or any Part thereof) shall be done to the Level of the adjoining River Frontage above High-water Mark, and of the said intended Roadway and Street respectively on the Side or Sides abutting thereon respectively.

73. The Bed or Foreshore so filled up, levelled, and walled or fenced as aforesaid shall, as to the Part coloured Blue, continue vested in Her Majesty, Her Heirs and Successors, and shall as to the Part coloured Green be annexed to and be deemed to form Part of *Somerset House* and the House heretofore known as the Board of Control respectively for all Purposes whatsoever, and it shall not be lawful for the Board to use any Part of the Bed or Foreshore coloured Blue or Green so to be filled up as aforesaid for the Purpose of depositing Materials, except during the Construction of the Works, nor to appropriate or grant any Part of such Bed or Foreshore, or any Right or Easement to, over, or in connexion therewith, by way of Compensation to any Person for Loss of River Frontage or other Damage, it being the Intention of this Act that the same respectively shall be and remain vested and annexed as aforesaid in possession, without becoming subject to any Rights or Estates of or in any Lessees of the River Frontage or other Persons, except only so far as any Lessees may exercise the Option by this Act given to them of taking Leases of the reclaimed Land; and after such filling up, levelling, and walling or fencing aforesaid of the said Bed or Foreshore coloured Blue and Green respectively, and the Embankment in front thereof, shall have been completed, it shall not be lawful for the Board to enter on the Parts so filled up, levelled, and walled or fenced for any Purpose whatsoever.

Disposal of reclaimed Land in which Crown interested.

74. It shall not be lawful for the Board to erect any Building or Structure whatever (other than a Parapet Wall or Railing not exceeding Four Feet in Height) on any Part of the Embankment coloured Blue, Green, or Red on the said Crown Plans, without the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, as regards the Part coloured Blue, or of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Parts coloured Green and Red.

No Building to be erected on Embankment opposite Crown Land without Consent.

75. An Estimate shall be made of the Amount of any Diminution in Value which may be caused by the Works by this Act authorized (except of so much thereof as will be situate on the Lands coloured Blue, Green, or Red on the Crown Plans, for which excepted Parts no Money Compensation is to be paid,) of the Rights and Interests of Her Majesty in right of Her Crown, and of the Conservators of the River *Thames* under "The *Thames Conservancy Act, 1857*;" and the Amount of such Estimate shall be paid by the Board to the Conservators, to

Mode of ascertaining Value of Interest of Crown and Thames Conservators in certain Lands.

Thames Embankment.

be applied by them according to the Provisions of the same Act, by way of Compensation for the Rights and Interests aforesaid; and the said Estimate shall be made by Two Arbitrators or their Umpire in manner following; viz., one such Arbitrator shall be appointed by the Board, and the other by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, within One Month after the passing of this Act; and such Arbitrators shall before they commence their Duty appoint an Umpire in Writing; and if within Twenty-one Days after both Arbitrators have been appointed they shall omit or refuse to appoint an Umpire as aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint an Umpire, which Appointment shall be valid, whether the Arbitrators have then commenced their Duty or not; and if either Party shall neglect or refuse to appoint an Arbitrator as aforesaid, the Arbitrator appointed by the other Party shall act alone; and the Decision of such Arbitrators, or Arbitrator or Umpire (as the Case may be), shall be final; and all the Costs and Expenses of the Valuation to be incurred by either Party shall be borne and paid by the Board.

No Compensation to Crown in respect of Land above High-water Mark.

76. The Board shall not be liable to pay to Her Majesty, Her Heirs or Successors, any Compensation for any Damage or Injury which may be caused to any of the Lands belonging to Her Majesty, Her Heirs and Successors, in right of the Crown above High-water Mark by reason of the Severance from the River *Thames* and of the Construction of the Roadway on the Embankment by this Act authorized.

New Landing Places to be provided where existing ones removed.

77. Whenever the Board shall shut up, remove, or in any Manner obstruct the Use and Enjoyment of any existing Stairs, Hards, or Landing Places on or in front of any Part of the Bed or Foreshore coloured Blue, Green, or Red in the said Crown Plans, they shall, at their own Expense, construct and maintain other Stairs or Landing Places in lieu thereof, to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, as regards the Part coloured Blue, and of the First Commissioner of Her Majesty's Works and Public Buildings as regards the Parts coloured Green and Red respectively, such substituted Stairs or Landing Places to be for the sole Use and Enjoyment of Her Majesty, Her Heirs and Successors, or such other Person or Persons as are or would have been entitled to the Use and Enjoyment of the Stairs or Landing Places in lieu whereof the same respectively shall have been constructed; and it shall not be necessary to obtain the Approval of the Conservators of the River *Thames* before constructing such Stairs or Landing Places, nor shall the same vest in the said Conservators, any general Provisions in this Act notwithstanding; and the Board shall, at their own Expense, construct and maintain such Roads, Ways, and other Communications into the said intended Roadway from the Lands or Buildings adjoining the Parts coloured Green and Red respectively on the said Crown Plans, and also such Stairs and other Conveniences for Access to the River from the same Lands, as the Commissioners of Her Majesty's

Thames Embankment.

Majesty's Treasury shall from Time to Time during the Construction of the Works authorized by this Act in Writing require, and shall on the like Requisition afterwards stop up and discontinue the same or any of them ; and it shall be lawful for Her Majesty, Her Heirs and Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, at any Time or Times hereafter to require the Board, at the Expense of the said Commissioners, to construct any Vaults or Cellars extending not more than Twelve Feet under any Roadway or Street to be constructed upon any Part of the said Bed or Foreshore coloured Blue, and also to have Access at all Points to such Roadway or Streets from any Part of the Hereditary Possessions of the Crown, and to open any Streets into the same ; and it shall also be lawful for the Commissioners for the Time being of Her Majesty's Works and Public Buildings, with the Consent or by the Direction of the Lords Commissioners of Her Majesty's Treasury, at any Time or Times hereafter, to require the Board, in like Manner, and at the Expense of the said Commissioners, to construct any such Vaults or Cellars as aforesaid under the Roadway or Streets to be constructed upon any Part of the said Bed or Foreshore coloured Green or Red, and also to have Access at all Points to such Roadway or Streets from any Part of the Buildings or Land adjoining the said Parts coloured Green and Red respectively, and to open any Streets into the same : Provided always, that no Work to be done under the foregoing Provision shall be such as to prejudice or injuriously affect any Subway or other Works of the Board, or the convenient Use thereof by the Public.

78. It shall be lawful for the Lessees of Her Majesty of the River Frontage, adjacent to so much of the Land and Foreshore coloured Blue on the Crown Plans as lies between *Whitehall Stairs* and the Southern Extremity of the Land and Foreshore so coloured Blue, to have the Option (to be signified by Notice in Writing under the Hands of such Lessees respectively, and to be left at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues,) within Five Years after the passing of this Act, of taking Leases from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, of the Land and Foreshore adjacent to their respective Leasehold Properties which will intervene between the same and the intended Roadway for Terms co-extensive with their several existing Leases, and at Rents to be fixed as herein-after provided ; and in case any Question shall arise as to the Lessees or Lessee entitled to such Option, or as to the Extent of Land and Foreshore to be included in any Lease, every such Question shall be settled by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, whose Decision shall be final ; and the Rents to be reserved by such Leases shall in every Case be fixed by the Arbitration of Two Surveyors, one to be nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them,

Crown Lessees to have Option of taking Lease of reclaimed Land adjacent to their Properties for Terms of their Leases.

Thames Embankment.

and the other by the Lessees respectively, or by an Umpire to be appointed by such Arbitrator, or to be agreed to in the first instance by the said Commissioners or Commissioner and Lessees respectively; and such Rent shall be estimated on the Basis of a fair Rental on the Land as Garden Ground which cannot be built upon; and in any Claim for Compensation by the said Lessees on the Ground of their Lands or Interests being injuriously affected by reason of the Works by this Act authorized, regard shall be had to the Option by this Section given to such Lessees of taking Leases of the Land and Foreshore adjoining to their respective Properties at such Rent as aforesaid.

Saving Rights of Crown under Conservancy Act.

79. Except as specially provided by this Act, all the Rights and Interests of Her Majesty, Her Heirs and Successors, under the *Thames Conservancy Act, 1857*, shall continue unaffected and in full Force.

Saving Rights of the Crown generally.

80. Nothing contained in this Act shall authorize the Board to take, use, or in any Manner interfere with any Land, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, claimed by or belonging to or enjoyed or exercisable by the Queen's most Excellent Majesty in right of Her Crown, other than the Lands, Tenements, Hereditaments, or Rights below High-water Mark, for the Acquisition whereof express Provision is made by this Act, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in this Act contained divest, take away, prejudice, diminish, or alter any Right, Estate, Privilege, Power, or Authority vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors.

Provision as to Land belonging to the Duchy of Lancaster.

81. A Valuation of any Lands, Tenements, or Hereditaments, or of any Rights and Interests whatsoever, vested in, belonging to, or enjoyed or exercisable by Her Majesty, Her Heirs and Successors, in right of Her Duchy of *Lancaster*, which shall be required to be taken, used, or interfered with by the said Board for the Purposes of this Act, shall be made, and the Amount of such Valuation shall be paid by the said Board to the Receiver General of the Revenues of the said Duchy, or his sufficient Deputy or Deputies, before the said Board shall commence any Works within the Manor or Precinct of the *Savoy*, or within any Lands vested in or belonging to Her Majesty in right of Her said Duchy; and the said Valuation shall be made by Two Arbitrators in manner following; that is to say, one such Arbitrator shall be appointed by the Board, and the other by the Chancellor for the Time being of the said Duchy, within One Month after the passing of this Act; and such Arbitrators shall, before they commence their Duty, appoint an Umpire in Writing; and if within Twenty-one Days after both Arbitrators have been appointed they shall omit or refuse to appoint an Umpire as aforesaid, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to appoint an Umpire, which Appointment

Thames Embankment.

shall be valid, whether the Arbitrators have then commenced their Duty or not; and if either Party shall neglect or refuse to appoint an Arbitrator as aforesaid, the Arbitrator appointed by the other Party shall act alone; and the Decision of such Arbitrators or Arbitrator or Umpire (as the Case may be) shall be final; and all the Costs and Expenses of the Valuation shall be borne and paid by the said Board; and the Amount of Valuation paid to the Receiver General shall be dealt with as Purchase Monies for Lands sold under the "Duchy of Lancaster Sales Act, 1855," and upon Payment thereof the Chancellor and Council may execute a Grant or Assurance to the Board of the Lands, Tenements, or Hereditaments, Rights or Interests, in respect of which such Payment shall have been made, as provided in the Case of a Sale under that Act.

82. The Street Viaduct within the Precinct of the *Savoy* shall be constructed to the Satisfaction of the Surveyor in that Behalf of the Duchy of *Lancaster*, and so as not to interfere with the Chapel of *Saint John the Baptist* in the said Precinct, and as little as possible with the Yard of the said Chapel; and in constructing the said Viaduct the Board shall not, without the Consent in Writing of the Chancellor and Council for the Time being of the said Duchy on behalf of Her Majesty in right of Her said Duchy first had and obtained for that Purpose, which Consent the said Chancellor and Council are hereby authorized to give, enter upon, use, or take any more Ground than shall be actually requisite for the Construction thereof, and the Ground between the Pillars under the said Viaduct shall remain and be vested in Her Majesty, Her Heirs and Successors, in right of Her said Duchy; and nothing in this Act shall authorize the Board to take, use, or in any Manner interfere with any Land, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exercisable by Her Majesty in right of Her Duchy of *Lancaster*, other than the Lands, Tenements, and Hereditaments or Rights for the Acquisition whereof Provision is made by the next immediately preceding Section of this Act, without the Consent in Writing of the Chancellor and Council for the Time being of the said Duchy, on behalf of Her Majesty, in right of Her said Duchy, first had and obtained for that Purpose (which Consent the said Chancellor and Council are hereby authorized to give); neither shall anything in this Act contained divest, take away, prejudice, diminish, or alter any Estate, Right, Title, Privilege, Power, or Authority vested in or enjoyed or exercisable by Her Majesty, Her Heirs or Successors, in right of Her said Duchy.

Street Viaduct within Savoy Precinct to be constructed to Satisfaction of Duchy of Lancaster Surveyor, and saving Rights of Duchy of Lancaster.

83. The Viaduct in front of the Works and Premises of the City of *London* Gaslight and Coke Company shall be carried upon Two Arches, having each a Span of Seventy Feet at the least, and a Headway beneath the same of not less than Eight Feet above Trinity High-water Mark.

Viaduct in front of City Gasworks.

84. There shall be One Arch under the said Viaduct in front of the *Whitefriars* Dock, having a Span of Seventy Feet at the least, and having a Headway beneath the same of not less than Eight Feet above Trinity High-water Mark.

Viaduct in front of Whitefriars Dock.

*Thames Embankment.**Inclosure (No. 2.)*

Supplemental Plans marked A, B, and C to be deposited with Clerk of Peace of Middlesex.

85. Within Two Months after the passing of this Act the several supplemental Plans herein referred to as signed by the Right Honourable *William Couper*, and marked respectively A, B, and C, shall be deposited with the Clerk of the Peace for the County of *Middlesex*, who shall receive and retain them, and permit all Persons interested to inspect them, and make Copies and Extracts of and from them, in like Manner, upon the like Terms, and under the like Penalty for Default, as by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, is provided with respect to the Documents therein specified.

SCHEDULE.

FORM OF MORTGAGE.

IN pursuance and by virtue of "The Thames Embankment Act, 1862," we, the Metropolitan Board of Works, do hereby, in consideration of the Sum of £ paid to us by of [*&c.*] for the Purposes of this Act, assign to the said Executors, Administrators, and Assigns, such Part or Proportion of the Thames Embankment and Metropolis Improvement Fund under "The London Coal and Wine Duties Continuance Act, 1861," and of the Monies from Time to Time payable to us out of the Fund by virtue of the first herein-before mentioned Act, as the said Sum of £ bears to the whole Amount from Time to Time borrowed by us on the Security of that Fund and of the Monies last aforesaid, to hold to the said Executors, Administrators, and Assigns, until the Sum of £ with Interest thereon at the Rate of £ per Centum per Annum from the Day of the Date hereof, and to be paid half-yearly, shall be fully paid. As witness our Corporate Seal, this Day of in the Year of our Lord 18 .

C A P. XCIV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners. [7th August 1862.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Seventeenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: 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:

*Inclosure (No. 2.) Polling Places (New Shoreham, &c.)*Inclosures in
Schedule may
be proceeded
with.

Short Title.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ceulan-y-maesmawr and Llan-cynfelin.	Cardigan	12th December 1861.
Llanfihangel Geneurglyn	Cardigan	12th December 1861.
Scyborycoed	Cardigan	12th December 1861.
Lamburne Common	Cornwall	5th March 1862.
Boscombe	Wilts	5th March 1862.
Blythburgh Fen	Suffolk	13th March 1862.
Swydd Neithon	Radnor	15th May 1862.
Iscoed	Radnor	15th May 1862.
Norton	Stafford	15th May 1862.
Great Burstead	Essex	9th May 1861.
Stapleford Abbots, Lambourne, and Dagenham.	Essex	5th June 1862.
West Bergholt	Essex	5th June 1862.
Datchworth and Knebworth	Hertford	5th June 1862.
Berkhamsted Saint Mary, otherwise Northchurch.	Hertford	5th June 1862.
Warlingham	Surrey	15th May 1862.

C A P. XCV.

An Act to amend the Law relating to Polling Places in the Boroughs of *New Shoreham, Cricklade, Aylesbury, and East Retford.* [7th August 1862.]

WHEREAS by an Act of the Session of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Sixty-four, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament*, it is enacted that the Poll for the Election of Members to serve in Parliament for the several Boroughs of *New Shoreham, Cricklade, Aylesbury, and East Retford* should be taken at the Place or Places mentioned in the Schedule to the said Act annexed, in conjunction with the Names of such several Boroughs respectively; and that the Justices of the Peace for the respective Counties in which the Boroughs of *New Shoreham, Cricklade, and East Retford* are situated should, at the Quarter Sessions to be holden in the Month of *October* in the Year One thousand eight hundred and thirty-two, divide the said Boroughs of

Polling Places (New Shoreham, &c.)

‘ *New Shoreham, Cricklade, and East Retford* into convenient Districts for polling, and should assign One of such Districts to every Polling Place for the said Boroughs of *New Shoreham, Cricklade, and East Retford* mentioned in the said Schedule to the said Act annexed: And whereas by Two Acts, the one of the Session of the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and two, intituled *An Act for rendering more easy the taking the Poll at County Elections*, and the other of the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, intituled *An Act to limit the Time for proceeding to Election in Counties and Boroughs in England and Wales, and for Polling at Elections for the Universities of Oxford and Cambridge, and for other Purposes*, Power is given to Her Majesty, on Petition of the Justices in Quarter Sessions assembled, and upon such Notices being given as therein mentioned, to provide additional Polling Places for Counties or to substitute other Polling Places for Counties: And whereas it is expedient that Power should be given to the Justices of the respective Counties in which the said Boroughs of *New Shoreham, Cricklade, Aylesbury, and East Retford* are situate to provide additional Polling Places for such Boroughs, and to substitute other Polling Places for the existing Polling Places in such Boroughs: 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:

6 & 7 W. 4.
c. 102.

16 & 17 Vict.
c. 68.

6 & 7 W. 4.
c. 102. and
16 & 17 Vict.
c. 68. to apply
to Boroughs of
New Shore-
ham, Cricklade,
Aylesbury, and
East Retford.

L. That for the Purposes of any Alteration in or Addition to the Polling Places or Polling Districts of the several Boroughs of *New Shoreham, Cricklade, Aylesbury, and East Retford*, each of such Boroughs shall be deemed to be a County separately returning a Member or Members of Parliament, and the Justices of the Quarter Sessions of the Counties or Divisions of Counties in which the said Boroughs are situate shall respectively, as regards each such Borough, be deemed to be the Justices of the County within the Meaning of the said Acts of the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and two, and of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight; and all the Provisions of the said Acts with respect to Alterations in or Additions to Polling Places in Counties shall extend to the said Boroughs accordingly.

C A P. XCVI.

An Act to render tenable during good Behaviour the Office of the Officer of the Court of Common Pleas by whom the Certificates of Acknowledgment of Deeds of married Women are filed of Record. [7th August 1862.]

‘ WHEREAS under the Provisions of an Act passed in the Third and Fourth Years of King *William* the Fourth intituled *An Act for the Abolition of Fines and Recoveries,*

3 & 4 W. 4.
c. 74.

Court of Common Pleas (Officer for Acknowledgment of Deeds).

‘ and for the Substitution of more simple Modes of Assurance, the Officer of the Court of Common Pleas at Westminster, by whom the Certificates of Acknowledgments of Deeds by married Women are to be filed of Record according to the Directions contained in the said Act, may now be removed by the Lord Chief Justice for the Time being of the said Court of Common Pleas at his Pleasure, and it is expedient that such Officer should hold his Office and Appointment during good Behaviour :’ 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 :

1. That such Officer and his Successors shall respectively from and after the passing of this Act hold such Office and Appointment during good Behaviour.

2. Provided always, That the said Officer and his Successors shall hold the said Office subject to any Regulations which may be hereafter made by Parliament concerning the same or the Duties thereof; and in the event of such Office being abolished, or of the Duties thereof being transferred or altered by any Act to be hereafter passed, or of any Alteration being made by competent Authority in the Fees, Emoluments, or Remuneration to be allowed to such Officer, the said Officer and his Successors shall not be entitled to make any Claim to Compensation which he or they would not have been entitled to make if this Act had not passed.

Officer to hold Office during good Behaviour;

and subject to any Regulations which may be hereafter made by Parliament.

C A P. XCVII.

An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland. [7th August 1862.]

‘ WHEREAS it is expedient that the Acts relating to the Salmon Fisheries in Scotland should be amended, and that further Provision should be made for the Regulation of Fisheries, the Removal of Obstructions, and the Prevention of illegal fishing :’ 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 :

1. This Act may be cited for all Purposes as “The Salmon Fisheries (Scotland) Act, 1862.”

Short Title.

2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context :

Interpretation of Terms.

“Commissioners” shall mean the Commissioners appointed and acting under the Authority of this Act for the Time being :

“Clerk” shall mean the Clerk to be appointed by any District Board :

“Sheriff” shall mean the Sheriff of the County in Scotland of which he is Sheriff, and shall include Sheriffs Substitute :

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“Justice” or “Justices” shall mean any Justice or Justices of the Peace acting for the County, City, or Burgh where the Matter requiring the Cognizance of such Justice or Justices shall arise :

“Secretary of State” shall mean One of Her Majesty’s Principal Secretaries of State :

“Proprietor” or “Proprietors” shall mean and include any Person, Company, or Corporation who is the Proprietor of a Salmon Fishery, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person, Company, or Corporation, and shall also include Her Majesty in right of Her Crown :

“Byelaw” and “Byelaws” shall include all Rules, Orders, and Regulations made by the Commissioners under the Authority of this Act :

“Salmon” shall mean and include Salmon, Grilse, Sea Trout, Bull Trout, Smolts, Parr, and other migratory Fish of the Salmon Kind :

“Fisheries” and “Fishery” shall mean Salmon Fisheries and a Salmon Fishery in any River or Estuary or in the Sea :

“River” shall include Tributaries and any Lake from or through which any River flows :

“Valuation Roll” shall mean the Valuation Roll in force for the Time for any County, and each of the Royal Burghs therein, made up under the Authority of the Public General Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time.

Commence-
ment of Act.

3. The Enactments and Provisions of this Act with respect to the Appointment, Powers, and Duties of the Commissioners, and the Election, Powers, and Duties of District Boards, shall come into operation and take effect from and after the passing of this Act, and all the other Enactments and Provisions of this Act shall come into operation and take effect from and after the First Day of *January* One thousand eight hundred and sixty-three.

Each River and
Estuary, and
the Seacoasts
adjoining, to
be a District.

4. Each River in *Scotland* flowing into the Sea, and every tributary Stream or Lake flowing into or connected with such River, and the Mouth or Estuary of such River, and the Seacoasts adjoining thereto, divided into such Portions as may be fixed and defined by the Commissioners under the Authority of this Act, shall form a District for the Purposes of this Act.

Commissioners
to be appointed
by Secretary of
State.

5. It shall be lawful for the Secretary of State to appoint Three Commissioners for the Purposes of this Act, who shall be paid at such Rate, not exceeding Three Pounds *per* Day each, as the Commissioners of the Treasury may direct, the whole Amount to be received by each Commissioner not exceeding Three hundred and fifty Pounds *per Annum*, over and above such Travelling Expenses as the Commissioners of the Treasury may sanction : Provided that the Duration of the Office of such Commissioners shall in no Case extend beyond Three Years :

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6. The Commissioners shall have the Powers and perform the Duties hereinafter specified; that is to say, Duties of Commissioners.

- (1.) To fix and define, for the Purposes of this Act and the other Acts relating to Salmon and Salmon Fisheries in *Scotland*, the natural Limits which divide each River in *Scotland* (including the Estuary thereof) from the Sea, in so far as the same may not be already fixed by Statute or by judicial Decision :
- (2.) To fix, for the Purposes of this Act, the Limits of the *Solway Firth*, having regard to an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George the Third*, Chapter Forty-five :
- (3.) To fix, for the Purposes of this Act, the Limits of every District, and the Portions of the Seacoast adjoining to the Mouth or Estuary of any River to be included in such District :
- (4.) To fix, for the Purposes of this Act, a Point on each River (including the Estuary thereof) below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors :
- (5.) To determine, subject to the Provisions of this Act, at what Dates the Annual Close Time for every District shall commence and terminate, and at what Periods subsequent to the Commencement and prior to the Termination of the Annual Close Time it shall be lawful to fish for and take Salmon with the Rod and Line : Provided that the Number of Days during which such Annual Close Time shall continue shall be the same as regards every District :
- (6.) To make general Regulations with respect to the following Matters ; viz.,

The due Observance of the Weekly Close Time :

The Construction and Use of Cruives :

The Construction and Alteration of Mill Dams, or Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon :

The Meshes of Nets (so that they shall not intercept Smolts or Salmon Fry) :

Obstructions in Rivers or Estuaries to the Passage of Salmon :

Provided that such Regulations shall not interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter, or possessed for Time immemorial.

7. The Annual Close Time for every District shall continue for One hundred and sixty-eight Days ; and the Weekly Close Time, except for Rod and Line, shall continue from the Hour of Six of the Clock on *Saturday* Night to the Hour of Six of the Clock on *Monday* Morning ; but the Commissioners shall have Power, on the Application of the District Board, or of any Two Proprietors of Fisheries in any District, to vary the Period at which Annual and Weekly Close Time.

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which the Weekly Close Time shall commence in any District or any Part thereof, in so far as they may think reasonable or expedient : Provided that such Weekly Close Time shall in no Case be less than Thirty-six Hours.

Application of Annual Close Time.

8. The Annual Close Time shall be applicable to every Mode of fishing for or taking Salmon in any River, Lake, or Estuary, or in the Sea, except by means of the Rod and Line for the Periods in each District to be fixed by the Commissioners subsequent to the Commencement and prior to the Termination of the Annual Close Time during which it shall be lawful to fish for and take Salmon by means of the Rod and Line.

Present Annual Close Times to subsist until altered under this Act.

9. In regard to any River and Estuary which are regulated by any Local Act relating thereto the Annual Close Time fixed by such Act, and in regard to all other Rivers, Estuaries, and Seacoasts in *Scotland* the Annual Close Time fixed by the Public General Act Ninth *George* the Fourth, Chapter Thirty-nine, shall respectively be applicable until the Annual Close Time with respect to any such River, Estuary, or Seacoast shall be otherwise determined by any Byelaw made by the Commissioners under the Authority of this Act.

Fishing illegal where prohibited by existing Acts.

10. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in *Scotland* subsisting and in force at the Date of the passing of this Act ; and nothing contained in this Act or in any Byelaw made by the Commissioners shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Penalties for Offences.

11. Every Person who commits any of the following Offences shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed contrary to the Provisions of this Act, or of any Byelaw made by the Commissioners under the Authority of this Act ; and shall, in addition to such Penalties, at the Discretion of the Magistrate, forfeit every Boat, Net, Rod, Line, or other Article which has been or may be used in fishing for or taking Salmon, and which is found in the Possession of such Person at the Time of the committing such Offence ; that is to say,

Every Person who fishes for or takes Salmon during the Annual Close Time by any Means other than the Rod and Line :

Every Person who fishes for or takes Salmon, except during *Saturday* or *Monday*, by Rod and Line, during the Weekly Close Time, or acts in breach or contravention of any Byelaw made by the Commissioners in regard thereto :

Every Person who fishes for or takes Salmon during the Annual Close Time by means of the Rod and Line at a Period not sanctioned by the Commissioners :

Every Person who fishes for Salmon with a Net having a Mesh contrary to any Byelaw of the Commissioners :

Every Person who obstructs or impedes the Passage of Salmon contrary to any Byelaw of the Commissioners :

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Every Person who sells or exposes for Sale fresh Salmon taken within the Limits of this Act during the Period between the Commencement of the latest and the Termination of the earliest Annual Close Time which may have been fixed for any District ; but the Burden of proving that Salmon so sold or exposed by any Person for Sale have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale :

Every Person who takes or has in his Possession any foul or unseasonable Salmon :

Every Person who uses or has in his Possession any Light for the Purpose and with the Intention of taking Salmon :

Every Person who sets a Net or any other Engine for Capture of Salmon when the Fish show themselves when leaping at or trying to ascend any Fall or other Impediment :

Every Person who wilfully takes or destroys or injures or obstructs the Passage of the Young of Salmon, or disturbs any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be deposited ; but this Provision shall not apply to Acts done for the Purpose of the artificial Propagation of Salmon or for other scientific Purposes, or in the course of the Exercise of Rights of Property in the Bed of any Stream : Provided also, that the District Board may, with the Consent of all the Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams or Tributaries in which they or the Spawning Beds are, from the Nature of the Channel, liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures or Agricultural Purposes or Drainage shall be interfered with thereby.

12. Every Person who uses Salmon Roe for the Purpose of fishing, or has in his Possession any Salmon Roe for Sale or for the Purpose of fishing, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit any Salmon Roe found in his Possession.

Penalty for using or possessing Salmon Roe.

13. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any River containing Salmon, any liquid or solid Matter poisonous or deleterious to Salmon, or who shall discharge into any River Sawdust to an Extent injurious to any Salmon Fishery, shall be liable to the following Penalties ; (that is to say,)

Penalty for causing or allowing poisonous Substances to flow into Rivers.

For the First Offence a Penalty not exceeding Five Pounds :

For the Second Offence a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued :

For the Third or any subsequent Offence a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Five Pounds for every Day during which such Offence is continued :

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law

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entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to dispose of or render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be contrary to Law.

Commissioners to visit and report on Rivers and Estuaries.

14. The Commissioners shall visit and report on the several Rivers and Estuaries and Salmon Fisheries in *Scotland*, after Notice duly given by special Advertisement in some Newspaper of general Circulation in the District, not less than Ten Days before any such Visitation, to the Proprietors of Salmon Fishings on each of such Rivers or Estuaries, of their Intention so to visit and report.

Commissioners to make Byelaws on Matters specified in Third and Fourth Subdivisions of Sixth Section of this Act.

15. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-three, fix and determine by Byelaws the Matters specified in the Third and Fourth Subdivisions of the Sixth Section of this Act; and a Copy of such Byelaws applicable to each District shall be, prior to the said Date, transmitted by Post to the Sheriff Clerk of each County, in so far as the same may relate to a District or Part of a District situate therein; and the Sheriff Clerk shall, on Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after One Month after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the Case of such Districts in which by reason of their inconsiderable Size it may seem to the Commissioners unnecessary to determine such Matters, they may defer doing so until required by more than Six Proprietors of Fisheries within the same, after the Limits of such District have been defined, as herein-after provided, and shall proceed, in other respects, as above provided.

Commissioners to make Byelaws on the other Matters specified in Sixth Section.

16. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-four, determine the other Matters specified in the Sixth Section of this Act, by Byelaws under their Hands, or the Hand of any Two of them, and shall report the same to the Secretary of State; provided that previously to making such Byelaws they shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners respecting the same; and a Copy of such Byelaws shall be trans-

Salmon Fisheries (Scotland).

mitted to the Sheriff Clerk of each County, in so far as the same may relate to any District situated therein; and the Sheriff Clerk shall, on the Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after Two Months and within Four Months after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned.

17. The Commissioners, in execution of this Act, shall take such Evidence as they may find to be necessary, and in the event of Witnesses refusing to attend and give Evidence, or to allow Access to Documents, they may apply to the Sheriff of the County for a Warrant to cite Witnesses and Havers, and the Sheriff is hereby authorized to grant the same.

As to Evidence
to be taken by
Commissioners.

18. Within Three Months after any Byelaw constituting the District shall have been published the Sheriff shall direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and also a Roll of the Lower Proprietors in each District; and the Qualification of an Upper Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards, or, if such Fishery be not valued on the Valuation Roll, of Half a Mile of Frntage to the River, with a Right of Salmon Fishing, and the Qualification of a Lower Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards; and the Sheriff shall have Power to decide summarily any Question arising on any Claim to such Qualification; and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower Proprietors, at such Times and Places as he shall direct; and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect not more than Three of their Number to be Members of the District Board, every Proprietor of a Fishery valued at more than Five hundred Pounds on the Valuation Roll having Two Votes at such Election, and an additional Vote for every Five hundred Pounds of Rental, but not more than Four Votes in all; and the Members so elected with the Proprietor having the largest Amount entered in the Valuation Roll as the yearly Rent or yearly Value of Fisheries in such District shall constitute the District Board; and the last-mentioned Proprietor shall be the Chairman of the Board, and have a deliberative as well as a

As to the
Election of Dis-
trict Boards.

Salmon Fisheries (Scotland).

casting Vote ; and the Election of such Board shall be notified by the Chairman of such respective Meetings to the Sheriff Clerk within Seven Days from the Date of the same, and the Sheriff shall thereafter summon the First Meeting of such Board for such Day and such Place as he may fix : Provided always, that if any River be situate in Two or more Counties, the Notices above provided shall be given and such Meetings shall be called in such Manner as the Sheriffs of such Counties jointly shall direct.

Constitution of the Board where Proprietors are less in Number than Three.
Their Votes.

19. If in any District the Upper Proprietors or the Lower Proprietors shall be fewer in Number than Three, the Board shall consist of an equal Number, elected as aforesaid, along with the Proprietor having the largest Valuation, who shall also be Chairman of the Board, as above provided ; and if such last-mentioned Proprietor be the sole Upper or the sole Lower Proprietor, he shall have Two Votes on the Board ; and if there shall be only One Proprietor in any District such Proprietor shall have and may exercise all the Powers by this Act conferred on the District Board.

Mandatorys may be appointed.

20. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in Cases where Her Majesty in right of Her Crown is Proprietor of any Fishery, and for any Corporation or Company, being the Proprietors of any Fishery, or for any Proprietor of a Fishery, respectively, from Time to Time to nominate and appoint, by any Writing under his or their Hand or Seal, any Person as the Mandatory of such Commissioners, Corporation, Company, or Proprietor to attend, act, and vote at any Meeting of Proprietors under this Act ; and every such Nomination and Appointment shall subsist until recalled by the said Commissioners or either of them, or by the Corporation or Company or Proprietor making the same.

Payment to Sheriff Clerk in connexion with Elections.

21. All Expenses incurred by the Sheriff Clerk in making up the Roll of Proprietors, and in calling and attending the Meetings for the Election of the District Board, with such reasonable Remuneration for his Time and Trouble as shall be fixed by the Sheriff, shall be paid to the Sheriff Clerk by the District Board out of the Assessments to be levied under the Authority of this Act.

Powers and Duties of District Boards.

22. The District Board may sue or be sued in the Name of their Clerk, and if there be more than Six Members Three Members shall form a Quorum, and if there be fewer than Six Members Two shall form a Quorum, and they shall keep regular Books and Accounts, and shall hold their First Meeting within Ten Days after the First Election under this Act at a Time and Place to be fixed at the Meetings of Proprietors at which such Election took place, or in Cases where such Election is not necessary the First Meeting shall take place at a Time to be fixed by a Majority of the Proprietors, and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws to be made by the Commissioners ; and the District Board shall have Power, subject to the Provisions of this Act and the Byelaws made by the Commissioners, to make and alter from

Salmon Fisheries (Scotland).

Time to Time Regulations for the Preservation of the Fisheries in the District, and from Time to Time to appoint a Clerk and such Number of Constables, Water Bailiffs, Watchers, and other Officers as they think fit, to fix and prescribe the Duties of all Persons appointed by them, and to remove such Persons, and appoint other Persons in their Stead; and they may combine with any other District Board for the Purpose of this Act, and to maintain a common Staff of Officers for the Protection and Preservation of the Fisheries of more than One District, and may agree with the Police Committee of any County for the Purpose of paying additional Constables for the better Protection of the Fisheries in their District: Provided that all such Regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested Right of Property, and shall not authorize any Encroachment or Trespas on private Property.

23. The District Board shall have Power to impose an Assessment for the Purposes of this Act, to be called the Fishery Assessment, on the several Fisheries in each District, according to the yearly Rent or yearly Value of such Fisheries as entered in the Valuation Roll; and every Proprietor of a Fishery which is not valued on the Valuation Roll, and who shall claim Right to vote in the Election of Members of the District Board, shall be held to be a Proprietor of a Fishery of the Value of Twenty Pounds, and shall be assessed accordingly; and such Fishery Assessments may be imposed, collected, and recovered by the District Board in the same Manner as Police Assessments may be imposed, collected, and recovered by the Commissioners of Supply under the Authority of the Public General Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and for the Purpose of imposing, collecting, and recovering such Fishery Assessments the District Boards shall have and may exercise all the Powers conferred by the said Act on Commissioners of Supply for imposing, collecting, and recovering the Assessments leviable under the same.

Assessments may be imposed by District Boards.

24. Each District Board shall continue in Office for Three Years, and Members thereof shall be eligible for Re-election, and Vacancies occurring during such Period shall be filled up by the Board until the next Meeting of Proprietors, who shall then fill up the same; and Meetings of the Upper and Lower Proprietors respectively for the Purpose of each triennial Election of not more than Three Upper Proprietors and Three Lower Proprietors respectively shall be called by the Clerk, who shall give Notice of such Meetings by Advertisement as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and such Meetings shall at the same Time take such Steps as they shall think proper for auditing and attesting the Accounts of the District Board for the preceding Three Years.

As to future Elections of District Boards.

25. It shall be lawful for the District Board, by any Byelaw or Regulation to be made by them and approved of by the Secretary of State as herein-before provided, to enact that any Person committing

Penalties for Breach of Byelaws and Regulations.

Salmon Fisheries (Scotland).

committing any Breach or Contravention of such Byelaw or Regulation shall be liable for every such Offence to a Penalty not exceeding Two Pounds ; and such Penalty may be sued for and recovered in the same Manner as Penalties incurred and imposed under the Provisions of this Act.

26. Any Net, Rod, Line, or other Article directed to be forfeited under this Act may be seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the District Board, and the Sheriff or Justice may either order the same to be destroyed or to be sold, and the Proceeds of such Sale to be paid to the Clerk on behalf of the District Board.

27. If Three or more Persons acting in concert, or being together under this Act in company, shall at any Time between the Expiration of the First Hour after Sunset on any Day and the Beginning of the last Hour before Sunrise on the following Morning enter or be found upon any Ground adjacent or near to any River or Estuary or the Sea, or in or upon any River or Estuary or the Sea, with Intent illegally to take or kill Salmon, or having in his or their Possession any Net, Rod, Spear, Light, or other Instrument used for taking Salmon with such Intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking Salmon, every such Person shall be guilty in *Scotland* of a Criminal Offence, and in *England* within the Limits of the "*Tweed Fisheries Amendment Act*" of a Misdemeanor, and shall for every such Offence be liable to a Fine not exceeding Five Pounds, or to Imprisonment for any Period not exceeding Three Months, as the Sheriff or Justices before whom such Persons or any of them are tried and convicted may determine ; and if such Fine be not paid immediately on Conviction, the Offender so failing to pay shall be sentenced to Imprisonment for such Period, not exceeding Three Months, as the Sheriff or Justices may adjudge, unless such Fine shall be sooner paid.

28. All Offences under this Act may be prosecuted and all Penalties incurred under this Act may be recovered before any Sheriff or any Two Justices acting together and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board or of any other Person ; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, and on Proof on Oath by One or more credible Witness or Witnesses or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for, by Poinding, and Imprisonment for any Period not exceeding Six Months ; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the

Forfeited Articles may be seized.

Three or more Persons illegally fishing at Night to be guilty of a Criminal Offence.

Prosecution for Offences under this Act, and Recovery of Penalties.

Salmon Fisheries (Scotland).

Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from, in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation or in any other Way than as herein provided.

29. In the event of any Person refusing or neglecting to obey any Byelaw made by the Commissioners, or any Regulation made by the District Board, the Clerk may apply to the Sheriff by summary Petition in ordinary Form, praying to have such Person ordained to obey the same, and the Sheriff shall take such Proceedings and make such Orders thereupon as he shall think just.

Enforcement of Regulations and Byelaws.

30. In giving Judgment on any Application or Complaint under this Act the Sheriff or Justices may find the Person complained against liable in Expenses, and may decern for Payment of the same.

Expenses may be decerned for.

31. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by ordinary Action or in the Small Debt Court of the Sheriff.

Recovery of Penalties and Expenses.

32. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into execution the Provisions of this Act.

Payment and Application of Penalties.

33. From and after the First Day of *January* One thousand eight hundred and sixty-five the Provisions of the said Act, intituled *An Act to amend the Laws relating to Fisheries of Salmon* in England, shall extend and apply to Salmon Fisheries in the Waters and on the Shores of the *Solway Firth* situate in *Scotland*, as the same may be fixed by Authority of this Act, and to the Rivers flowing into the same, in so far as such Provisions relate to the Use of fixed Engines for the taking of Salmon: Provided that all Offences against such Provisions shall be prosecuted and punished as directed by this Act.

Certain Provisions of Act 24 & 25 Vict. c. 109. applied to Solway Firth.

34. No Part of this Act, with the Exception of the Tenth, Twelfth, and Twenty-seventh Clauses, shall apply to the River *Tweed*, or to any Fisheries in the said River or the Mouth or Entrance

This Act not to apply to the River *Tweed*.

Salmon Fisheries (Scotland).

Entrance thereof, as defined by "The *Tweed Fisheries Amendment Act, 1859*;" and any Penalties incurred under the said Tenth, Twelfth, and Twenty-seventh Clauses of this Act shall, so far as concerns the River *Tweed*, be recoverable in manner prescribed by the *Tweed Fisheries Amendment Act, 1857*, which Act, and the *Tweed Fisheries Amendment Act, 1859*, shall remain in full Force and Effect, anything herein contained to the contrary notwithstanding.

C A P. XCVIII.

An Act for the Amendment of an Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and of an Act amending the last-mentioned Act. [7th August 1862.]

WHEREAS by an Act of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and herein-after referred to as the Principal Act, divers Regulations are made with respect to the Manufacture and keeping of Gunpowder, and with respect to the Manufacture of loaded Percussion Caps, and the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: And whereas by the Twenty-fifth Section of the Principal Act Provisions are made with respect to the Issue of Warrants to search and with respect to searching for Gunpowder, and by the Twenty-seventh Section of the same Act special Powers are given to the Conservators of the River *Thames* of appointing Searchers for Gunpowder within their Jurisdiction: And whereas it is expedient to extend the said Sections to loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: 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:

1. The Twenty-fifth and Twenty-seventh Sections of the Principal Act shall be construed and applied as if the Word Gunpowder therein mentioned included loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature.

2. 'Whereas by an Act for amending the Principal Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years

23 & 24 Vict.
c. 139.

Extension of
Sects. 25 & 27
of Principal
Act, &c.

Divisional
Magistrates of
Police to exer.

Gunpowder Act Amendment.

‘ Years of the Reign of Her present Majesty, Chapter One
 ‘ hundred and thirty, it is provided that all Powers of granting
 ‘ Licences by the Principal Act given to Justices of the Peace at
 ‘ their General Quarter Sessions shall be transferred to and
 ‘ vested in the Justices in Petty Sessions assembled: And
 ‘ whereas within the Police District of *Dublin* Metropolis the
 ‘ Powers usually exercised by Justices of the Peace in Petty
 ‘ Sessions are exercised by any Two or more Divisional Magis-
 ‘ trates of Police; and it is expedient to amend the said Act of
 ‘ the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One
 ‘ hundred and thirty, in manner herein-after mentioned:’ Be it
 enacted, That the Powers of licensing vested in Manner aforesaid
 in the Justices in Petty Sessions assembled, may, within the
 Police District of *Dublin* Metropolis, be exercised by any Two
 or more Divisional Magistrates of Police; and that it shall be
 lawful for the said Divisional Magistrates of Police, or any Two
 or more of them, with the Sanction of the Lord Lieutenant of
Ireland, to regulate the Mode in which Applications for Licences
 under the said Act are to be made, and to make a Scale of Fees
 to be charged in respect of such Licences.

cise licensing
 Powers within
 the Dublin Po-
 lice District.

3. The Principal Act may be cited for all Purposes as “The
 Gunpowder Act, 1860,” and this Act shall be construed as One
 with the Principal Act, and may be cited for all Purposes as
 “The Gunpowder Act Amendment Act, 1862.”

Short Title of
 Principal Act
 and this Act.

C A P. XCIX.

An Act to amend the Bankruptcy Act (1861).

[7th August 1862.]

‘ **W**HEREAS by the First Section of an Act of the Session of
 ‘ the Fifth and Sixth Years of the Reign of King *William*
 ‘ the Fourth, Chapter Forty-two, intituled *An Act to authorize*
 ‘ *the granting of Superannuation Allowances to the Commis-*
 ‘ *sioners and Officers of the Courts for the Relief of Insolvent*
 ‘ *Debtors*, Power is given to the Commissioners of Her Majesty’s
 ‘ Treasury to grant to any of the Officers of the Court for the
 ‘ Relief of Insolvent Debtors in *England* who shall be, from Age
 ‘ or Infirmity of Mind or Body, incapable of discharging the
 ‘ Duties of his Office, or whose Office shall cease or be abolished
 ‘ by Law, a Superannuation Allowance, in the same Manner and
 ‘ upon the same Conditions as it would be granted under the
 ‘ Provisions of the Act of the Session of the Fourth and Fifth
 ‘ Years of the Reign of King *William* the Fourth, Chapter
 ‘ Twenty-four: And whereas by “The Superannuation Act,
 ‘ 1859,” it is provided that the said First Section of the said
 ‘ Act of the Fifth and Sixth Years of the Reign of King *William*
 ‘ the Fourth shall be construed as if the said Superannuation
 ‘ Act of 1859 were referred to in the said Section instead of the
 ‘ said Act of the Fourth and Fifth Years of the Reign of King
 ‘ *William* the Fourth: And whereas at and previously to the
 ‘ Date of the passing of “The Bankruptcy Act, 1861,” the Per-
 ‘ sons named in the Schedule hereto were holding Offices in the

5 & 6 W. 4.
 c. 42.

Bankruptcy Act (1861) Amendment.

‘ said Court for the Relief of Insolvent Debtors in *England*, and
 ‘ such Persons, together with other Officers of the said Court,
 ‘ were by the said Act transferred to the *London* Court of
 ‘ Bankruptcy: And whereas it is expedient that the said Bank-
 ‘ ruptcy Act, 1861, should be amended so far as relates to the
 ‘ Transfer of the Officers named in the said Schedule, and that
 ‘ their Offices should be forthwith abolished, and the Holders
 ‘ of such Offices become entitled to Superannuation Allowance
 ‘ accordingly:’ 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 :

Abolition of
 Offices of Per-
 sons named in
 Schedules.

1. The Offices of the several Persons named in the First and Second Schedules hereto shall be abolished from and after the respective Times herein specified; that is to say, those in the First Schedule from and after the passing of this Act, and those in the Second Schedule from and after such Time or Times as may be fixed by any General Order or Orders of the Lord Chancellor in that Behalf made; and the Holders of such Offices respectively shall thereupon become entitled to Superannuation or Compensation Allowance accordingly; provided that no new Officers or Persons shall be appointed for the temporary Discharge of the Duties of such several Persons respectively in the First Schedule mentioned, but, in case of Need, such Duties shall continue to be discharged by such several Persons respectively hitherto discharging the same, at the Rate of Remuneration heretofore received by them respectively; and during such Time they shall not receive any Superannuation or other Allowance or Compensation as for abolished Offices.

Grant of ad-
 ditional Allow-
 ance to Persons
 named in First
 Schedule.

2. Where the Amount of Remuneration in Salary or Fees, or both in Salary and Fees, received by any of the Persons named in the said First Schedule on account of any Offices held by them during the Period intervening between the Date of their being transferred in manner aforesaid to the Bankruptcy Court and the Date of the passing of this Act, is less than the Amount that they would have received in respect of Superannuation or Compensation Allowance if their Offices had been abolished at the Date of such Transfer, the Commissioners of the Treasury shall, out of Monies to be provided by Parliament for that Purpose, make up the Deficiency between the Amount actually received by them and the Amount they would have received if their Offices had been abolished in respect of such Superannuation Allowance as aforesaid.

Calculation of
 Superannua-
 tion Allowance.

3. For the Purpose of calculating the Amount of Superannuation Allowance due to each of the Persons named in the said Schedules, the annual Emolument of such Person shall be deemed to have been the Sums set opposite his Name in the Second and Third Columns of the said Schedules, and such further Sums, if any, as the Commissioners of the Treasury may, if they think fit, add in respect of Lodging or other Allowances enjoyed by such Person at the Public Expense.

Bankruptcy Act (1861) Amendment.

4. 'Whereas the said Bankruptcy Act, 1861, repeals the Eighteenth Section of the Act of the Session of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred and two, by which Section it was provided that no Judge of any County Court who had previously to the passing of the last-mentioned Act been or might thereafter be appointed to that Office under the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, should during his Continuance in such Office be capable of being elected or of sitting as a Member of the House of Commons: And whereas it is expedient that the Prohibition contained in such repealed Section should be renewed: Be it enacted, That no Person who has been or may hereafter be appointed a Judge of any County Court by virtue of the said Act of the Ninth and Tenth Years of Her present Majesty, Chapter Ninety-five, shall during his Continuance in the Office of Judge be capable of being elected or of sitting as a Member of the House of Commons.

Prohibition of Judges of County Courts sitting in Parliament.

FIRST SCHEDULE.

THE NAMES of PERSONS formerly employed in the Insolvent Debtors Court, and for whom no Employment has been found since the Abolition of that Court.

NAME.	Date of Appointment.	Salary.	Average Fees for Seven Years.	TOTAL.
Yeo, R. W. (Order Clerk) - -	1840	£ 100	£ s. d. 225 15 0	£ s. d. 325 15 0
Clark, G. (Registrar) - - -	1831	150	599 14 1	749 14 1
Wiggins, Samuel (Broker) - -	1840	Nil	514 2 8	
Arrowsmith, J. (Ditto) - - -	1847	Nil	514 2 8	
Paterson, A. (Ditto) - - -	1841	Nil	514 2 8	
Brown, G. (Service Messenger) -	1851	Nil	195 4 7	
Michael, R. (Ditto) - - -	1854	Nil	210 11 6	
Chalkeley, J. B. (Ditto) - - -	1860	Nil	210 8 9	
Bull, R. (Service Messenger) - -	1856	Nil	199 19 3	
Hat, C. (Usher) - - -	1858	80	Nil	
Walsh, Edward (Messenger) - -	1854	80	Nil	
Laurie, G. N. W. (Usher) - - -	1859	80	Nil	
Burden, J. W. (Assistant Book-keeper).	1859	63	Nil	
Snellgrove, J. (Messenger) - -	1847	80	Nil	
Lambert, Mrs. (Housekeeper) - -	1816	50	Nil	
Bester, Mrs. (Ditto) - - -	1844	40	Nil	
Snellgrove, Miss (Ditto) - - -	1850	50	Nil	
West, W. A. (Service Messenger) -	1828	Nil	264 14 4	
Bacon, W. H. (Ditto) - - -	1831	Nil	240 8 10	
Powell, W. H. (Ditto) - - -	1842	Nil	262 12 0	
Coe, J. H. (Ditto) - - -	1843	Nil	236 7 6	

Bankruptcy Act (1861) Amendment.

SECOND SCHEDULE.

THE NAMES of PERSONS formerly employed in the Insolvent Debtors Court, and whom it is proposed to retain for the present in Portugal Street.

NAME.	Date of Appointment.	Salary.	Average Fees for Seven Years.	TOTAL.
		£	£ s. d.	£ s. d.
Lamb, Henry William - - -	1824	300	715 15 3	1,015 15 3
Ingpen, W. - - - - -	1842	100	293 0 0	393 0 0
Notson, W. - - - - -	1847	130	70 0 0	200 0 0

C A P. C.

An Act to authorize Improvement Commissioners acting as Burial Boards to mortgage certain Rates for the Purposes of the Burial Acts. [7th August 1862.]

23 & 24 Vict.
c. 64.

‘ WHEREAS by an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty (Chapter Sixty-four), to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards, it was enacted, that any Money required by any Commissioners elected by the Ratepayers, and acting under or by virtue of the Powers of any Local Act of Parliament for the Improvement of any Town, Parish, or Borough, who should have been constituted a Burial Board for defraying the Expense of carrying into execution the Powers and Provisions of the Burial Acts in the District for which they may have been so constituted a Burial Board, or for paying any Monies borrowed or Annuities granted under the Authority of the said Acts, or any Interest on Monies borrowed, or for providing a Sinking Fund for the Repayment of such Monies, might, if the Commissioners thought fit, be paid out of the Improvement Rate leviable within such District; and the Commissioners, as such Burial Board, might levy as Part of the Improvement Rate, or by a separate Rate under the Name and Designation of a Burial Rate, to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as should be from Time to Time necessary for the Purposes aforesaid or any of them: And whereas Doubts have arisen whether under such Provisions the Improvement Rate or Burial Rate can be legally mortgaged or assigned as a Security for the Payment of the Sums referred to in the said Act, and it is expedient that the Commissioners acting as such Burial Board should have the Power of mortgaging the said Rates:’ 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 :

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1. Any Commissioners elected by the Ratepayers, and acting under or by virtue of the Powers of any Local Act of Parliament for the Improvement of any Town, Parish, or Borough, who shall have been constituted a Burial Board for any District, may, with the Approval of the Commissioners of Her Majesty's Treasury, from Time to Time borrow at Interest on Mortgage of the Improvement Rate and Burial Rate, or either of them, leviable within the District, such Sums of Money as may be required by the Burial Board for the Purposes of the Burial Act within the District.

Commissioners, with Consent of Treasury, may mortgage Improvement Rate and Burial Rate, or either.

2. The Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall be applicable to all Mortgages created under the Provisions thereof.

Certain Provisions of 10 & 11 Vict. c. 16. to apply to this Act.

C A P. CI.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof. [7th August 1862.]

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same*: And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland*: And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force*: And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: 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:

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

1. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be and the same are hereby repealed, except only as regards any Burgh in which the Provisions of the said Acts or any Part thereof have, on or before the First Day of August One thousand eight

Repeal of Acts.

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hundred and sixty-two, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (*Scotland*) Act, 1862."

Interpretation
of Terms.

3. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, and also those Burghs enumerated in Schedule (F.) of the said Act :

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven :

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, and Burgh of Regality and Barony, and contiguous Burghs of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act :

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third *William* the Fourth, Chapter Sixty-five :

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors were provided by either of the said Acts, Third and Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of Seven hundred Inhabitants or upwards ; and for the Purposes of this Act Two or more contiguous Towns, Villages, Places, or Localities not being Burghs to which Magistrates and Councillors were provided as aforesaid, may be held to be a populous Place :

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations :

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards, in all Burghs, except in populous Places containing less than One thousand Inhabitants, and in populous Places containing less than that Number of Inhabitants, it shall mean a Male Occupier of Lands or Premises of the yearly Value of Six Pounds or upwards :

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Person in the Occupation as Tenant of a furnished House let for a less Period than One Year, but

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but shall include the Person by whom such furnished House is so let :

The Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and, except as regards the fixing and extending the Boundaries of Burghs and populous Places, shall include Sheriff Substitute, and also Steward and Steward Substitute :

The Expression "the Commissioners" shall mean the Commissioners or Trustees for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted ; and "Trustees of Police" shall include Trustees of any Town exercising the Functions of Police Commissioners under any Local Act :

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost :

The Word "Magistrates" shall mean a Magistrate or Judge having Police Jurisdiction under this Act or under any Local or General Act in force :

The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act :

The Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and the fixed or attached Machinery therein, Yards, Places, and other Heritages specified or included in the Act of the Seventeenth and Eighteenth Victoria, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in Scotland* :

The Word "Street" shall mean a public Street, and shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the Burgh used either by Carts or Foot Passengers, not being a "private Street," and not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank :

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh, (not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank,) used by Carts, and either accessible to the Public from a public Street, or forming a common Access to Lands and Premises separately occupied, and which has not been before the Adoption of this Act well and sufficiently paved and flagged by the Owners of Premises fronting or abutting on said Street, and which has not been maintained as a public Street :

The Word "Owner" shall include Joint Owner, Fiar, Life-renter, Feuuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioner of such Persons, or any of them, or any other Person, who shall intromit with or draw the Rents :

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The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for private Improvement Expenses under this Act :

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of any Burgh :

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine :

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head with respect to the "Promotion of the Public Health" :

The Word "Carriage," shall include any Coach, Omnibus, Chariot, Fly, Car, Cabriolet, Gig, Brougham, Waggon, Timber Carriage, Dray, Truck, Hand-cart, Wheel-barrow, Hand-barrow, Lorry, or other Vehicle, used for the Conveyance of Goods or plying for Hire :

The Word "Broker" or "Brokers" shall extend to and include any Person or Persons dealing in second-hand Goods or Articles, or in Woollen Yarn or Waste, or in other unwrought Woollen Materials, or in old Metals, Bones, or Rags.

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Boundaries of Royal Burghs, which send or contribute to send Members to Parliament.

Boundaries of Parliamentary Burghs.

Boundaries of other Burghs, how to be fixed.

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ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

4. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, or otherwise fixed by Law, unless it shall be resolved in adopting this Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries.

5. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

6. The Boundaries of all other Royal Burghs, Burghs erected or incorporated by Act of Parliament, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided; and on the Application of any Seven or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out,

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out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against as herein-after provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal within Fourteen Days from the Date thereof from the said Deliverance of the Sheriff to One of Her Majesty's Principal Secretaries of State by a written Appeal setting forth the Grounds on which he disputes the Sheriff's Deliverance, and it shall be lawful for any of Her Majesty's Principal Secretaries of State upon such Appeal to direct Inquiry into the Circumstances of the Case, and to issue such Order thereupon as he may deem requisite to determine the Boundaries of such Burgh, and such Order shall be final, and when recorded along with the Appeal on which it proceeds in the Sheriff Court Books of such County shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

7. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any Seven or more Householders in such populous Place; and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any,) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded along with the Application on which it proceeds in the Sheriff Court Books of the County shall fix and determine the Boundaries of such populous Place for the Purposes of this Act: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State, in manner as is above provided in regard to the Boundaries of other Burghs, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such populous Place for the Purposes of this Act,

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If not adopted within a Year, Boundaries to be held to be unascertained.

8. If at the Expiration of One Year from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place, in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

Power to rectify Errors committed by Sheriffs in defining Boundaries.

9. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

Commissioners of Burghs, other than Royal and Parliamentary Burghs, may apply to Sheriff for Revision of Boundaries.

10. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, it shall be lawful for the Sheriff and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and extend the Boundaries of such Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by any Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State in manner herein-above provided, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of Royal Burghs may be extended.

11. Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as herein-after provided for, is within or is in any Part within the Parliamentary Boundaries of such Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to

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the Parliamentary Boundaries of such Burgh or to any Part thereof; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

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12. The Sheriff shall, after the Presentation of the said Petition, order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any Seven or more Householders who are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

Householders
beyond existing
Boundaries
of such Royal
Burghs may
oppose Extension.

13. If the Sheriff shall grant the Prayer of the Petition, he shall issue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Sheriff's De-
liverance to be
final.

14. If the Magistrates and Council of such Royal Burgh shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings, resolve to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of Two Years from and after the Date of the Rejection of the last Petition.

Application for
Extension of
Boundaries
may be re-
newed.

PART I.**SECTION II.—Adoption of Act by Magistrates and Councils or Commissioners or Trustees of Police.**

15. This Act may be adopted either in whole or in part; (that is to say,) in Parts, Sections, or Clauses,—

Parties who
may adopt this
Act.

(1.) In Royal or Parliamentary Burghs, where there is no Board of Commissioners or Trustees of Police, under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

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- (2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners or Trustees as aforesaid, by a Resolution of the said Commissioners or Trustees at a Meeting held for the Purpose :
- (3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the said Act Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, or which have Commissioners or Trustees of Police, under the Provisions of any Local Act of Parliament, by a special Order, as herein-after defined, of the Commissioners or Trustees of Police acting in and for such Burghs respectively :

But no such Resolution passed by any Magistrates and Council, or Commissioners or Trustees of Police, shall be valid, unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in the Manner in which Notices of Meetings of such Magistrates and Council or Commissioners or Trustees of Police respectively are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption : Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

16. Where this Act is adopted in whole or in part, as above provided for, this Act, so far as adopted, shall apply as follows ; viz.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh, and to any additional Territory over which they as Commissioners of Police possess Jurisdiction, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries :

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh :

If adopted by the Commissioners or Trustees of Police of or in any Burgh, to the whole Territory over which such Commissioners or Trustees possess Jurisdiction, as the same is established by any General or Local Act, or otherwise fixed by Law, which Commissioners or Trustees shall not levy Assessments nor in any way exercise Jurisdiction beyond the Limits of such Territory, and in such Case the Word "Burgh" in this Act shall apply only to such Territory, anything in this Act to the contrary notwithstanding.

17. If the said Magistrates and Council or Commissioners or Trustees of Police shall have resolved not to adopt the Provisions of this Act, or having adopted it, in whole or in part, shall have limited its Operation to the Area within the Parliamentary Boundaries, the Magistrates and Council or the Commissioners or Trustees may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings again take this Act into consideration, and adopt the same, in whole or in part, or

Limits within which the Act shall apply when so adopted.

Proceedings with reference to Adoption of Act may be renewed.

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determine not to adopt the same, or determine to extend its Operation to the whole Area within the Parliamentary Boundaries thereof; and if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such Part thereof as may not have been formerly adopted.

18. If the said Magistrates and Council or Commissioners or Trustees of Police adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt this Act in part, such Resolution shall specify the Parts, Sections, or Clauses so adopted; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to, or as in any way modifies, affects, or controls, the Parts, Sections, or Clauses so adopted, to which Extent this Act shall be held to be as effective as if the whole had been adopted according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted.

19. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such Burgh at any Time to adopt such Part of this Act as may not have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the said Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

20. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

21. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and Obligations incurred, and all Assessments imposed or to be imposed under and by virtue

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the Act.
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Where this Act adopted, other Acts repealed.

Where Act partially adopted, the Commissioners may adopt the Portion not previously adopted.

Proceedings to be reported to Sheriff.

Contracts, &c. under former Acts to be saved.

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 —

of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned ; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor, or any special Interest provided for, under such recited Acts or under such Local Act or Acts ; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

Property vested
 in Commis-
 sioners under
 this Act.

22. Notwithstanding anything in this Act in the contrary implied or expressed, and whether this Clause be adopted by any Burgh or not, it is hereby enacted, That in all Cases where the Management of the Police Affairs of any Burgh is transferred from any existing Commissioners of Police, or other Persons, to the Magistrates and Council of such Burgh, or to Commissioners elected under this Act, the whole Lands, Heritages, Assessments, Claims, Demands, and Effects of every Kind belonging to or vested in the Commissioners of Police, or other Persons, from whom such Management is so transferred, or in any Person on their Behalf, and all Powers, Rights, and Privileges conferred on or vested in such Commissioners of Police, or other Persons by any Act of Parliament, in so far as not inconsistent with the Provisions of this Act, shall be and are hereby transferred to and vested in the Magistrates and Council or Commissioners to whom such Management is so transferred, who shall be liable for the whole Debts and Obligations of the Commissioners of Police, or other Persons from whom such Management is transferred ; and in all Cases where this Act shall be adopted in whole or in part, such Adoption shall not free or relieve the Magistrates and Council or Commissioners of Police of any Burgh from any Obligations incumbent on them at the Date of such Adoption ; and all such Obligations, together with the Powers of Assessment and other Faculties therewith connected, shall remain in full Force as if this Act had not been adopted.

PART I.**SECTION III.—Adoption of Act by Householders.**

Burghs may
 convene a
 Meeting of
 Householders
 to consider
 of the Adoption
 of this Act.

23. It shall be lawful for any Seven or more Householders in any Burgh to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh : Provided always, that previously to such Requisition being entertained by such Magistrate or Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

Boundaries of
 Burgh to be
 ascertained
 previously.

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24. Such Magistrate or Sheriff shall, upon receiving such Requisition for convening a Meeting accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in *Scotland* within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Return of the Population and Lists of Householders to be made out.

25. On Receipt of such Requisition, such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

Mode of calling First Meeting.

26. Such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Meetings to be intimated by posting Handbills, &c.

27. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Lands or Premises of the yearly Value required for the Qualification of a Householder as before defined, or of greater Value, so as to afford more than One such Qualification, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each such Qualification

Qualification of Voters.

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afforded by such Premises : Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

28. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

Preses to declare the Determination of the Meeting.

29. Such Magistrate or Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any Seven Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

30. When such Poll shall be demanded as aforesaid, such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Date of such Demand in Writing, exclusive of *Sundays*, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

31. No Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

Poll Books to be provided.

32. Such Magistrate or Sheriff shall, either in Person or by a legal Substitute or Substitutes, who he is hereby authorized to appoint when necessary, preside at the Poll, and shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes : Provided always, that such Substitute or Substitutes shall possess the Qualifications required for the Assessor and Substitute under the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six.

State of Poll to be ascertained and declared.

33. As soon after the Close of the Poll as may be, the Persons who shall have presided thereat shall seal up and transmit the Poll Books to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day ; and such Declaration shall be final, unless any Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such

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Magistrate or Sheriff, to be held on a Day not later than the Third Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by such Magistrate or Sheriff shall be final, and the Person demanding such Scrutiny shall be liable in the Expense thereof.

34. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

35. If such Resolution shall be to adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if such Resolution shall be to adopt this Act only in part, the Parts, Sections, or Clauses so adopted shall be specified in the Minutes of such Meeting; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to the Parts, Sections, or Clauses so adopted, according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

36. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and the Householders thereof present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

37. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within Forty-eight Hours after the Close of the Proceedings, and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

38. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, as often as they shall think proper, thereafter, but not sooner than One Year from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the

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Majority neces-
sary to adopt
this Act, &c.

Provision if
Act adopted in
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part only.

Further Pro-
ceedings on
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adopted.

Proceedings to
be reported to
the Sheriff.

If Act not
adopted, Pro-
posal may be
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like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

Expenses attending the calling First Meeting, &c. how to be borne.

39. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

PART I.

SECTION IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, Burghs erected or incorporated by Act of Parliament, and Burghs of Regality and Barony.*

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

40. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act which are by this Act conferred on Commissioners and Magistrates of Police respectively.

In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

41. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unani- mously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the

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Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein provided.

42. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having Commissioners or Trustees of Police under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, such Commissioners or Trustees shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; and the said Magistrates as Magistrates of Police, and the said Commissioners or Trustees of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council of any Royal or Parliamentary Burgh at any Time to make Application to unite the Municipal and Police Government of such Royal or Parliamentary Burgh in manner herein-after provided.

43. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council, or Commissioners, as the Case may be, at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses in the suburban Part or Parts of the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council, or Commissioners; and it shall

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Commissioners in certain Burghs Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

Power to grant certain Exemptions.

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be lawful for the Magistrates and Council, or Commissioners, by a like Resolution, from Time to Time to extend the Period of such Exemptions: Provided always, that such Exemption shall only be made upon the Application or with the Consent of the Owners or Occupiers of the Lands and Premises situated within such Part or Parts of the Burgh so to be exempted, the Rent or Value of which shall amount to Two Thirds of the Rents or Value of the whole Lands and Premises therein, but not otherwise; and it shall be lawful for any Person who thinks himself aggrieved thereby to appeal to the Sheriff in manner after provided.

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**Number of
Commissioners.**

44. In Burghs where Commissioners shall be elected as herein provided for the Purposes of executing this Act, they shall not exceed Twelve in Number; but the Number may be less than Twelve and not less than Six, as may be determined on in manner herein-before provided.

**If Burgh
divided into
Wards.**

45. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be Three Commissioners for each Ward.

**Meeting for
Election of
Commissioners
to be convened.**

46. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, and for which Commissioners fall to be elected under this Act, the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise, the Sheriff, shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting such Magistrate or Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, such Magistrate or Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

**Election of
Commissioners.**

47. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Burgh, or if such Burgh shall have been divided into Wards, then by any Householders within the Ward for which the Election is to take place; and the Preses of the

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Meeting shall ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act ; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any Seven Householders present at such Meeting, such Magistrate or Sheriff shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and shall provide Poll Books in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Books ; and such Magistrate or Sheriff shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

48. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First *Monday* after the First and each annual Election, hold their First General Meeting in the Town Hall or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit ; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final ; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred ; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer, Omission, or other Informality ; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside ; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

First Meeting
of Commis-
sioners.

49. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

Commissioners
to choose a
Senior and
Two Junior
Magistrates.

50. One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from

One Third of
Commissioners
to be elected
annually.

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First and
Second annual
Elections.

among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is herein-before directed to be given of such First Election of Commissioners.

51. The Third of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the Third of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall go out of Office; provided also, that the Senior Magistrate of Police shall always remain in Office for Three Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners
failing to
accept.

52. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First Monday after the First and each annual Election of Commissioners he shall be held to have declined the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Com-
missioners may
be re-elected.

53. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving Three Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

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54. Where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the Meeting, to be chosen by the Meeting, shall have a double or casting Vote, in case of Equality: Provided always, that Magistrates of Police shall at all Times be capable of being re-elected.

Vacancies in the Magistrates of Police, how to be supplied.

55. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

Interim Vacancies how to be supplied.

56. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

If Electors refuse to elect, Commissioners previously in Office may.

57. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners not to hold Places of Profit under this Act.

PART I.

SECTION VI.—*Meetings of Commissioners.*

58. All the Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed

Commissioners to be summoned to attend Meetings.

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printed Summonses issued by their Clerk at least Twenty-four Hours before the Time of Meeting; and the Chief or Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

Statutory Meet-
ings of Com-
missioners.

59. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second *Monday* of the Months of *January, April, July, and October* in each Year, at Twelve of the Clock Noon, or at such other Hour as the Commissioners may fix.

Special Meet-
ings may be
called, on Re-
quisition;

60. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition or stating the Purpose thereof.

but not to
annul Rules
made at Statu-
tory Meetings.

61. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may
be adjourned.

62. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Power to ap-
point Com-
mittees.

63. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

PART I.

SECTION VII.—Powers and Duties of Commissioners.

Powers and
Duties of Com-
missioners.

64. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, Inspectors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Sur-
veyors,

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veyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government ; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs or Passages or private Courts, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of Forty Shillings, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge : Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

65. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

66. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

67. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees, and, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

68. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence under this Act committed within the Limits of the Burgh, as fixed for the Purposes of this Act ; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

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**Commissioners
may contract
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of Works.**

**Property vested
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sioners.**

**Clerk to be ap-
pointed.**

**Clerk not to be
concerned as
Agent, &c. in
any Prosecution
under this Act.**

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Treasurer and Collector to be appointed.

69. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure ; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable ; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

70. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer ; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

71. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time ; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

72. In case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against, and form a Burden upon the next annual Assessment.

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

73. It shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act ; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act ; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other

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Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

74. Except as herein-after specially provided, all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk for the Time being as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk shall cease or abate by the Death, Resignation, or Removal of any such Clerk, or by any Change in the Persons holding Office as Commissioners, but the Clerk to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

75. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners may appoint; and all such Books of Accounts may at all reasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

76. The Commissioners shall yearly, and previous to their statutory Meeting in the Month of *July* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the Fifteenth Day of *May* immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall

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against Com-
missioners,
how to be
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not to abate.

Books of Ac-
counts to be
kept by Com-
missioners.

Account of
Receipt and
Application of
Monies to be
made out by
Commissioners,
and printed.

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have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause an Abstract thereof to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

**Auditor to be
appointed by
the Commis-
sioners.**

77. The Commissioners shall annually appoint a professional Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Commissioners shall from Time to Time appoint an Auditor to supply such Vacancy.

**Auditor's
Report.**

78. The Commissioners shall deliver to such Auditor, within One Month after the said Fifteenth Day of *May* annually, all the Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

PART I.

SECTION VIII.—Orders in Council.

**Power to apply
to Privy Coun-
cil in certain
Cases.**

79. Whenever it appears desirable to the Magistrates and Council or Commissioners of Police of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Commissioners of Police separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the Powers and Jurisdictions of Police, Paving, Lighting, Watching, and others, granted to the Commissioners of Police by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burgh:

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Or whenever it appears desirable to the Magistrates and Councils, or the Commissioners of Police of contiguous Burghs, that Provision should be made for executing any great Conduits or Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs :

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- (1.) The Magistrates and Council, or the Commissioners of any Burgh, or the Magistrates and Councils, or Commissioners, of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires :
- (2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry ; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry :
- (3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to call for such Information from the Magistrates and Councils or Commissioners of Police as he may consider necessary, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry :
- (4.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Prayer thereof, or with such Modifications or Alterations as may appear to him to be requisite.

80. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than Five Years, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an Average exceeded the Proportion of Twenty to a Thousand in a Population of One thousand, Twenty-three to a Thousand in a Population of Five thousand, Twenty-five to a Thousand in a Population of Twenty thousand, or Twenty-nine to a Thousand in a Population of Three hundred thousand and upwards, of the Population of such Burgh or populous Place, the Lords of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also as to the natural Drainage Areas, and the existing Municipal, Parochial, or other

Provision
where Mortality
exceeds
certain Proportions.

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 thereant.

Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Lords of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned.

81. Before proceeding upon such Inquiry, the said Sheriff shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Lords of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Lords of Her Majesty's Privy Council may direct.

Orders in
 Council to be
 confirmed by
 Parliament.

82. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Lords of Her Majesty's Privy Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

Costs how to
 be borne.

83. All Costs, Charges, and Expenses incurred by the said Lords of Her Majesty's Privy Council or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the

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Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

ASSESSMENTS.

SECTION I.—*Assessments for Police Purposes.*

84. Once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Lands or Premises within the Burgh, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in *Scotland*, subject to the Exceptions herein-after provided, in the Sums necessary to be levied for the Police Purposes of this Act, in so far as the same may have been adopted, and for the Purposes to which the Police Assessment authorized by any Act in force in such Burgh at the Time of such Adoption might have been applied, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: Provided always, that such Assessment shall be imposed as from the Fifteenth Day of *May* in any One Year to the Fifteenth Day of *May* in the following Year, and shall not in any Year exceed a Rate equal to Two Shillings and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where the Enactments of this Act with respect to Water have been adopted, or a Rate equal to One Shilling and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment: Provided further, when in any Burgh, under the Provisions of any Police Act, a higher Rate of Assessment is now and has been in use to be levied upon Lands and Tenements above a certain fixed Rent than upon lower rented Lands and Tenements, it shall be in the Power of the Commissioners, in laying on the Assessment under this Act, to continue the same relative Rates of Assessment, if they think proper.

85. Out of the Police Assessment authorized by this or by any General or Local Act in force within the Burgh it shall be lawful to the Commissioners to defray to such Extent as they think proper, such Claims for Damages sustained in consequence of any Riot or Tumult within the Burgh as may be established to their Satisfaction, or, if the Commissioners think proper, they may at any Time impose and levy a special Assessment on all Occupiers of Lands or Premises within the Burgh, according to the said Valuation Roll, for the Sums estimated by them to be necessary for the Purpose of paying such Damages; and such

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Commissioners
to make Police
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Damages oc-
casioned by
Mobs.

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Provision for
Assessment for
Period less than
One Year.

special Assessment being so imposed and levied, the Commissioners shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

86. Where in any Burgh an Assessment for Police Purposes has been imposed previous to the Adoption of this Act, and is leviable for a Period ending on a Day prior to the Fifteenth Day of *May* immediately following such Adoption, it shall be lawful to the Commissioners under this Act to impose and levy a Proportion of the Police Assessment hereby authorized, corresponding to the Time intervening between the Date when such Period ended, and the said Fifteenth Day of *May*.

Commissioners
to levy Assess-
ments from
Owners of
Premises under
4l.

87. The Commissioners shall assess the Owners in place of the Occupiers of all Lands or Premises let at a Rent under Four Pounds, and levy such Assessment from such Owners; but the Commissioners shall allow to such Owners a Deduction from such Assessment equal to One Fourth of the Amount thereof; and such Assessments shall be recoverable from such Owners, along with any Penalty which may have become exigible thereon, in the same way as is herein provided with respect to the Recovery thereof from Occupiers.

Commissioners
may grant Re-
lief from Police
Assessment in
case of Poverty.

88. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Occupiers to
pay Police
Assessment.

89. The Assessments herein-before authorized to be imposed shall be levied from the Occupiers of Lands or Premises, but Deduction shall be allowed by the Commissioners of the Assessment for any Period during which any Lands or Premises shall not be let or occupied for Three Months consecutively in any One Year, and Owners who shall let for Rent or Hire Lands or Premises for less than a Year shall themselves, as well as the Occupiers, be responsible for the said Assessment applicable to any Period less than a Year, and the same may be recovered from such Owners or from such Occupiers as the Commissioners shall judge expedient.

Arable Land,
&c. how to be
valued.

90. The annual Value of the following Lands or Premises shall for the Assessments under this Act, whether the Enactments with respect to Water have been adopted or not, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Roll; *viz.*

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, and Buildings, which shall be assessable to the same Extent as other Lands and Premises within the Burgh:
2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Ground, or other Ground used for Agricultural Purposes:

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And where the Enactments with regard to Water have been adopted, the annual Value of all Mines, Minerals, Quarries, and Manufactories within the Burgh shall as regards the Police Assessment, as far as it is applicable to Water, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll; without Prejudice, however, to the Commissioners entering into Agreements for the Supply of Water to such Lands and Premises in manner herein-after provided; and in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared, for the Time being, liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the Commissioners, upon a short Induciae, and after hearing Parties, and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right.

91. The Commissioners shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Lands or Premises in the Burgh liable to be assessed under this Act for the Assessments herein authorized to be levied, and according to which such Assessments under this Act are intended to be levied; and in such Roll or Book of Assessment there shall in no Case be entered any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and when such fractional Part shall not amount to Ten Shillings, the Sum shall not be entered at all in such yearly Rent or Value; and when such fractional Part shall amount to or exceed Ten Shillings, the Sum shall be entered as One Pound of such yearly Rent or Value, in addition to the actual Number of Pounds of such Rent or Value, and shall be assessed accordingly; and such Roll or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officer appointed by the Commissioners for that Purpose, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

92. If any Person assessed under this Act shall refuse or neglect to pay any Assessment herein-before authorized to be levied, or any Portion thereof, on or before the Expiry of Three Months after such Assessment is declared payable, the Collector may make an Attestation in Writing setting forth that the said Person has failed to pay such Assessment, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a printed Notice delivered to or left for him on the Premises in respect of which such Assessment is made, and such Attestation being made it shall be lawful for the Collector to make Application to the Sheriff, or to any One of the Magistrates of Police, or other Magistrates of the Burgh, who, upon such Application, and Production therewith of such Attestation,

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Recovery of Rates.

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shall grant summary Warrant for Recovery of the said Assessment, or the Portion thereof remaining unpaid, and One Penny upon each Pound of the Rental of the Lands or Premises in respect of which such Person is assessed in addition, in Name of Penalty, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (D.) hereunto annexed: Provided always, that nothing herein contained shall prejudice the Right of the Collector, at any Time after the said Assessment shall be payable, to prosecute, as he is hereby empowered to prosecute for, and recover all or any Part of such Assessment in arrear, before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding; and the Collector shall be bound to preserve the Warrants of all Seizures or Sales made under and in virtue hereof, and shall enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to such Sheriff or Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Sheriff or Magistrate shall be final.

Misnomers, &c.
not to affect
Proceedings
for Recovery of
Assessments.

93. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments, or any other Assessment, Rate, Charge, or Expenses under this Act, shall prejudice the Recovery thereof, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, Charge, or Expense under this Act, by reason of any Misnomer, Mistake, or Informality, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment thereof under the Provisions of this Act.

Assessments to
be recoverable
beyond Burgh.

94. In case any Person liable in Payment of the Assessments herein-before authorized to be levied, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution within or beyond the Burgh, in the same Manner as if
such

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such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

95. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided that nothing herein contained shall prejudice the Rights of the Creditors of any Burgh secured by Local Acts of Parliament or otherwise; and further, that the Adoption of this Act, in whole or in part, shall not relieve the Common Good of any Burgh from Payment of any Sum which such Burgh is bound by any Local Act to contribute towards the Police Expenses of the Burgh.

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Common Good may contribute towards the Purposes of this Act.

PART II.

SECTION II.—*Assessments for Sewers, Foot Pavements, and General and Private Improvements.*(1.) *Sewers.*

96. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Where new Sewers are made, Commissioners may impose a Special Sewer Rate.

97. The Commissioners shall, if necessary, impose a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the Provisions of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may impose a General Sewer Rate distinct from other Rates.

98. The Commissioners may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Lands or Premises within the Burgh, or within separate and distinct Districts, and that in reference to the Valuation of such Lands or Premises as fixed by the Valuation Roll; and in every Case in which the Commissioners shall see fit to make the said Assessments or either of them on separate and distinct Districts,

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they shall cause every such District to be described and defined as herein-after provided.

Rates to be levied on separate and distinct Districts.

99. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as afore-said for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Commissioners shall consider fair and equitable.

Where Premises were sufficiently drained before making new Sewer, Owner to have a Reduction made in his Rates.

100. Where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

(2.) *Foot Pavements.*

Assessment for Maintenance and Repair of Foot Pavements.

101. Whenever the Commissioners shall resolve, in manner after provided for, to undertake the Maintenance and Repair of the Foot Pavements in any Burgh, by means of a General Assessment, it shall be lawful for them to charge all Owners of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Paving Assessment equal to but not exceeding Twopence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called "The Foot Pavement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises, but the latter shall be entitled on Payment thereof to deduct the same from his Rent; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(3.) *General Improvements.*

General Improvement Assessment.

102. Whenever the Commissioners in any Burgh shall resolve, in manner after provided for, to make Provision for the General Improvement of the Burgh, it shall be lawful for them to charge, in

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in equal Proportions, all Owners and Occupiers of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Assessment equal to but not exceeding One Penny in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises in equal Proportions, or in whole from the Occupiers thereof, but in the latter Case the Occupier shall be entitled on Payment thereof to deduct from his Rent the Proportion payable by the Owner ; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

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(4.) *Private Improvements.*

103. Where by the Provisions of this Act the Owner or Occupier, as the Case may be, of any Premises is directed or fails to do any Work, Matter, or Thing in relation to the same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners shall charge the Owner or Occupier of the Premises with the said Expenses or Special Rates therefor, over and above any other Assessments or Rates to which such Owner or Occupier may be liable under this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

Assessment
for private Im-
provements.

104. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with the legal Interest thereof from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands or Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against *bonâ fide* Singular Successors or Heritable Creditors : Provided always, that nothing herein contained shall affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

Rates and As-
sessment to be
Burdens on the
Premises.

105. The Collector in any Burgh shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand in the Form of Schedule (E.) hereunto annexed, showing, with reference to any Premises, what Arrears of such Rates or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Premises as appearing in his Books, and also whether any and what Instalments of such Rates or Assessments are still chargeable in respect of such Premises : Provided always, that for each Certificate in respect of Premises separately entered or charged in the Assessment Books he shall

Collector of
Rates to grant
Certificate.

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Rates and Assessment how to be imposed, and how Appeals to be entered and disposed of.

be entitled to a Fee of Two Shillings and Sixpence from the Person requiring the same ; for which Fee, or for such Portion thereof as the Commissioners may direct, the Collector shall be bound to account to the Commissioners, if required by them.

106. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may think fit, and shall be payable at such Times as they appoint ; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the Clerk or Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners ; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk or Collector through the Post Office at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final ; but the Commissioners may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessment.

107. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment or separate Rolls or Books of Assessments applicable thereto, and the same, or a Copy thereof, docketed and signed by the Clerk and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments ; and if the said Rates or Assessments shall not be paid when the same fall due, the Collector shall take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is herein-before provided for Recovery of the Police Assessment under this Act, or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of *Scotland*.

Application of Surplus Assessment.

108. If any Surplus of any Rate or Assessment under this Act shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall, except as herein-after provided for, be applied towards the same Purpose in the Year following ; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency by Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

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PART III.

APPOINTMENT OF OFFICERS.

SECTION I.—*Appointment of Surveyor, Inspector, and Officer of Health.*PART III.
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109. The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the several Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners
may appoint a
Surveyor.

110. The Commissioners may appoint some Person, by the Title of "Inspector of Cleansing," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Commissioners shall duly publish the Name of any Inspector of Cleansing appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Cleansing shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Householder of the Burgh or other Person interested.

Commissioners
may appoint an
Inspector of
Cleansing.

111. The Commissioners may, if they think fit, appoint a Person of competent Skill and Experience, who shall be styled the "Officer of Health," and whose Duty it shall be to ascertain the Existence of Disease within the Limits appointed to him, especially of epidemic, endemic, and contagious Diseases, and to point out any local Causes likely to occasion or continue such Diseases or otherwise injure the Health of the Inhabitants, and to point out the best Means of checking or preventing the Spread of such Diseases, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature which may be required of him; and the Commissioners shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Police Assessment hereby authorized to be levied; and the Commissioners may, with the Approval of One of Her Majesty's Principal Secretaries of State, remove any such Officer of Health, or, with the like Approval, discontinue any such Officer.

Commissioners
may appoint
Officer of
Health.

112. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Cleansing.

Same Person
may be Sur-
veyor and In-
spector.

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Commissioners
may provide
Offices.

113. The Commissioners may provide Offices for the Use of the Surveyor, Inspector, and Officer of Health in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given Twice at least in some Newspaper circulating within the Burgh.

PART III.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

Appointment of
Superintendent
of Police and of
Constables.

114. The Commissioners of Burghs authorized by this Act to maintain Constables shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as such Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Cleansing: Provided always, that no Burgh to be established in virtue of this Act shall be entitled to maintain Constables in Terms of this Act unless the Population of such Burgh shall, according to the last Census for the Time being, amount to Seven thousand or upwards, it being hereby declared that the true Intent and Meaning of this Act in that respect is that all such Burghs shall, in regard to Constables, be subject to or regulated by the County Police Act, Twentieth and Twenty-first of *Victoria*, Chapter Seventy-two, anything in this Act to the contrary notwithstanding.

Constables may
execute War-
rants, &c.

115. All Warrants and Deliverances which may be issued in any Criminal Proceeding arising within the Burgh by the Sheriff of the County may, with the Consent of the Commissioners, be served and executed, and all Services, Citations, and Executions in any such Criminal Proceeding before such Sheriff may be made and given by the Superintendent of Police or any Constable of the Burgh appointed under this Act.

Constables to
account for
Fees.

116. It shall not be lawful for any Constable acting under this Act to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable, but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment which he may be liable to account for or pay over to the Commissioners or otherways for the Use of the Burgh.

Duties of Su-
perintendent
of Police and
Constables.

117. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be pre-
scribed

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scribed by the Superintendent of Police, under the Control of the Commissioners ; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before another Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction ; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh ; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

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118. On the Requisition of the Sheriff of any County or Chief Magistrate of any Burgh in *Scotland* the Superintendent of Police shall, if so directed by the Magistrates, or in case of Urgency by the acting Chief Magistrate, detach Constables to act in other Counties or Burghs, Guarantee being obtained for Outlay and Expense, and also for Provision in case of Officers being injured or killed.

Power to detach Constables to other Places.

119. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act ; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Powers and Privileges of Superintendent of Police and Constables.

120. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice ; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than Five

Constables not to resign without Leave or Notice.

Pounds,

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Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Commissioners to fix Salaries of Constables.

121. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in or after long Service be unfitted for the Execution of his Duty.

Constables dismissed to deliver up Accoutrements.

122. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and the Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

123. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

124. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Magistrate before whom he is convicted, he may be imprisoned for any Time not exceeding One Month, with or without Hard Labour.

Power to provide Offices, Watch-houses, &c.

125. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

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PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*PART IV,
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126. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an Improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at or upon the Rails or in or upon the Walls of Buildings on the Sides of the Streets, as they shall think proper, without being liable to any Claim for Compensation thereanent.

Streets to be
lighted.

127. If any Person shall take away, or wilfully break, throw down, or damage any Lamp or Lamp Post, or wilfully extinguish the Light or damage the Iron or Appurtenances of any Lamp, it shall be lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Sixty Days.

Penalty for
wilfully break-
ing Lamps.

128. If any Person shall, through Negligence or Accident, break any Lamp set up in any Street, public or private, or in any common Stair or Passage, or private Court, and shall not, upon Demand, make Satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Persons acci-
dentally break-
ing Lamps to
repair the Da-
mage.

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Price to be paid for Gas to be ascertained in case of Dispute.

129. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Terms and Conditions of the Supply, and as to the Price to be paid for such Supply, then such Terms and Conditions and Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be and are hereby incorporated with this Act, and the Expression "the Undertakers" in the said Act shall, in reference to this Act, mean the Commissioners: Provided always, that this Enactment shall not apply to any Burgh where the Supply of Gas for public Lamps is regulated by a Local Act.

Owners to provide Lamps for common Stairs, &c.

130. The Owner or Owners of common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any common Stair or Passage or private Court, shall, when required by the Commissioners, within Seven Days next after Service of an Order for that Purpose, make Provisions for lighting such common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make default.

Penalty for not keeping common Stairs, &c. lighted.

131. If the Lamp or Lamps which may be erected in any such common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Commissioners, by the Occupier of any Building or Part of a Building to which Access is obtained by such common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract, or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

PART IV.

SECTION II.—*Cleansing Streets.*

Dust, &c. collected to be vested in the Commissioners.

132. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, public or private, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from such Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

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133. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Premises by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act: Provided always, that it shall be lawful for any Landowner or Householder whose Property may be affected or who thinks himself thereby aggrieved to appeal to the Sheriff in manner after provided.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

134. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the public and private Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Dust Boxes to be erected by Commissioners

135. The Commissioners may erect such public Waterclosets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Police Assessment, but so that such Erection shall not become a Nuisance, and any Householder who thinks himself aggrieved thereby may appeal to the Sheriff in manner after provided.

Commissioners may cause public Conveniences to be erected.

136. The Commissioners shall, as often as Occasion requires, cause the public and private Streets to be watered, and they may contract with any Water Company or Person for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any such Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

137. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Person to employ Scavengers, for sweeping, cleansing, and watering such Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any such Streets which he has contracted

Commissioners to appoint Scavengers.

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tracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, Reservoir, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing contained in this Act shall extend to or affect the Obligations of Turnpike Road or other Trustees in regard to the Roads under their Management within the Burgh.

Penalty for obstructing Scavengers.

138. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

139. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Dung, Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Horse and Cow Dung to be kept off the Streets.

140. It shall not be lawful to deposit, except for the Purpose of Removal, any Horse or Cow Dung upon such Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any such Streets (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Cleansing, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

141. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of Cleansing, under a Penalty not exceeding Twenty Shillings for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Areas, &c. to be cleansed by Occupiers.

142. All private Courts, Yards, Areas, and other Places which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and shall at least Three Times in every Week, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Occupiers of such Courts, Yards, Areas, or other Places respectively; and if such Courts, Yards, Areas, or other Places shall not be so kept and cleansed the Occupiers thereof shall be liable to a Penalty not exceeding Ten Shillings for every such Offence.

Penalty for Neglect.

143. It shall be lawful for the Commissioners or any of them, after Inspection and Report by the Superintendent of Police or Inspector

Dungsteads, &c. to be cleaned out.

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Inspector of Cleansing, to regulate and limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if any other Person under Obligation by Contract or otherwise to empty or clean out such Places shall fail so to do within the Time so limited, such other Person shall be liable in a Penalty not exceeding Twenty Shillings, besides Forfeiture of any Stable or Byre Dung in such Place, which Dung the Inspector of Cleansing, or any other Officer authorized by the Commissioners, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to the Police Purposes under this Act.

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144. Every Person who shall lay or cause to be laid on any such Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in such Streets, from the First Day of *October* to the First Day of *April*, and before Seven of the Clock of the Day from the First Day of *April* to the First Day of *October*; and if Dung or Manure shall be allowed to remain on any Part of such Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding Five Shillings for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

As to Removal
of Dung.

145. The Commissioners may from Time to Time fix the Hours within which only it shall be lawful to remove offensive Matter from any Premises; and when the Commissioners have fixed such Hours, and given public Notice thereof in such Manner as they may deem proper, every Person who removes along any such Street any offensive Matter at any Time, except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Driver or Person having Charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty for
conveying
offensive Mat-
ter at improper
Times.

PART IV.

SECTION III.—*Paving and maintaining Streets.*

146. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall

Power to the
Commissioners
to improve and
form public
Streets.

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shall also repair such Streets from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour, or other Fund, by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner after provided.

Commissioners
may place
Fences to Foot-
ways.

147. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Penalty on
Persons alter-
ing Pavements
without the
Consent of the
Commissioners.

148. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum, not exceeding Five Shillings, for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered; and any Persons having Authority to take up the Pavement, Flags, or other Materials of any Street shall be bound to restore the same, in a substantial Manner and to the Satisfaction of the Commissioners; failing which, the Commissioners shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

Foot Pave-
ments.

149. The Owners of all Lands or Premises fronting or abutting on any Street shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of such Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct, and shall thereafter, from Time to Time, as Occasion may require, repair and uphold such Footways: Provided always, that where the Lands or Premises of any Owner front or abut on any Street for a continuous Length exceeding One hundred Yards, and such Lands or Premises are unfeued or unbuilt on, it shall not be lawful to the Commissioners to require such Owner to construct such Footway, but the Commissioners may themselves cause such Footway to be constructed in so far as they think proper, and shall be entitled forthwith to recover from such Owner One Third of the Expense thereof, and the remaining Two Thirds thereof whenever the Lands fronting or abutting on the Footway so constructed by them are actually feued or built upon, or laid out or used as a Garden or Pleasure Ground or Pertinent of a House.

Private Streets
not properly
formed.

150. 'Whereas it would conduce to the Convenience of the 'Inhabitants, and be for the public Advantage, if Provision were 'made for the levelling, paving or causewaying and flagging of Streets

Police and Improvement (Scotland).

‘ Streets which have been laid out and formed by Persons who
 ‘ have neglected to have the same properly levelled, paved or
 ‘ causewayed and flagged, and for preventing such Inconveniences
 ‘ in future.’ Be it therefore enacted, That where any private
 Street or Part of a Street is at the Adoption of this Act formed
 or laid out, or shall at any Time thereafter be formed or laid
 out, and is not, together with the Footways thereof, sufficiently
 levelled, paved or causewayed and flagged to the Satisfaction of
 the Commissioners, it shall be lawful for the Commissioners to
 cause any such Street or Part of a Street, and the Footways
 thereof, to be freed from Obstructions, and to be properly levelled,
 paved or causewayed and flagged, and channelled, in such Way
 and with such Materials as to them shall seem most expedient ;
 and no such Street shall be considered to have been sufficiently
 paved or causewayed and flagged unless the same shall be com-
 pleted with Kerbstones and Gutters to the Satisfaction of the
 Commissioners.

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151. The whole of the Costs, Charges, and Expenses incurred
 by the Commissioners in respect of private Streets shall be paid
 and reimbursed to them by the Owners of the Lands or Premises
 fronting or abutting on each Street, in proportion to the Extent
 of their respective Premises fronting or abutting on such Street,
 as the same shall be ascertained and fixed by the Commissioners
 or their Surveyor.

Expense to
 be paid by
 Owners.

152. Where One or more private Streets or Parts thereof
 serve for or lead to various Premises adjoining the same, or
 where, from the peculiar Nature of the Locality, in the Judgment
 of the Commissioners, the Proportions of each Owner cannot be
 regulated according to the Frontage as above provided for, the
 Commissioners shall fix and determine the Premises the Owners
 of which shall be liable for such Costs, Charges, and Expenses,
 and the Proportions leviable from each Owner, as they shall
 consider, under all the Circumstances of the Case, to be just.

In certain
 Cases Propor-
 tion of Ex-
 penses to be
 fixed by Com-
 missioners.

153. Each Owner shall be liable only for his own Proportion
 of the said Costs, Charges, and Expenses, and any Owner who
 shall have well and substantially, and to the Satisfaction of the
 Commissioners, levelled, made, paved, or causewayed and flagged,
 and channelled, any Part of such private Street or of the Foot-
 ways thereof, or done any of such Works, shall be entitled to
 such Relief as shall appear to the Commissioners to be just.

Owners to be
 liable only for
 Proportions of
 Expenses.

154. If any private Street shall at any Time be made, paved,
 or causewayed and flagged, and put in good Order and Condition,
 to the Satisfaction of the Commissioners, then, and on Application
 of any One or more of the Owners of Premises fronting or abutting
 upon such Street, it shall be lawful for the Commissioners to
 declare the same to be a Street, as defined in this Act, and for
 ever afterwards vested in the Commissioners, and shall, with the
 Exception of the Footway, be repaired and repairable by the
 Commissioners, under the Authority and Powers of this Act.

Private Streets
 may be de-
 clared Streets,
 as defined in
 this Act.

155. It shall be lawful to the Commissioners acting under this
 or any General or Local Act, instead of enforcing the Maintenance
 and Repair of Footways within Burgh by Owners, to resolve, at
 a Meeting

Commissioners
 may relieve
 Owners within
 Burgh from

Police and Improvement (Scotland).

Repair of Footways.

a Meeting held for the Purpose, to undertake such Maintenance and Repair, and thereafter such Footways shall be maintained and repaired by the Commissioners : Provided always, that nothing herein contained shall apply to the Footways of private Streets, nor shall affect the Right of the Commissioners to require such Footways to be previously made.

Right of Relief, &c. not to be affected.

156. Nothing in this Act contained shall affect any Right of Relief in regard to the making, paving or causewaying, maintaining, or cleansing of Streets which the Owner or any other Person may have by Feu Contract or otherwise ; nor shall any Liability attaching in Law to the Trustees of any Turnpike or other Road, or other Persons liable to make, pave or causeway, maintain, or cleanse Streets or the Footways thereof, be affected, altered, or abridged hereby.

Right of Appeal.

157. Provided always, That as regards the paving or causewaying and maintaining Streets, public or private, including the Footways thereof, it shall be lawful for any Person whose Property may be affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV.

SECTION IV.—*Naming the Streets, and numbering the Houses.*

Houses to be numbered and Streets named.

158. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, public or private, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, in legible Characters, at or near each End, Corner, or Entrance of every such Street, the Name of such Street ; and no Name shall be given to any Street without the Consent of the Commissioners ; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

159. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they become obliterated or defaced ; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings ; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

PART IV.

SECTION V.—*Improving Streets and removing Obstructions.*

Houses may be set forward for improving Line of Street.

160. The Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated.

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161. The Commissioners may, at a Meeting to be held for the Purpose, resolve to acquire Lands or Premises within the Burgh for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they may re-sell any Parts of such Lands or Premises which shall not be required for such Purposes; and they may also drain, repair, or otherwise improve Courts and Places where there may be Doubt as to the Liability of Owners to execute such Works, and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Commissioners, built too close to each other, or have become waste and ruinous, or are liable to other Objections on sanitary Grounds, it shall also be lawful to the Commissioners to resolve to acquire Lands or Premises, for the Purpose of reserving them as vacant Spaces, or of improving the Buildings, or of otherwise disposing of them so as to improve the sanitary Condition of such Localities; and the Expense of such Acquisitions and Improvements shall be a Charge against the General Improvement Rate herein-before authorized to be levied: Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Power to purchase Houses, &c. for additional Improvements.

Commissioners may acquire Premises for sanitary Purposes.

162. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, which Compensation may be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled, and shall form a Charge against the General Improvement Rate: Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Houses projecting beyond Line of Street, when taken down, to be set back.

163. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall form a Charge against and be paid by the

Future Projections of Houses, &c. to be removed, on Notice.

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Owner so making default ; and no Person shall erect any Projection whatever in any Street without the written Consent of the Commissioners, under a Penalty of Forty Shillings for each Offence.

Commissioners may cause existing Projections to be removed, and Compensation to be made.

164. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun ; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

165. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed ; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards ; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards may be altered.

166. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

167. When any Opening is made in any Pavement or Foot-path within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar ; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing ; and if such Owner do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

168. The Owner of every House or Building in, adjoining, or near to any Street, public or private, shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or

Rain Water to be conveyed from Roofs of Houses in Pipes.

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Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along such Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement, Causeway, or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement, Causeway, or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

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169. Provided always, That, as regards the improving the Line or Level of any Street, and removing Obstructions, or any other Work to be executed by the Commissioners, under the Provisions of this Act, for the Improvement of any Streets, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

Parties ag-
grieved may
appeal to the
Sheriff.

PART IV.**SECTION VI.—Laying out new Streets.**

170. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any such Street is, at the Time of the Adoption of this Act in whole or in part, the Subject of any Contract for the Formation thereof then existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Notice of In-
tention to lay
out new Streets
to be given to
Commissioners.

171. The Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final, and the Level so fixed shall be kept thereafter by every Person erecting any House or other Building in such Street.

Levels to be
fixed by the
Commissioners.

172. If the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out such Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and

If the Commis-
sioners fail to
fix the Level,
the Party may
proceed with-
out.

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and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

173. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of such Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners shall be liable to defray all the Expenses consequent upon any Alteration on any such House or Buildings, or any Change of the Level of that Part of such Street on which such House or Building abuts, which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners.

174. If the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks, laid in any such Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and Compensation for every Damage done thereby, shall be paid by the Commissioners out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect, Commissioners may make the Alteration.

175. If the Person to whom any such Pipes or Works belong do not proceed forthwith, after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered, as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

Commissioners may agree as to making of new Streets.

176. It shall be lawful for the Commissioners to agree with any Person for the making of new Streets for the Public Use through the Lands and at the Expense of such Person, and to agree that such Streets shall become and the same shall accordingly become, on Completion, public Streets to be maintained and repaired at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of Two Thirds of their Number, to agree with such Person to pay any Portion of the Expense of making such Streets out of the Police Assessment, and accordingly to pay the same.

Width of new Courts.

177. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear Width of Fifteen Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than Eight Houses there shall be an additional Width of

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One Foot for every such additional House ; provided also, that there shall be an Entrance to every such Court of the full Width thereof, and open from the Ground upwards.

178. It shall not be lawful to build any Houses in any Court which shall be of greater Height than Thirty Feet, nor shall any Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from the Level of the Ground Floor to the Eave of the Roof.

Height of
Houses in
Courts.

179. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, any new Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners on a Consideration of the special Circumstances of the Case, which Sanction they are hereby empowered to give, shall forfeit and pay a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Five Pounds *per* Day for every Day after the first, during which he shall permit or suffer such new Court, or Part thereof, or such Houses or Premises, to remain so formed, laid out, built, or added to as last aforesaid : Provided always, that the Provisions of this Act relating to the Width and Construction of Courts, shall not extend or apply to any existing Court which shall be proved to the Satisfaction of the Commissioners to be agreed to have been formed previous to the Adoption of this Act.

Penalty for
forming Courts
contrary to
Act.

180. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road, the whole or any Portion of which is within the Burgh, to contract for the Removal of any Toll Bar thereon from within or nearer to the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the whole of the said Turnpike Road so far as situated in the Burgh, or of Part thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on : Provided always, that no such Contract shall be valid and effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter ; and that no Person qualified as a Trustee by holding the Office of Lord Provost, Provost, Baillie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the Burgh shall be entitled to vote at any such Meeting in relation to any such Contract : Provided also, that where the whole Money borrowed on the Credit of the Tolls of any such Turnpike Road shall not have been discharged, no such Contract shall be valid without the Consent thereto in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such Tolls, and of such Trustees as shall have become personally liable for the same : Provided further,
that

Removal of
Toll Bars with-
in Burgh.

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that it shall be lawful for the Trustees of any Turnpike Road from which a Toll Bar shall be removed in pursuance of the Provisions herein-before contained to levy at such Bar, where re-erected, and also at the other Bars on the said Road, the same Tolls as they might have levied if such Bar had not been removed.

Exemption of
Roads under
Trustees.

181. The Provisions of this Act in regard to paving and maintaining Streets, excepting Foot Pavements as above provided, shall not apply to any Roads or Streets which are or may come under the Management of Turnpike or other Road Trustees, and this Act shall in no respect repeal, alter, or affect the Powers or Obligations of such Trustees, or the Provisions of any Act of Parliament under which they act.

PART IV.

SECTION VII.—*Public Sewers.*

Sewers, &c.
vested in Com-
missioners.

182. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is adopted or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Power to pur-
chase, &c. cer-
tain Sewers.

183. The Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Commissioners, or contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Purposes to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, any Law to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Private Sewers
or Water-
courses, &c.
not to be used
without Con-
sent.

184. Nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of drain-

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ing, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and nothing in this Act contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

185. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands or Premises to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Drainage Districts to be formed subject to the Approval of the Sheriff.

186. The Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made, under the Streets, public or private or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or any Ditch made use of as a Common Sewer, or any Ditch into which Sewage flows, and shall also cause to be made all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any such Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection, and Sale for Agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that if in making any such Main and other Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Commissioners shall be bound to make Compensation therefor; which Compensation shall be settled in the same Manner as Compensation for Land to be taken under

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

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the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled.

Commissioners may alter Sewers from Time to Time.

187. The Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch, or cover over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others.

Penalty for Neglect.

188. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse, or do not within Seven Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State, such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners to cause Estimates to be prepared before Execution of Works.

189. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

190. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Drain to be remade as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Lands or Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers, which the Commissioners are hereby authorized and required to exact for all Lands or Premises which were not assessed for the Expense of making such Sewers, or which shall have been built, enlarged, or altered after the Assessment for making the same was imposed or levied, and the Commissioners shall fix and determine the Sum to be paid as they shall consider just.

Vaults and Cellars under Streets not to be made without the Consent

191. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, public or private, without the Consent of the Commissioners first obtained in Writing;

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Writing ; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners ; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

of the Commissioners.

192. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench.

All Sewers, &c. to be covered with Traps.

193. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or dangerous to the Health of those living in the Vicinity thereof, or to use the best practicable Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, or Sewer.

Distillers to construct Reservoirs to deposit Refuse.

194. Any Person, being the Owner or Occupier of any Lands or Premises beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Lands or Premises which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of : Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

Sewers may be used by Owners and Occupiers of Land or Premises beyond Limits of Burgh.

195. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

Drains may be made to discharge below High-water Mark.

196. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed ; and the Provisions of this Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing

Power to borrow Money for the Construction of Sewers.

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of Money for the Purpose of making, enlarging, reconstructing, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, and shall constitute a Lien over the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

197. The Money so borrowed shall be applied wholly in defraying the Expense of making, enlarging, reconstructing, and maintaining Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or Maintenance of Sewers.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

198. Provided always, That it shall not be lawful to the Commissioners to authorize the Construction of any Sewer the Sewage from which will be discharged into any River or Stream from which Water is taken for domestic Purposes so as to injure or affect such Supply; and as regards the making, altering, and maintaining Sewers, and the discharging thereof into any River or Stream, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART IV.

SECTION VIII.—*Drainage of Houses.*

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

199. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Yards of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building, over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

200. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon the Map herein-after directed to be made by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Commissioners shall cause a Branch Drain leading thereunto from the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be

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no such Means of Drainage within One hundred Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Commissioners, so as effectually to prevent any Leakage or Effluvia therefrom until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

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201. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is herein-before provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

202. Before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by Reference to some Level ascertained under the Direction of the Commissioners.

Notice of Buildings and Rebuildings to be given to the Commissioners.

203. Within Fourteen Days after receiving such Notice, the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said Fourteen Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may signify Disapproval within Fourteen Days.

204. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

Commissioners may cause Houses built without Notice, &c. to be altered.

205. If the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on

If Commissioners fail to signify their Approval, &c. Parties may proceed without.

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such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

Drains and Cesspools to be kept in good Order.

If Owners neglect, Commissioners may cause the same to be done, &c.

As to the Inspection of Drains and Cesspools.

206. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools or Reservoirs within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner of any Premises to which any such Drain or Cesspool or Reservoir belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may, at the Expense of such Owner, cause such Drain or Cesspool or Reservoir to be altered, repaired, covered, and put in good Order.

207. The Surveyor of the Commissioners may inspect any Drain or Cesspool or Reservoir within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool or Reservoir is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool or Reservoir be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool or Reservoir shall in that Case be defrayed by the Commissioners.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

208. If such Drain or Cesspool or Reservoir be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain or Cesspool or Reservoir which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

Parties aggrieved may appeal to the Sheriff.

209. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART IV.

SECTION IX.—*Soil Pipes and Water-closets.*

Water and Water-closets.

210. Within One Month next after Notice given by the Commissioners in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh,

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Burgh, by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window, Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied, trapped, and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent to such Tenement, a sufficient Number of Water-closets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Commissioners where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, or from any other Cause, such Works shall be impracticable.

211. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both, or either of the Sexes, and above Ten in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Certain Water-closets to be constructed in Factories, &c.

212. It shall be lawful for the Owners of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main

Owners of Flats of Houses to have a Supply Pipe from Water Pipe.

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Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water.

Soil Pipes may be carried through the different Houses.

213. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such Soil Pipes, if necessary, to be carried through and under the same; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner herein-before provided with respect to Supply Pipes from Water Pipes.

Penalty for introducing Ashes into Soil Pipes.

214. The Occupier of any House or other Place into the Cesspool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter shall be liable in a Penalty not exceeding Forty Shillings, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

Owners of Flats of Houses may erect Waste Pipes to communicate with Drains.

215. In all Streets, and other Places within the Burgh, where Common Sewers are or may be constructed, it shall be lawful for any Owner of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recommendation of the Surveyor, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring the Street, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Owners of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner, and such Decision shall be final.

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PART IV.

SECTION X.—*Supply of Water.*

216. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, Fountains, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct and maintain any Number of new Cisterns, Pumps, Conduits, Fountains, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

217. The Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

Commissioners may contract for Supply of Water.

218. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

For ascertaining Price to be paid for Water in case of Dispute.

219. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, or any Company actually supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Fire Cocks may be placed on Pipes of Water Companies.

220. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for maintaining such a constant Flow of Water, by means of a Reservoir or Reservoirs or otherwise, along any natural River Bed or Watercourse within the Burgh, as may be requisite to carry away the Sewage and Drainage discharged

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

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In case of
Waterworks
constructed by
Commissioners,
the Water may
be kept con-
stantly under
Pressure.

Commissioners
not to construct
Waterworks,
&c., if any
Waterworks
Company with-
in the Burgh
be able and
willing to sup-
ply Water
upon Terms.

Service Pipes
to be laid by
Owners.

into the same, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may, from Time to Time, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Reservoirs and Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets, public or private, from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company or Owners or Lessees of Reservoirs may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Reservoirs and Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh; and the Commissioners, by means of such Reservoirs and Waterworks, or either of them, may maintain such a constant Flow of Water along any natural River Bed or Watercourse within the Burgh as may be requisite for the Health of the Inhabitants of the Burgh, and to carry away the Sewage and Drainage discharged into the River: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

221. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally

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in any Street, public or private, within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Streets not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

222. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Wash-houses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

223. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence incur a Penalty not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

224. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their

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Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

Penalties on Persons for causing Water in Reservoirs to be fouled;

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and on Pro-
prieters of Gas-
works, &c.

their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Scotland*; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of *Scotland*.

Supply of
Water for
domestic Pur-
poses.

225. A Supply of Water for domestic and ordinary Purposes shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages, where the Horses and Carriages are kept

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for Hire, or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in Public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for Public Baths or Wash-houses, or for any ornamental Purpose whatever.

226. With respect to the Supply of Water within Burgh, all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters ; (that is to say,)

With respect to the Construction of the Act, and any Act incorporated therewith :

With respect to the Construction of the Waterworks :

With respect to the Communication Pipes to be laid by the Inhabitants :

With respect to Waste or Misuse of the Water supplied by the Undertakers :

With respect to the Provisions for guarding against fouling the Water of the Undertakers :

With respect to the Payment and Recovery of the Water Rates :

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff :

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act ; and the Expression "the Undertakers" in the said Waterworks Clauses Act shall, in reference to this Act, mean the Commissioners under this Act : Provided always, that the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

227. It shall be lawful for the Commissioners to make Bye-laws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

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SECTION XI.—*Surveys and Plans.*

228. The Commissioners shall procure as herein-after provided a Survey and Map or Maps of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid ; and such Map and Plan, or a Copy

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Certain Provisions of "The Waterworks Clauses Act" incorporated with this Act.

Commissioners may make Bye-laws in reference to Water.

Commissioners to procure a Map of the Burgh, which is to be open to Inspection.

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Officers of Ordnance to furnish Commissioners with Maps, or cause Surveys to be made.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

Maps to be engraved, &c., and Expenses paid out of Assessments.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands or Premises within the Burgh.

229. The Principal Officers of Her Majesty's Ordnance shall, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof which shall have been made under the Direction of the said Ordnance Officers, or shall cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

230. The Commissioners shall cause to be marked on the Map so procured by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, public or private, on Posts, Houses, or other prominent Objects within the Burgh.

231. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made as aforesaid, and any Costs incurred by them in regard to any such Map, out of the Police Assessment.

232. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of Lands or Premises within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Lands or Premises and from the Surface of such Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution

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execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

PART V.

GENERAL POLICE REGULATIONS.

SECTION I.—*Precautions during Repairs, and old and ruinous Tenements.*

233. The Commissioners shall, during the Construction or Repair of any Streets, public or private, and during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and may stop any such Street, and prevent the same being used as a common Passage or Thoroughfare, while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who uses such Streets while so stopped as a common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

234. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any public or private Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall obtain Authority from the Commissioners to put up, and such Authority being obtained shall put up, Hoards or Fences to the Satisfaction of the Surveyor, in order to separate the Building where such Works are being carried on from such Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition to the Satisfaction of the Commissioners during such Time as the Surveyor shall fix and the Public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently lighted during the Night; and every such Person who puts up such Hoards or Fences without previously obtaining the Authority of the Commissioners so to do, or who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or fails to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a Time specified for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and

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Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

Hoards to be set up during Repairs.

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and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

235. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any such Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole remain ; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure ; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

236. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain longer than may be fixed by the Surveyor, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence.

237. If any Building or Hole or any other Place near any public or private Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Streets, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

238. If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers thereof or of the neighbouring Buildings, such Surveyor shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings until the same are put into a safe Condition, and shall cause a proper Hoard or Fence, or Props, to be put up for the Protection of Passengers, and shall also cause, if he shall judge necessary, the neighbouring Buildings to be properly shored up, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Thing, or as the Case shall require ; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the

Penalty for not lighting Deposits of Building Materials or Excavations.

Penalty for continuing Deposits of Building Materials, &c. an unreasonable Time.

Dangerous Places to be repaired or enclosed.

Ruinous or dangerous Buildings to be taken down or secured by Owners, &c.

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Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff, after Inquiry, to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of enforcing such Removal and of putting up every such Fence, and of shoring up such Buildings, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

239. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by the Clerk, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner for the Recovery of the said Expenses in Terms of the general Provisions for Recovery of Expenses under this Act, or otherwise as accords of Law.

240. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

241. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said

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If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with Expenses.

The Expenses to be levied on the Owner.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

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said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Ruinous Buildings belonging to Two or more Owners may be sold.

242. If any Houses, Buildings, and other Tenements or Areas have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Surveyor, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, and to order such Tenements or Areas to be valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement, and the corresponding Proportion of the appraised Value, which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from, or to sell and convey to the others, their respective Portions of or Interests in such Tenements, agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the Sheriff, not exceeding Six Weeks.

How Sale to be carried through.

243. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Sheriff to cause such Tenements to be exposed to Sale by Public Auction at a Price not being less than the appraised Value, and in case of no Offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the Sheriff shall appoint, and the Purchaser thereof shall be taken bound within Ten Days after the Sale, or within such Time as may be fixed by the Sheriff, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of the Sheriff; otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Sheriff.

Completion of Purchaser's Title.

244. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered,

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tered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

245. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Sheriff to cause the Tenements to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Sheriff shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale, until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

246. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the Sheriff may pronounce.

247. If any Houses, Buildings, or other Tenements or Areas within Burgh have become waste and ruinous, or have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Commissioners may, by a Notice addressed to the Owner if his Address shall be known, or if not known by a Notice affixed to a conspicuous Part of such Houses, Buildings, or other Tenements or Areas, require the same to be rebuilt or otherwise put into a State of Repair to their Satisfaction, within Three Months from the Date of such Notice; and in the event of such Requisition not being complied with the Commissioners may apply to the Sheriff for Warrant to sell such Houses, Buildings, or other Tenements, or Areas, and it shall be lawful to the Sheriff to order the same to be valued, and exposed for Sale by Public Auction, and to sell the same: Provided always, that such Sale shall be made and carried out, or Re-sale effected, the Price deposited and applied, and the Purchaser's Title completed in the Way and Manner herein-before directed with reference to waste and ruinous Buildings or Tenements or Areas within Burgh, held by Two or more joint Owners.

PART V.

SECTION II.—*Nuisances and Obstructions in the Streets.*

248. The Magistrates or Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, public or private, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when such Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and

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If Purchaser do not fulfil Conditions of Sale, may be resold.

Application of Price.

Ruinous Tenements may be sold.

Power to prevent Obstructions in the Streets during public Processions, &c.

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Power to impound stray Cattle.

Power to sell stray Cattle and Expenses.

Penalty on Persons committing any of the Offences herein named.

and preventing any Obstruction of such Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

249. If any Cattle be at any Time found at large in any such Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

250. If the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

251. Every Person who in any "Street" or "Private Street" to the Obstruction, Annoyance, or Danger of the Residents or Passengers commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Fourteen Days, or in the Case of Persons below the Age of Fourteen the Magistrate shall deal with such Offences by a Fine not exceeding Five Shillings, and recoverable from the Parents or Guardians of such Offenders, or by Detention in any Place not being a legal Prison or Lock-up for any Period not exceeding Ten Hours; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or

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repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary) :

Every Person who allows any Bull or other dangerous Animal to be in any such Street without being secured by means of a Rope attached to a Ring through the Nose of such Animal, or otherwise :

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal :

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State :

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice :

Every Person who slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the Public Safety or other reasonable Cause ought to be killed on the Spot :

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Waggon, Cart, or Carriage, and in such a Position as readily to see immediately before and on either Side thereof ; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Waggon, Cart, or Carriage, or any Animal drawing the same ; or who is at such a Distance from such Waggon, Cart, or Carriage, or in such a Position therein, as not to have due Control over every Animal drawing the same ; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation) ; or who, by obstructing any such Street, willfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care :

Every Person who at One Time drives more than Two Carts or Waggons ; and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet :

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle :

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses or any Beast of Draught or Burden, to stand longer than is necessary for loading or

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- unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare :
- Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Carriage without having sufficient Means of safely guiding the same :
- Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any such Street, or fastens any Horse or other Animal so that it stands across or upon any Footway :
- Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground :
- Every Person who carries about on any Carriage or on Horseback any Picture, Placard, Notice, or other Advertisement, whether written, printed, or painted upon or posted or attached to any Part of such Carriage or on any Board or otherwise :
- Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :
- Every Person who shall hang or place any Linen or Clothes or other such Article on any Rail or Fence of any Premises :
- Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or without the Consent of the Owner and Occupier to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing :
- Every Person who conveys in any open Cart or Waggon or otherwise through such Streets, the Carcasses, or any Parts thereof,

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- thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View ; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any such Street ; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents :
- Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :
- Every Person who places any Line, Cord, or Pole across, upon, or over any Part of any such Street, or hangs or places any Clothes thereon, or on the Outside of any Window fronting any such Street :
- Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution :
- Every Person who wilfully and indecently exposes his Person, or who commits any Nuisance :
- Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation :
- Every Person who discharges any Firearm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework :
- Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow :
- Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime :
- Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers) :
- Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning) :
- Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guarding the same against being blown down :
- Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger :
- Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey :
- Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent or calculated to provoke
 a Breach

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a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

Every Person who shall sing any profane or obscene Song, or use any obscene, abusive, or indecent Language to or to the Annoyance of any Person in going or passing along any such Street :

Every Person who shall jostle or annoy any Person passing thereon :

Every Person who shall discharge any Smoke or Steam from any Premises (otherwise than from the Top thereof) into any such Street, or suffer or permit the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon such Street :

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling therein to :

Every Person who throws or lays any Dirt, Litter, or Ashes or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, Slops, or dirty Water, on any Street, back Area, Court, or Place, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any such Street : Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any such Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases :

Every Person who keeps any Pigstye to the Front of any such Street, or who keeps any Swine in or near any such Street : Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever, shall be placed or allowed to remain in any such Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid ; and if such Expense shall not be paid within Seven Days, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

252. The Owner of every Waggon, Cart, or Carriage used for the Conveyance of Goods, or plying for Hire, shall have his Christian Name, Surname, and Place of Abode painted in a straight Line horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, Cart, or Carriage, in large

Owners of
Carts, &c. to
have Names
painted thereon.

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legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Time such Waggon, Cart, or Carriage shall be found in any Street.

253. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street, public or private, by any Person who is not of the full Age of Fourteen Years, and every Person who in any such Street shall put a Waggon, Cart, or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of Fourteen Years, shall be liable to a Penalty not exceeding Forty Shillings.

254. Every Person guilty of any riotous or indecent Behaviour in any Street, public or private, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding Fourteen Days.

255. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the Burgh.

256. If any Person shall have or keep or suffer to be kept within any Premises any Dog or any Fowl or other Animal which shall be an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Annoyance by removing such Dog, Fowl, or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants, to seize and take possession of and remove any Dog or other Animal being an Annoyance as aforesaid, and not removed when so ordered.

257. It shall be lawful for any Householder, personally or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding Twenty Shillings.

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Persons under
14 Years of
Age not to
drive Carts,
&c.

Penalty on
drunken Per-
sons, &c.
guilty of riot-
ous or indecent
Behaviour.

Removal of
Furniture.

Dogs in private
Premises.

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Power to regulate Shows, &c.

258. It shall be lawful for the Magistrates of Burghs to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open or be concerned in opening any public Show, Exhibition, or Representation without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

PART V.

SECTION III.—*Prevention of Fraud.*

Weighing Machines to be erected.

259. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the Streets, public or private, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

260. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

261. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of re-weighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing, and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at

262. For the Purpose of ascertaining the Weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depot, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers

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Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

the Time of Delivery.

263. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of Twenty Shillings for each Offence in any One of such Particulars.

Regulations as to Sale of Coals of Half a Ton Weight.

Penalty.

264. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser or Inmate or other Person in charge of the House or Place of Delivery, under a Penalty of Twenty Shillings for each Offence in either of the said Particulars.

Carter to deliver Memorandum.

265. Every Person who sells Coal in Quantities of less than Half a Ton in Weight shall have and keep Scales and Weights of the legal Standard, and shall weigh such Coal before Delivery; and when such Coal is sold or delivered from a Waggon, Cart, or Carriage such Scales and Weights shall be attached thereto, and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previous to Delivery, shall be liable in respect thereof to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty for selling Coals by Retail in Carts, &c. without Scales and Weights.

266. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver refusing to weigh.

267. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or

Penalty on fraudulent weighing.

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without Loading, or shall designedly do or omit to do any thing with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of any Cart or the Loading thereof, or shall make, use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations
 may be made
 for preventing
 Fraud in the
 Weight of
 Hay, Straw,
 &c.

268. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Power to try
 Weight of
 Butter, &c.
 made up in
 Parcels, and
 to seize and
 confiscate if
 found deficient.

269. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any One of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale,

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or sold or exposed or kept for Sale in any Shop or Market Place within the Burgh ; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein ; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office, for Examination ; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

270. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread ; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence ; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

271. And for the further Prevention of Fraud the Magistrates shall have and may exercise the Powers and Jurisdictions conferred upon any Justice or Justices of the Peace by the Act of the Twenty-second *George* the Second, Chapter Twenty-seven, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of Persons employed in the said several Manufactures, and for the better Payment of their Wages* ; and by the Act of the Seventeenth *George* the Third, Chapter Fifty-six, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and also for making Provisions to prevent*

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Penalty on
committing
Frauds in
Weight of
Bread.

Magistrates to
have Powers
conferred upon
Justices by
22 G. 2. c. 27.
and 17 G. 3.
c. 56.

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Frauds by Journeymen Dyers; and the Provisions of the said Acts shall apply to Proceedings before the Magistrates and to Acts done by them in relation thereto, in the same Manner as to Proceedings before and Acts done by any Justice or Justices of the Peace; and upon an Oath or solemn Affirmation or Declaration being made before the Magistrates or any Justice or Justices of the Peace that there is Cause to suspect that any Material purchased or received by any Broker from any Person or Persons were purloined or embezzled, the Magistrates of Burghs or any Justice or Justices of the Peace may grant Warrant for bringing the Person or Persons from whom the Broker purchased or received such Materials before him or them; and if such Persons or Person shall not give a satisfactory Account of how he, she, or they came by such Materials, such Person or Persons shall be deemed guilty of a Misdemeanor or Offence, and shall be punishable accordingly, in Terms of the said Two last-recited Acts, in the same Manner as if such Materials had been found in the Possession of such Person or Persons; and it shall be competent to the Magistrates or to any Two Justices of the Peace to sentence such Person or Persons to pay any Fine not exceeding the Amounts authorized by the said Acts, or alternatively to commit such Person or Persons to Prison for any Period not exceeding the Periods authorized by the said Acts; and it shall not be necessary before committing such Person or Persons to Prison to levy such Fines by Distress and Sale, or to use any legal Diligence for Recovery thereof.

Penalty for offering unwholesome Meat for Sale.

272. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds:

Any Animal or Part of an Animal which died from Disease:
Any Animal or Part of an Animal, or any Fruit or Vegetable, which is unsound or unwholesome, or unfit for Human Food:

Any blown, stuffed, or pricked Veal, Lamb, or other Meat.

Penalty for offering adulterated Provisions for Sale.

273. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Want of Cleanliness in Meat and Provision Shops.

274. Every Occupier of any Premises used for the Sale of Butcher Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food, who does not keep the same clean and in good Condition, to the Satisfaction of the Superintendent of Police or other Person appointed by the Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

Superintendent may impound unwholesome Meat or adulterated Provisions.

275. It shall be lawful for such Superintendent or other Person appointed by the Commissioners for the Purpose to seize, impound, and convey to the Police Office any Animal, or Part of an Animal, or any Fruit or Vegetable, or any Meat or Beef, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been

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been incurred under any of the Provisions herein-before contained or Byelaws or Regulations herein-before authorized; and if such Penalty is imposed, it shall be lawful for the Magistrate to declare such Article forfeited.

276. It shall be lawful for the Magistrate, on a Complaint by the Superintendent of Police, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food, is kept or concealed with a view to Sale, although such Building or Part of a Building or other Place may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

277. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or of any adulterated Article of Food, on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited.

PART V.

SECTION IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

278. The Magistrates may from Time to Time license to ply for Hire within Five Miles from the principal Post Office of the Burgh such Number of Hackney Coaches or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

279. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street, public or private, within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed

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Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of Disease, &c.

Penalty on Persons found in possession of such Animals, &c.

Hackney Carriages to be licensed.

What to be Hackney Carriages.

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placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

280. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

281. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

What shall be specified in the Licence.

282. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

Licences to be registered.

283. Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences to be in force for One Year only.

284. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

285. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such

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Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

286. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

287. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

288. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

289. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the

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Penalty for
plying for Hire
without a Li-
cence.

Drivers not to
act without
first obtaining
a Licence.

Penalty on
Drivers acting
without Li-
cence.

Proprietor to
retain Licence
of Drivers
when in his
Employ, &c.

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Magistrates may endorse Convictions upon Licence.

Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for Neglect.

Proprietor to return Licence to Drivers quitting Service if they behave well, &c.

290. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Compensation if Licence improperly withheld.

Licences to be suspended or revoked for Misconduct.

291. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

292. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry _____ Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

293. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage

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Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

294. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, public or private, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

295. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Penalty for demanding more than the Sum agreed for, though less than legal Fare.

296. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

297. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon, according to the Fare allowed by any Byelaw made under this Act.

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

298. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a

Overcharge by Drivers, &c. to be included in Conviction.

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Penalty not exceeding Forty Shillings ; and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty for per-
 mitting Persons
 to ride with-
 out Consent.

299. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to
 act as Driver
 of any Carriage
 without the
 Consent of the
 Proprietor.

300. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor ; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on
 Drivers misbe-
 having.

301. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty for
 leaving Car-
 riages unat-
 tended at
 Places of public
 Resort.

302. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody ; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence ; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made ; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done
 by Driver may
 be recovered
 from the Pro-
 prietor.

303. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such

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Carriage shall pay such Sum, not exceeding Five Pounds, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage ; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver ; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

304. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

305. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the Informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable ; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

306. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty.

307. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same ; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

308. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following ; that is to say,

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Days and Hours within which they may exercise their Calling :

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Improperly standing with Carriage, refusing to give way to or obstructing any other Driver. &c.

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

Penalty for refusing to pay the Fare.

Penalty for damaging Carriage.

Magistrates may make Byelaws for regulating Hackney Carriages.

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For regulating the Manner in which the Number of each Carriage corresponding with the Number of its Licence shall be displayed :

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided :

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance :

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares :

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Regulations as to Omnibuses or Carriages plying within Burgh.

309. The Magistrates shall be empowered and they are hereby authorized to prevent within the Limits of their Jurisdiction the plying or running of Omnibuses or other Carriages for the Conveyance of Passengers which shall be in a State of Dis-repair or Insecurity, or not adapted in all other respects for the Conveyance of Passengers with Safety and Comfort, or drawn by Horses not sufficiently strong or in good Condition, or not sufficiently trained or broken-in, and that by imposing Penalties not exceeding for each Offence Five Pounds on the Owners or Contractors or Drivers of such Omnibuses or other Carriages which shall, on the Complaint of the Superintendent of Police, be found by the Magistrate before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, or not drawn as aforesaid ; and the Magistrates are further empowered to make Byelaws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and to enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police or other Person appointed by the Commissioners, in like Manner and under a like Penalty.

For licensing Sedan Chairs, Carts, and Porters.

310. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws

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as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

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PART V.

SECTION V.—*Brokers and Pawnbrokers.*

311. From and after the Adoption of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker unless he shall have first obtained a Licence so to do from the Magistrates, which Licence such Magistrates shall have a discretionary Power of granting or refusing as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act ; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding Two Shillings and Sixpence as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose ; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding Five Pounds : Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such ; but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act.

Brokers to be
licensed.

312. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade ; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles ; and if any such Broker shall fail to keep such Book, or to enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Brokers to
furnish a De-
scription of
their Premises
and keep
Books.

Penalty on
failing to make
proper Entries.

313. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business

Brokers to re-
tain Articles
for Seven Days

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after having
received them.
Penalty for
Neglect.

Business is carried on for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received ; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to
produce Ar-
ticles on De-
mand.

314. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein ; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof ; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawnbroker to
produce his
Book on De-
mand.

315. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police or Constable all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods ; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required,

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to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

316. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

317. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

318. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of excisable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

319. If any Pawnbroker shall act as a Broker, except in the Sale of Articles *bonâ fide* forfeited in accordance with the Provisions of the Pawnbrokers Act, or if any Broker shall receive or take any Goods or Articles in Pledge, such Pawnbroker or Broker

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

Brokers not to carry on Business of Publicans, nor to purchase Tickets of Pawnbrokers.

Pawnbrokers not to act as Brokers, and Brokers not to take Articles in Pledge.

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Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbroker and Broker not to carry on Business in the same Premises.

320. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds, which Penalty shall be in addition to any Penalty now payable for the like Offence under any Act or Acts now in force.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

321. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

322. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday*, or between a Ten o'Clock in any other Night and Eight o'Clock on the following Morning; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

323. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Pawnbrokers not to keep Smelting Pots.

324. Every Pawnbroker or Broker who shall keep or suffer to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and such Smelting Pot or Implement shall be forfeited.

Brokers to have their Names painted over Shop Doors.

325. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

326. It

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326. It shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, and he is hereby required to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three lawful Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained he may commit the Person charged to Prison, to be dealt with according to Law : Provided always, that the Superintendent or other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail in manner herein provided ; and further, provided that any Pawnbroker, Broker, or Dealer, or any other Person, who shall detain any Person under this Provision, shall be freed from Responsibility, unless Malice be averred and proved.

Broker may detain suspected Persons offering Goods for Pledge or Sale.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

327. All Goods, Parcels, Bank Notes, or Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh ; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding Five Pounds ; and if any Person who shall find such Goods, Articles, Parcels, Bank Notes, or Money shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding Ten Pounds, besides restoring the same to the Owner thereof.

Goods or Money found to be reported at Police Office and Penalty if appropriated by Party finding.

328. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Pro-

Goods stolen or fraudulently disposed of to be delivered up to Owner.

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perty, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no Order shall be final, and shall not prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

How stolen or unclaimed Goods to be kept.

329. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

Unclaimed Goods may be disposed of after Twelve Months.

330. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of Twelve Months during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

PART V.

SECTION VII.—*Suppression of Vagrants.*

Vagrants, Beggars, &c. to be apprehended, and, upon Conviction, imprisoned.

331. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, or placing themselves or otherwise acting so as to induce or for the Purpose of inducing the giving of Alms, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood within the Burgh, and all Persons who, after having been convicted of Vagrancy, or of Housebreaking or Theft, are found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, or who, although

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although not previously so convicted, are found in possession of any such Implement, or of any lethal Weapon, or in any Building or Part of a Building or other enclosed Space, for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, are found in any public or private Street, or other Place, with Intent to commit any Penal or Police Offence, or in possession of any Article without being able to give a satisfactory Account of their Possession thereof; and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days; and if any Money or Article be found upon their Persons, such Money or Article may be forfeited, and applied to the Purposes of this Act.

332. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding Thirty Days.

333. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

334. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Art or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of

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Procedure to
Persons send-
ing out Chil-
dren to beg.

Beggars and
Vagrants to be
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the Parochial
Authorities.

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pers, Swindlers,
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any such Offence, and failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

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SECTION VIII.—Public Bathing.

335. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes ; that is to say,

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe :

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time :

For preventing any indecent Exposure of the Persons of the Bathers :

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same :

For ensuring that the Bathing Machines shall be kept in a proper State of Repair :

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

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SECTION IX.—Places of public Resort and disorderly Houses.

336. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who knowingly harbours or entertains or suffers to remain in his House, Shop, Room, or Premises any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, or otherwise in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

337. Every Person occupying or keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises, occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of the Inhabitants, any Prostitute or idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding Ten Pounds, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution

Bathing Machines and Bathing.

Penalty on Victuallers entertaining Constables while on Duty.

Penalty for harbouring disorderly Persons.

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for their good Behaviour for Twelve Months under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found, to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days : Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Magistrates or any of them, on the Application of Three Householders or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed, occupied, or kept by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds, with Costs, as to the Judge may seem fit.

338. The Superintendent of Police or any Constable shall have Power, by virtue of his Office, at any Time to enter any Building or Part of a Building, or other Place of the following Description, on hearing any disorderly Noise therein, or having Reason to believe or suspect that Persons accused or reasonably suspected of having committed any Offence in respect of which Imprisonment may be awarded, or that any Articles known or suspected to have been stolen or fraudulently obtained, are to be found therein ; *viz.*,

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any Public Show or Exhibition :

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or other such Place :

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, whether licensed or not :

Any common Brothel or House for the Reception of Prostitutes, or any House usually frequented by Thieves or loose and disorderly Persons :

Any Building or Part of a Building which is kept or used for a Purpose in respect of which a Licence is required by the Provisions of this Act :

Any Ship or other Vessel not being employed in Her Majesty's Service :

And if the Keeper of any such Building or Part of a Building or other Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall not admit such Superintendent or Constable when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

339. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail who shall purchase or receive in Pawn any Article of Wearing Apparel, or Bed Clothes, or any Goods, as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding Five Pounds, and in the Case of such Pawn the Article so received shall be restored to the Owner ; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under Fourteen Years of Age shall be liable for the First Offence to a Penalty

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Officers may enter Public Houses on hearing disorderly Noise therein.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

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Penalty not exceeding One Pound, for the Second Offence to a Penalty not exceeding Two Pounds, and for a Third Offence to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

340. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month, without any Penalty being imposed; and the Magistrate may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Power to Superintendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

341. It shall be lawful for the Superintendent or any Constable of Police, having good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Penalties.

342. It shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Proof of Gaming for Money not necessary in support of Prosecution.

PART V.

SECTION X.—*Clocks.*

343. The Commissioners may from Time to Time, as they shall see fit, provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building,

Power to Commissioners to provide public Clocks.

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or, with the Consent of the Owner or Occupier, upon or against any private Building the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

SECTION XI.—*Fires.*

344. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds : Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court

345. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings : Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant ; and provided also, that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

346. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit, and shall be entitled to recover from the Owners and Occupiers of the Premises where any Fires shall happen such reasonable Sums of Money as they shall consider just, not exceeding in the whole Fifteen Pounds, or whatever less Sum is equal to One Half of the actual Expenses of extinguishing any such Fire.

347. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh for extinguishing Fire in the Neighbourhood of the Burgh ; and the Owner and Occupier of the Premises where such Fire shall have happened shall in such Case jointly defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen ; and in case of any Difference between the Commissioners and the Owner or Occupier of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety

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Penalty for
wilfully setting
Chimneys on
fire.

Penalty for
accidentally
allowing Chim-
neys to catch
fire.

Fire Engines
may be pro-
vided and cer-
tain Expenses
to be recovered.

Fire Police
permitted to
go beyond the
Limits of the
Burgh in cer-
tain Cases.

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Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

348. The Party Walls of all Buildings erected after the Adoption of this Act shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, public or private, or within the Curtilage of any House adjoining any such Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building having, at the Date of the Adoption of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Regulating Construction of Buildings intended as Places for Public Meetings.

349. Before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of Public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Thirty Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners; and with regard to such existing Buildings

No Person to begin to build until Plan has been approved by Commissioners.

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as are at the Adoption of this Act or may thereafter be used for any of the said Purposes, the Commissioners may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation as to them shall seem fit.

350. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of any new Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

351. Provided also, if the Owner or other Person so intending to build or the Owner of any existing Building be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

352. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever or any Vault or underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room, being an inner or back Vault or Cellar let or occupied along with a front Vault or Room as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Commissioners have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to

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If Commissioners fail to signify their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

Persons may appeal against Determination of Commissioners.

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

Cellars in Courts not to be occupied as Dwellings

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after Letting prohibited.

to every Cellar, Vault, or underground Room occupied as a Dwelling House within the Burgh; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room; but any Person considering himself aggrieved by any such Prohibition may, within Ten Days after the same is made known to him, appeal against the same to the Sheriff in manner herein-after appointed with regard to Appeals under this Act.

Penalty on letting such Cellars as Dwelling Places.

353. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence

Common Stairs to be ventilated, and Houses let for short Periods to be cleansed.

354. The Owners of all common Stairs and common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Surveyor or Inspector of Cleansing, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, to the Satisfaction of the Inspector of Cleansing, at least once in the Year, or oftener if required by the Surveyor or Inspector of Cleansing, and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

Common Stairs to be cleansed.

355. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least once in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid shall for every such Failure be liable in a Penalty not exceeding Forty Shillings.

Inspector may enter and cleanse Dwelling Houses, &c. at Expense of Owners.

356. It shall and may be lawful, at all reasonable Times, for the Superintendent, Surveyor, or Inspector of Cleansing to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and to remove such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof, if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling

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House or other Premises shall object to the Entrance of such Surveyor or Inspector as aforesaid, it shall not be lawful for such Surveyor or Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

357. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of such Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

PART V.

SECTION XIII.—*Slaughter-houses.*

358. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

359. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

360. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering,

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Offensive Sub-
stances.

Commissioners
may license
Slaughter-
houses.

No Slaughter-
houses in future
to be erected
without a Li-
cence.

Commissioners
may make Bye-
laws for Regu-
lation of

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Slaughter-houses, &c.

and Inspection of Slaughter-houses, and preventing Cruelty in Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Violation of such Regulations or Byelaws the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

361. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

362. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the First Offence.

If Commissioners provide Slaughter-houses, no other Places to be used.

363. If the Commissioners resolve to provide and establish, and do provide and establish, Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of Two Miles beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of Two Miles of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall and

may

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may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

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PART V.

SECTION XIV.—*Markets.*

364. The Commissioners shall have Power to do the following Things or any of them :

Commissioners
Powers as to
Markets, &c.

To improve any existing Market Places within the Burgh :

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets :

To provide Houses and Places for weighing Carts :

To make convenient Approaches to such Market :

To provide all such Matters and Things as may be necessary for the convenient Use of such Market :

To take Stallages, Rents, and Dues in respect of the Use by any Person of such Market House :

But no Market shall be established in pursuance hereof so as to interfere with any Rights, Powers, or Privileges enjoyed by any Person, Chartered Joint Stock or Incorporated Company, without his or their Consent.

For the Purpose of enabling the Commissioners to establish Markets in manner foresaid, or to improve and regulate Markets already established in any Burgh, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets :

With respect to the holding of the Market or Fair and the Protection thereof ; and

With respect to the weighing Goods and Carts ; and

With respect to the Stallages, Rents, and Tolls ; and

With respect to Byelaws :

Subject to this Proviso, that all Tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the Sheriff of the County within which such Market is situate.

PART V.

SECTION XV.—*Special Orders.*

365. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by Two Thirds of the Commissioners present at a Meeting whereof special Notice has been given, and has been confirmed by Two Thirds of the Commissioners present at a subsequent Meeting held not sooner than Four Weeks after the preceding

As to certain
Matters autho-
rized to be
done by the
Commissioners
by Special Or-
der only.

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Final Resolution not to be carried into effect for One Month, nor then if Householders remonstrate against the same.

preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

366. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the Expiration of such Month a Remonstrance in Writing by Seven or more Householders against carrying into effect such Resolution or any Part thereof be lodged with the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect unless confirmed by a Majority of the Householders qualified and voting at the Poll to be taken thereanent; and upon such Remonstrance being lodged as aforesaid the Commissioners, or the Chief or Senior Magistrate of such Burgh, shall be bound to direct a Poll to be taken in the Manner prescribed in regard to Polls of Householders taken with reference to the Adoption of this Act; and the whole Enactments and Procedure provided in regard to such Polls shall, so far as applicable, extend and apply to the Poll hereby authorized and directed to be taken: Provided always, that where any such Remonstrance applies to Part only of such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit; but provided also, that if the said Resolution shall not be so confirmed, it shall be lawful to the Commissioners, as often as they shall think proper thereafter, but not sooner than One Year from the Date of any preceding Resolution, by such and the like Procedure again to adopt the same, but such Resolution shall always be subject to be confirmed by the Householders in the event of a Remonstrance being made there against, all in manner above provided.

Places for public Recreations;

367. The Commissioners may, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

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368. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all-requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

369. Provided always, That the Number of Baths for the Use of the Working Classes provided by the Commissioners in any Burgh shall not be less than twice the Number of the other Baths of any higher Class.

370. The Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

371. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

372. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house.

373. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

374. The Commissioners may, by Special Order as herein defined, but not otherwise, resolve to acquire and may acquire Ground for the Erection of and may thereafter erect thereon a

and public
Bathing Places
and Drying
Grounds.

Proportion of
Baths for the
Working
Classes.

Charges for
the Use of
Baths.

Recovery of
Charges for
the Use of
Baths, &c.

Publication of
Byelaws in re-
gard to Baths,
&c.

Sale of Baths,
&c. on discon-
tinuing them.

Commissioners
may erect a
Public Hall,
&c.
Public

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Public Hall and Offices, with all public Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof; and for that Purpose it shall be lawful to them to apply, for a Period not exceeding Twenty Years, the General Improvement Assessment hereby authorized to be levied, or such Portion thereof as they may think proper, towards the Expense of such Acquisition, Erection, furnishing, and fitting-up; and they shall be and are hereby authorized, upon the Security of the said General Improvement Assessment, to borrow, as herein-after provided with regard to the borrowing of Money for Police Purposes, such Sum as they may require for the Purpose.

PART VI.
Powers and
Remedies.
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PART VI.

POWERS AND REMEDIES.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

375. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of Scotland, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners and the Clerk, and, if affecting other Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws may
be enforced by
Imposition of
Penalties.

376. The Commissioners, by the Byelaws so to be made by them, may regulate the Fees to be paid to them or to their Officers, or others employed by them in connexion with the Inspection of Plans, Records, or other Documents in their Possession, and with Applications for their Sanction or Authority to the Execution of Works to which by this Act such Sanction or Authority is requisite, and may further impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always, that such Byelaws be so framed as to allow the Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be
confirmed.

377. No Byelaw made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff and authenticated by his Signature; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet.

Notice of Con-
firmation to be
given.

378. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the

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County in which the Burgh is situated, One Month at least before the Hearing of such Application ; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself, or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

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379. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaws shall be kept at the Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward ; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of proposed Byelaws to be open to Inspection.

380. Such Byelaws, when confirmed, shall be printed ; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same at a Charge not exceeding One Penny ; and a Copy thereof shall be painted or printed or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate, for a Period of not less than Three Months after the Date of such Confirmation ; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication of Byelaws.

381. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Byelaws to be binding on all Parties.

382. The Production of a written or printed Copy of the Byelaws as confirmed by the Sheriff, certified by the Clerk, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same ; and with respect to the Proof of the Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

Evidence of Byelaws.

383. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on pulling down Boards.

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Power to Commissioners to borrow Money for the Purposes of this Act.

PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

384. It shall be lawful for the Commissioners to borrow and take up, for any of the Purposes of this Act, other than the Construction, Alteration, or Maintenance of Sewers as herein-before provided, or for Repayment of any Monies borrowed for such Purposes under this or any former Acts which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the said Purposes of this Act, it shall be lawful for the Commissioners and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, if the respective Rates of Assessment then leviable do not amount to the respective maximum Rates by this Act authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments under this Act in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed respectively, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on Heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Moneys borrowed until the respective Debts shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rates of Assessment, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

385. No Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

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386. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following ; *videlicet*,

As to Bonds to be granted.

‘ Number [*here state the Number*].

‘ **B**Y virtue of an Act made in the Year of the Reign of Her Majesty Queen Victoria, intituled “ An Act ” [*specify this Act*], I *A.B.* [*state whether Treasurer or Collector, or both*] of the Commissioners of Police for the Burgh of [*insert the Name of the Burgh*], and by Authority of the said Commissioners, in consideration of the Sum of [*insert the Sum in Words*] instantly advanced and paid to me on account of the said Commissioners, and for the Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and oblige the said Commissioners for the Time being, out of the first and readiest of the Monies to be raised under the annual Assessments by the said Act authorized to be imposed and levied, and designated the Assessment or Rate (*as the Case may be*), to pay at the Term of [*insert Term of Payment*] to the said *C.D.*, his Executors or Assignees, the said Sum of [*state the Sum*], and also the Interest thereof at the Rate of [*insert the Rate of Interest*] per Centum per Annum from the Date hereof, at the Terms of Whitsunday and Martinmas in each Year, till the said Sum is paid ; and for the further Security of the said *C.D.* I do hereby assign to him, his Executors or Assignees, such Proportion of the said Monies to be raised under the said annual Assessment as shall be equivalent to the said Sum now paid to me, and the Interest thereon as aforesaid from the Date hereof to the Term of Payment ; and I consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation, and that all competent Diligence may pass and be directed hereon, in Form as effairs, and thereto constitute my Procurators. In witness whereof [*insert Testing Clause in common Form*].

‘ *K.L.*, Commissioner.

A.B.’

‘ *M.N.*, Commissioner.’

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

387. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following ; *videlicet*,

Bonds may be transferred by Indorsement.

‘ **I** *C.D.*, within designed, do transfer this Bond, with all Right, Title, or Interest which I have under the same, to *E.F.*, his [*or her, or their, as the Case may be*] Executors and Assignees. In witness whereof [*insert Testing Clause in common Form*].

‘ *K.L.*, Witness.

‘ *C.D.*’

‘ *M.N.*, Witness.’

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Bonds to be recorded, and Assignations to be registered.

388. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Clerk of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer and Clerk; and the said Bond being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation.

Public Loan Commissioners may lend Money.

389. It shall be lawful for the Commissioners acting in the Execution of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same, to make Advances to the Commissioners upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments within a Period not exceeding Thirty Years as shall in each Case be agreed upon.

PART VI.

SECTION III.—*Purchase and Acquisition of Lands.*

Part of 8 & 9 Vict. c. 19. incorporated.

390. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act with respect to the Provisions thereof as to acquiring Lands by Agreement.

Rights of Heritable Property how to be taken.

391. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office.

PART VI.

SECTION IV.—*Execution of Works by Commissioners.*

Commissioners empowered to enter upon Premises for Purposes of this Act.

392. The Commissioners shall for the Police Purposes of this Act have Power, by themselves or their Officers, to enter at all reasonable Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Forty-eight Hours Notice for that Purpose given to the Occupier.

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393. Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Byelaw, Regulation, or Order of the Commissioners, or shall aid or incite any Persons so to do, or shall not, when required by a Constable, afford him every reasonable Aid and Assistance in preventing the Escape of any Person whom he has taken into Custody, and is conveying to the Police Office or to Prison, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other Person shall have in Custody, or be aiding to secure, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Penalty on Persons obstructing Commissioners or Constables in their Duty.

394. Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time and Place where all Persons interested in such intended Work may be heard thereupon.

Commissioners to give Notice of new Levels or Sewers.

395. The Commissioners shall meet at the Time and Place mentioned in the said Notice to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for

Meeting of Commissioners to hear Objections.

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the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

396. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff, in his Discretion, thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

397. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls by this Act to be provided for by way of Private Improvement Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses, to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that all such Appeals provided for in this and the immediately preceding Clause, and

Appeals to be disposed of

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all other Appeals to the Sheriff allowed by this Act, not otherwise provided for, shall be disposed of summarily, and the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

summarily, and Decision of the Sheriff final.

PART VI.

SECTION V.—*Execution of Works by Owners.*

398. Where under this Act any Notice is required or falls to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

As to Service of Notice on Owners and Occupiers.

399. Whenever, under the Police Provisions of this Act, any Work of any Kind falls to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by such Owner or Occupier.

Commissioners, in default of Owner or Occupier, may execute Works, &c.

400. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Police Provisions of this Act falls to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

Occupier, in default of Owner, may execute Works, and deduct from Rent.

401. If the Owner of any Premises made liable by the Police Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners of any Expenses incurred by them do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Commissioners, the Commissioners may, without Prejudice to the Power herein-before contained, recover such Rate, Assessment, Charge, or Expenses, with the legal Interest thereof from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of *Scotland*.

How Expenses are to be recovered from Owner.

402. The Commissioners may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the Time

Power to levy Charges on Occupier, who may deduct Time

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the same from
his Rent.

Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as the Police Assessment may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses and Interest.

Occupier not
to be liable for
more than the
Amount of
Rent due.

403. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses and Interest are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Commissioners
may allow
Time for Re-
payment by
Owners of
Improvement
Expenses.

404. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Proceedings in
case of Tenants
opposing the
Execution of
this Act.

405. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such

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such Occupier, the Magistrate may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner, during the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

406. Nothing in this Act contained shall extend to or make void any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum, not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

407. Nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

PART VI.

SECTION VI.—*Jurisdiction, and Recovery of Penalties.*

408. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, or of any Byelaw made in virtue of the Police Provisions of this Act, and of any other Crime or Offence which is punishable by Public General Statute or Common Law, and is within the Jurisdiction of the Magistrates of any Royal Burgh, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a

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Respecting existing Contracts for building.

Respecting Contracts for Leases.

Jurisdiction of Magistrates of Police under this Act.

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Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

409. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person or Persons to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of *Scotland*.

Interim Fiscal.

410. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the Name of the Person so appointed *ad interim*, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

411. All Actions, Prosecutions, and Proceedings for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for before the Magistrates of Police, in the Police Court, at the Instance of the Procurator Fiscal, to be appointed as herein authorized; and (with the Exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falshood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falshood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole Procedure before such Magistrates or any of them shall be conducted summarily *visâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

Forms of Procedure to be framed.

412. The Magistrates of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

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413. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet,*) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by House-breaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law : Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Certain Crimes not competent to be taken cognizance of in the Police Court.

414. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction, under this Act, may, without a Warrant, be taken into Custody by any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law ; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

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Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

Limitation of Police Prosecutions.

Superintendent in certain Cases may accept of Bail or Deposit.

Persons in Custody to be taken before the Magistrate.

there shall be Reason to suspect that anything stolen or unlawfully obtained, or fraudulently carried away, may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

415. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

416. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within Three Months from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter.

417. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent or other Officer of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or other Officer of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent or other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

418. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody, such Day not being a Sacramental Fast Day, or a Day set apart for a General Fast; and if

the

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the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him at any Stage of the Examination or Trial to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

419. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or, if such Party or Witness has no known Dwelling House, at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps, or in the Shop, Warehouse, Countinghouse, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith, which Citation shall state the Nature of the Charge, and the Time and Place of Appearance.

420. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if backed or endorsed by the Sheriff or any Justice of the Peace of the County within which the same shall be so executed: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

PART VI.
Powers and Remedies.
Sect. 6.

Authority to Officers to cite Parties and Witnesses.

Offenders removing from the Bounds of Police, how to be proceeded against.

Police and Improvement (Scotland).

Examination
of Witnesses.

421. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty for
Witnesses
not appearing.

422. If any Person who has been duly cited as a Witness to appear before the Magistrate, either on the Part of the Prosecutor or the Person charged with any Offence, fails to appear at the Time and Place for that Purpose appointed, the Magistrate may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to appear and give Evidence, and may also sentence such Person to a Penalty not exceeding Five Pounds, and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Magistrate may sentence such Person to be imprisoned for a Period not exceeding Thirty Days; provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

Penalty for
Witnesses re-
fusing to give
Evidence.

423. If any Person refuses to be precognosed or to give Information or Evidence touching or concerning the Subject Matter of any Penal or Police Offence, or at any Trial before the Magistrate refuses to be sworn or examined upon Oath, or, in case of a Quaker or other Person privileged by Law, to be examined upon solemn Affirmation, the Magistrate may grant Warrant to commit to Prison such Person for any Period not exceeding Thirty Days.

Witnesses pre-
varicating may
be punished
summarily.

424. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner; to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Declaration as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

In default of
paying Fines

425. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but

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in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

426. It shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Sixty Days.

427. It shall be lawful for the Magistrate, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution shall not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Ninety Days.

428. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, a short Extract of the Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be detained in the Police Office or Police Cells for a reasonable Time to allow of such Extract being made, such Time not exceeding in any Case Twelve Hours.

429. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

430. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension, or Advocation, or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including

Parties to be imprisoned.

Power to order Offenders to find Caution or Fine;

or to find Caution in addition to Imprisonment or Fine.

Warrant of Commitment.

Police Officers may be dismissed by the Magistrate.

Proceedings not to be void for Want of Form, and Judgments to be final.

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PART VI.
Powers and
Remedies.
Sect. 6.

No Suspension
or Stay of Execution, &c. to
prevent Payment of Penalties.

Defect of Jurisdiction of the Magistrate ; and such Suspension, or Advocation or Appeal, or Review or Stay of Execution, must be presented before the next Circuit Court of Justiciary, or where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions, which shall from Time to Time be prescribed by the said High Court of Justiciary.

431. Such Suspension, or Advocation or Appeal, or Review or Stay of Execution, shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Treasurer, nor of any Order or Sentence of the Magistrate awarding Imprisonment, unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing at such Time and Place as he shall direct ; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act : Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper ; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

Fines to be
paid to the
Clerk.

432. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned ; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of
Penalties.

433. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid to the Clerk, shall be applied in Payment of the Expenses incurred in alighting Prisoners detained in Custody in the Police Office or Station Houses : Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment ; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment.

For Recovery
of forfeited
Bail Bonds and

434. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good

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good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate, on Complaint by the Procurator Fiscal in the Police Court as aforesaid, to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within Six Days after the Date of such Summons, and in Default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

Bonds of Caution.

435. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark, in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Cautioners in Bonds.

436. The Commissioners shall appoint a proper Person to be Clerk of the Police Court, who shall hold Office only during their Pleasure, and such Person may be the same Person who is Clerk to the Commissioners, and such Person may appoint, by a Writing under his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk.

Clerk of Police Court.

437. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature upon any Ground or in any manner of way whatever.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

438. No Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild.

Jurisdiction of Sheriffs and Courts of Guild to be preserved.

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PART VI.
Powers and Remedies.
Sect. 7.

Assessments in Parliamentary Burghs having no Revenues.

Billet Masters to be appointed.

Commissioners, &c. to be Local Authority.

Power of Entry to include Superintendent of Police, Medical Officer, &c.

Decree to prevent overcrowding of

PART VI.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

439. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments, and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration as aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under the Provisions of any Local Act, or of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, if in force in such Burgh, or under this Act, is authorized to be imposed, levied, and recovered by the Commissioners.

440. It shall be lawful for the Magistrates of Burghs, and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of such Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Registration of Lodging Houses, and the Health of Towns in Scotland.*

441. The Commissioners or Trustees of Police of Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (*Scotland*) Act, 1856," anything in the said Act notwithstanding.

442. The Power of Entry given by the Ninth Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

443. The Eleventh Clause of the said recited Act is hereby amended to this Extent, that the Decree therein mentioned shall

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also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided, or let to or for the Use of separate Families; and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said Act shall include "any overcrowding of an inhabited House, Building, common Tenement, or Part thereof, insufficient in Size for the Number of Persons inhabiting the same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts thereof.

common Tenements, and Watercloset Accommodation may be ordered.

444. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Water not to be fouled by any Person.

445. The Forty-third Section of the said Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed under the said Forty-third Section of the said Act, against the Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

Drainage Works may be carried out under Police Acts.

446. The Forty-fourth Section of the said recited Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment for a Period, in the Discretion of the Sheriff, not exceeding Sixty Days.

Sheriff may grant Warrant for Recovery of Penalties, &c. if not paid.

447. All the Provisions of the last-recited Act, and all the Procedure therein prescribed, in regard to Proceedings before and to Appeals from any Judgment or Order of the Sheriff, shall apply to Proceedings before and to any Judgment or Order of any Magistrate or Justice of the Peace under the said Act.

Provisions for Appeals from Sheriffs to apply to Appeals from Magistrates.

448. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh without the Consent of the Commissioners; and any Person contravening this Enactment shall be liable for each Offence to a Penalty of

Offensive Trades to be subject to Regulations.

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Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Act may be incorporated, either in whole or in part, with any future Act.

449. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Part of this Act by a Reference to the Parts, Sections, or Clauses thereof, and to enact that the Parts, Sections, or Clauses so described, or that this Act, with the Exception of the Parts, Sections, or Clauses so described, shall be incorporated with such Act, and thereupon all the Parts, Sections, or Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Parts, Sections, or Clauses were set forth therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Householders in the Burgh of [or, where the Boundaries have been ascertained by Proceedings under this Act, within the Boundaries following, viz., repeat them as in the recorded Deliverance of the Sheriff,] of the yearly Rent or Value of £10 [or £6 as the Case may be] or upwards, are hereby required to meet upon the Day of next, at of the Clock, within when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .
 (Signed) E.F., Chief or Senior Magistrate,
 or Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects	Qualifications of Voters.	Names of Voters.

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SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Names of Electors.
1.	2.		

SCHEDULE (D.)

Attestation by Collector, Application to Sheriff or Magistrate, and Warrant, to be written at the End of each Volume of the Roll or Book of Assessment.

(1.) *Attestation by Collector.*

I *A.B.* Collector of Police Assessments for the Burgh of _____ do hereby certify, That this is the [First, Second, or Third, as the Case may be,] Volume of the Books of Assessments according to which the Police Assessments are leviable from the Persons and others therein named, for the Year from _____ to _____; that the said Assessments became due and payable on the _____ Day of _____; that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments on or before the said _____ Day of _____, notwithstanding of the same having been demanded from them by printed Notices from me, delivered to or left for them on the Premises assessed; and that the Persons and others named in this Volume who have so failed to pay the said Assessments are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B., Collector.

[Place and Date.]

(2.) *Application to Sheriff.*

To the Honourable [the Sheriff of the County of _____, or his Substitute, or the Magistrates of Police of the Burgh of _____, or the Magistrates of the Burgh of _____, as the Case may be.]

The Petition of *A.B.*, Collector of Police Assessments for the Burgh of _____,

Humbly sheweth,

That by the Act [or Acts] of Parliament [here refer to them] certain Police Assessments are authorized to be levied in the Burgh of _____.

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That, in Terms of said Act [*or Acts*] Assessment Books for levying the said Assessments for the Year from to were made up and delivered to the Petitioner, in order to his levying and collecting the Sums set opposite the Names of the Persons and others respectively therein entered, of which Assessment Books this is the Volume.

That the said Assessments became due and payable on the Day of 18 .

That by the Attestation of the Petitioner, hereunto prefixed, it appears that certain of the Persons so assessed have failed to pay the said Assessments on or before the said Day of 18 , notwithstanding of the same having been demanded from them by printed Notices from the Petitioner, delivered to or left for them on the Premises assessed, and that the Persons named in this Volume who have so failed to pay are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or any Portion thereof, have incurred, in addition, a Penalty of One Penny upon each Pound of the Rental of the Premises in respect of which they are assessed, in Terms of the said Act [*or Acts*] [*here refer to them*].

That in these Circumstances it becomes necessary to apply to your Lordship [*or Honours*] for Warrant to the following Effect :

May it therefore please your Lordship [*or Honours*] to grant summary Warrant against the Persons who have failed in Payment as aforesaid for Recovery of the said Assessments so remaining unpaid, and Penalty foresaid, and to authorize Messengers-at-Arms and Officers of Court to enter the Houses or other Premises of the Persons who have failed in Payment as aforesaid, and to seize, take possession of, and remove so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying out of the Proceeds of the Sale thereof the said Assessment remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in carrying into execution the Warrant which may be granted hereon against said Persons respectively ; and to authorize the said Messenger or Officer, if the said Assessments and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made as aforesaid, forthwith to sell the said Goods and Effects so seized by Public Roup, either on the Premises in which the same were so seized, or at the Market Cross of the said Burgh, or in such other Place as your Lordship [*or Honours*] may appoint, returning the Surplus of the Price, if any be, after Payment of the said Assessments and Penalty, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects.

(Signed) A.B., Collector.

Metropolis Local Management Acts Amendment.

(3.) *Warrant.*

(Date) . The Sheriff or Sheriff Substitute, Magistrate of Police, or Magistrate, [as the Case may be,] having considered the foregoing Application and Attestation, grants Warrant as craved.

(Signed) C.D.

SCHEDULE (E.)

Name of Burgh _____.

GENERAL SEWER RATE [or SPECIAL SEWER RATE and PRIVATE IMPROVEMENT ASSESSMENT, as the Case may be.]

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate or Assessment due and chargeable at							
				15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	
General Sewer Rate.											
Special Sewer Rate.											
Private Improvement Assessment.											

Date _____

A.B., Collector.

C A P. CII.

An Act to amend the Metropolis Local Management Acts.
[7th August 1862.]

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the better Local Management of the Metropolis*: And whereas the said Act was amended by a certain other Act passed in the Session holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, and was further amended, and certain further and other Provisions were made, by another Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter One hundred and four: And whereas it is expedient further to amend the said first-mentioned Act:’ 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:

18 & 19 Vict.
c. 120.

19 & 20 Vict.
c. 112.

21 & 22 Vict.
c. 104.

‘ L. Whereas the Metropolitan Commissioners of Sewers, in exercise of the Powers conferred upon them by the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, did cause to be prepared Debt in respect of Counters Creek Works, and Part of prepared

Metropolis Local Management Acts Amendment.

Debt in respect of Ravensbourne Works, redistributed and made payable out of Monies borrowed on the Security of the Main Drainage Rate.

‘ prepared and did approve of certain Plans for the Main Drainage and Sewage Interception of the Metropolis, and certain Sewers and Works included in and forming a Portion of the Plans so prepared and approved were constructed and completed by the said Commissioners or by the Metropolitan Board of Works ; that is to say, the Sewers and Works known as the *Counters Creek* Diversion Works : And whereas the Cost of the said Works, amounting to the Sum of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, was defrayed by Monies borrowed on certain Securities, which Securities and Monies are included amongst and form Part of the Securities and Monies enumerated in Schedule A. to this Act, and the Debt incurred in respect thereof was charged by the said Commissioners upon the following Sewerage Districts ; viz., the *Counters Creek, Ranelagh, and Fulham and Hammersmith* Districts, in certain Shares and Proportions, and has been apportioned by the Metropolitan Board of Works, pursuant to the One hundred and eighty-first Section of the firstly-recited Act, among the several Parishes or Parts of Parishes which heretofore constituted the said Districts, that is to say, *Paddington, Chelsea, St. Mary Abbott's Kensington, St. Margaret and St. John the Evangelist Westminster, Hammersmith, Fulham, Willesden, St. Marylebone, St. George Hanover Square, St. John Hampstead, Acton, Ealing and Chiswick* : And whereas it is just and expedient that the Cost of and incidental to the Construction and Execution of the said Sewers and Works, amounting to the Sum aforesaid, should be deemed to be Part of the Expenses of and incidental to the Works which the said Metropolitan Board are by the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, empowered and directed to construct and execute for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as may be practicable, the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis : And whereas certain other Works were executed by the said Commissioners, known as the *Ravensbourne* Works, and the Cost of such Works, amounting to the Sum of Twenty-six thousand five hundred and forty-five Pounds Sixteen Shillings and Fivepence, was defrayed out of Monies borrowed on certain Securities, which Securities and Monies are included amongst and form Part of the Securities and Monies enumerated in the said Schedule A. to this Act, and the Debt incurred in respect thereof was charged by the said Commissioners upon the following Sewerage Districts, viz., the *Ravensbourne and Greenwich* Districts, in certain Shares and Proportions, and has been apportioned by the said Metropolitan Board of Works, pursuant to the said firstly-recited Act, among the several Parishes and Places or Parts of Parishes and Places which heretofore constituted the said Districts ; that is to say, *St. Paul Deptford, Greenwich, Kidbrooke, Lewisham, Cumberwell, Charlton, Eltham, and Lee* : And whereas the last-mentioned Works partly inure to the Benefit

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‘ Benefit of the Metropolis at large, and it is just and expedient that a Portion of the Costs and Charges thereof, amounting to the Sum of Ten thousand Pounds, should be deemed to be Part of the said Expenses of and incidental to the Works which the said Metropolitan Board are empowered and directed to construct and execute under the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four :’ Be it therefore enacted, That the Debts incurred in respect of the Costs and Charges of the said *Counters Creek* Diversion Works, amounting to the said Sum of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, and in respect of the said Portion of the Costs and Charges of the said *Ravensbourne* Works, amounting to the said Sum of Ten thousand Pounds, making together the Sum of Fifty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings, shall cease to be the special Debts and Obligations of the said Parishes and Places and Parts of Parishes and Places, and the same shall be deemed to have become, on the First Day of *January* One thousand eight hundred and fifty-six, transferred to and charged upon and shall stand charged upon the Metropolis at large, as defined by the said firstly-recited Act, including the said Parishes and Places and Parts of Parishes and Places comprised within the Limits thereof ; and all Sums becoming payable under or required for the Payment of any Security given for the Monies so borrowed to the Extent of the said Sums of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings and Ten thousand Pounds, or of any Interest due or to accrue thereon, shall be paid by the said Metropolitan Board of Works out of any Monies which they may have already borrowed and raised or may hereafter borrow and raise on the Security of the Assessments or Rates made or to be made by them for the Metropolis Main Drainage Rate under the Provisions of the said Act of the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four ; and the said Board shall take an Account between the Parishes, Places, and Parts aforesaid originally charged with the said Debts and Obligations and the Metropolis at large to which the same are hereby transferred, and shall reimburse or give Credit to the said Parishes, Places, and Parts for any Sums which may have been overpaid by them or any of them on account of Principal or Interest in respect of the said Sums of Forty-three thousand seven hundred and twenty-one Pounds Fifteen Shillings and Ten thousand Pounds respectively (if any), since the First Day of *January* One thousand eight hundred and fifty-six, beyond the Sums which would have been due from them or any of them if the Transfer and Apportionment hereby directed had been in force on the First Day of *January* One thousand eight hundred and fifty-six, and the said Board shall place any such Excess to the Credit of such Parishes, Places, or Parts, in reduction of their next or some future ordinary Assessment upon such Parishes or Parts, for defraying their Expenses in the Execution of the firstly-recited Act.

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Application of Part of Monies raised on Security of Metropolis Main Drainage Rate to Repayment of Sums expended on Victoria Street Sewer since 1st Jan. 1856.

2. ' And whereas at certain Times between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act certain Works were executed by the said Metropolitan Board of Works for the Reparation and Reconstruction of Portions of One of the Main Sewers of the Metropolis known as the *Victoria Street Sewer*, and the Expenses of and incidental to the Execution of the said Works were charged by the said Board on certain Parishes in the Metropolis, which were heretofore included in the separate Sewerage Districts, known as the Eastern Division of the *Westminster Sewers*, the Western Division of the *Westminster Sewers*, and the *Regent Street and Regent's Park* District, in certain Shares and Proportions, and were paid by the said Board partly out of their general Funds and partly by Monies raised in some of the said Parishes: And whereas that Portion of the said Sewer in respect of which the said Works of Reconstruction and Reparation were executed will be incorporated with and form Part of the Main Drainage Works now in course of Execution by the said Board, under the Provisions of the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, and will enure to the Benefit of the Metropolis at large, and the Costs and Charges of executing the same ought to be borne by the Metropolis at large instead of by individual Parishes: ' Be it therefore enacted, That the Expenses of and incidental to the Execution of the said Works of Reparation and Reconstruction so executed by the said Board between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act shall be deemed to be Part of the Expenses of and incidental to the Main Drainage Works which the said Board are empowered to construct and execute under the said Acts of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty, and the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four; and the said Board shall, out of the Monies borrowed and raised or to be borrowed and raised by them for the Metropolis Main Drainage Rate under the Provisions of the said Act of the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, replace the said Monies taken from the general Funds of the said Board for the Payment aforesaid, and reimburse the Monies which the said Parishes or any of them may have paid towards the said Works of Reparation and Reconstruction between the First Day of *January* One thousand eight hundred and fifty-six and the passing of this Act; and the said Monies so to be applied in reimbursing the said Parishes shall be retained by the said Board, and shall be carried to the Credit of the said Parishes, in reduction; so far as the same will extend, of the next or some future Assessment upon such Parishes by the said Board for their Expenses in the Execution of the firstly-recited Act.

3. ' And whereas the said Metropolitan Commissioners of Sewers did, in exercise of the Powers vested in them by the said

Parishes, Parts, and Places on which Debt on

Metropolis Local Management Acts Amendment.

‘ said Act of the Eleventh and Twelfth Years of Her Majesty,
 ‘ Chapter One hundred and twelve, borrow and take up at In-
 ‘ terest from a certain Society known as the Clergy Mutual
 ‘ Assurance Society, on the Security of certain Rates authorized
 ‘ to be levied under the last-mentioned Act, the Sum of One
 ‘ hundred and forty thousand Pounds, and there was previous to
 ‘ the First of *November* One thousand eight hundred and sixty
 ‘ due and owing to the said Society from the Metropolitan Board
 ‘ of Works, as the Successors of the said Metropolitan Commis-
 ‘ sioners of Sewers, in respect of the said Loan, the Sum of One
 ‘ hundred and five thousand Pounds, and it is expedient accu-
 ‘ rately to ascertain and determine the several Parishes, Parts,
 ‘ and Places on which the Debt in respect of the said Sum of
 ‘ One hundred and five thousand Pounds shall stand charged, and
 ‘ on which Monies or Rates are to be raised or levied for the
 ‘ Payment of the Principal and Interest in respect of the same,
 ‘ and to ascertain and determine the Proportions charged upon
 ‘ each :’ Be it therefore enacted, That the said Debt of One
 hundred and five thousand Pounds shall be and stand charged
 upon and apportioned to the several Parishes, Parts, and Places
 enumerated in Schedule B. to this Act, in the several Propor-
 tions specified in such Schedule, and the said several Parishes,
 Parts, and Places shall be deemed to be and shall be liable to the
 Payment of the Sums set against their respective Names therein,
 and to the Payment of Interest thereon, and the Monies from
 Time to Time becoming payable under the said Security, or re-
 quired for or towards Payment of the said Debt or any Part
 thereof, and the Interest thereon, shall be raised by such Board
 upon such Parishes, Parts, and Places respectively in manner
 provided in respect to the Expenses of such Board in the Exe-
 cution of the firstly-recited Act : Provided always, that Credit
 shall be given for any Sums paid off in respect of the said Loan
 previous to the passing of this Act according to the several Pro-
 portions specified in the said Schedule.

Loan from the
 Clergy Mutual
 Assurance
 Society stands
 charged.

4. Provided, That nothing in this Act contained shall preju-
 dice, abridge, diminish, or affect the Priority secured by the
 firstly-recited Act to the Persons respectively entitled to the
 Mortgages, Annuities, Securities, and Debts referred to in the One
 hundred and eighty-first Section of that Act, and the First,
 Second, and Third Sections of this Act, or the Right of any or
 either of such Persons to require and enforce Payment of any
 Principal or Interest thereon, or in respect thereof, in, from, or
 out of all or any of the Districts, Assessments, Rates, or Monies
 liable to such Payment under or by virtue of their respective
 Mortgages or Securities, but all the Securities, Rights, and Re-
 medies of such Persons respectively shall remain as good, ample,
 and effectual, to all Intents and Purposes, as if this Act had not
 been passed : Provided also, that nothing herein contained shall
 prejudice or affect the Power vested in the said Metropolitan
 Board under the firstly-recited Act to borrow Monies for paying
 off former Securities.

Saving Rights
 and Remedies
 of Persons
 holding Secu-
 rities.

Metropolis Local Management Acts Amendment.

Sums to be assessed by Metropolitan Board.

5. From and after the passing of this Act the One hundred and seventieth Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That the Metropolitan Board of Works shall from Time to Time ascertain and assess upon the several Parts of the Metropolis the several Sums which, having regard to the annual rateable Value of the Property in such Parts respectively, ought to be charged thereon for defraying the Expenses of the said Board in the Execution of the firstly and secondly recited Acts and of this Act, and any such Sums may be assessed wholly or in part in respect of Expenses incurred or to be incurred, and also in respect of any unpaid Balance of any former Precept of the said Board: Provided always, that such Repeal shall not in any respect affect any Act, Matter, or Thing whatsoever done or commenced to be done under or by virtue of the said firstly and secondly recited Acts, or any Proceeding taken or to be taken under the thirdly-recited Act or to affect or prejudice, except as herein specially provided, in any way the Rights or Liabilities of any District or Part under the One hundred and eighty-first Section of the firstly-recited Act, but the same shall be judged of in all respects as if this Act had not been passed.

Basis of Assessment.

6. For the Purpose of making any Assessment under the preceding Section the Board shall estimate the annual Value of Property according to the Estimate or Basis on which any County Rate in force in any Part of the Metropolis is made, or, where there is no such County Rate, according to a like Estimate or Basis.

Mode of Assessment by the Metropolitan Board of Works.

7. All such Assessments to be made by the Metropolitan Board of Works shall be assessed and charged by the said Board upon the same Basis and in the same Manner as the County Rate is assessed and charged by the Justices under the Statutes in force for assessing and charging County Rates in *England and Wales*: Provided always, that all Precepts shall be issued and Rates levied by the said Board in manner directed by the several recited Acts relating to the better Local Management of the Metropolis and by this Act, so far as relates to making Precepts and levying Rates.

Assessments, &c., according to Forms in Schedule C.

8. The Assessment of any Monies to be assessed by the Metropolitan Board of Works for the Expenses of executing the firstly and secondly recited Acts and this Act, and the Precepts for obtaining Payment of Monies required by the Board for that Purpose, may be according to the Forms contained in Schedule C. to this Act, or to the like Effect.

Any Vestry or District Board may pay Precept out of any Money, and reimburse themselves out of Sewer Rate.

9. The Vestry of any Parish mentioned in Schedule A. to the firstly-recited Act, or the Board of Works for any District to whom any Precept of the Metropolitan Board shall be directed, may, if they shall see fit, pay to the Person or Body authorized by the said Metropolitan Board to receive the same the Sum required by such Precept, within such Time as may be therein mentioned, out of any Monies in their Possession at the Time of their receiving such Precept, or which may come into their Hands

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at any Time within Two Calendar Months next after the Service thereof; and all Payments so made by any Vestry or District Board shall be charged by them against and reimbursed to them out of the Monies which the said Vestry or District Board shall and which they are hereby required to raise and collect by virtue of such Precept.

10. Where, by any Local Act of Parliament, the Poor Rate in any Parish in Schedules A. or B. to the firstly-recited Act is made by the Vestry of such Parish at a fixed Period or Periods in every Year, it shall be lawful for such Vestry, at their Discretion, to include in the Sewers Rate for their Parish such Sum or Sums of Money as they may consider necessary to meet any Precepts received or to be received from the Metropolitan Board of Works during the Period for which such Poor Rate extends, to defray the Expenses of the said Board in the Execution of the said first-recited Act; and, at the Time of making such Poor Rate, also to make a separate Rate for the Metropolis Main Drainage, to meet the Precept received or to be received from the Metropolitan Board of Works for the Sum assessed for such Rate during the Year, such Rates to be levied in the same Manner, for the same Period, upon the same Persons, and to be subject to the like Provisions as the Sewers Rate by the first-recited Act, and to be contained in the same Book or Books as the Poor Rate of the said Parish, but distinguishing the Title of each of the said separate Rates or Assessments, and to be collected quarterly or otherwise by such Person or Persons as shall be appointed by the said Vestry to receive and collect the same: Provided, that nothing herein contained shall prevent the said Metropolitan Board of Works from requiring Payment, or relieve the Vestry of any Parish from the Payment, of the Sums assessed by such Board at such Times as they are now entitled by Precept to require the same.

11. Where, under or by virtue of any Rate or Assessment made by an Assessor appointed by the said Metropolitan Board of Works, for the Metropolis Main Drainage Rate, any Monies shall have been or shall be collected in any Place mentioned in Schedule C. to the firstly-recited Act beyond the Amount required to satisfy the Amount of the Assessment of the said Board upon the said Place, and the Expenses of and incidental to the preparing, making, collecting, and levying such Rate or Assessment, the Excess shall be placed by the said Board to the Credit of such Place, on account of the next Assessment upon such Place by the said Board for the Metropolis Main Drainage Rate.

12. For obtaining Payment of the Sum assessed upon any Place mentioned in Schedule C. to the firstly-recited Act for the Metropolis Main Drainage Rate, the said Board shall issue a Precept under their Seal requiring Payment of the Amount mentioned in such Precept to their Treasurer, or into any Bank therein mentioned, within such Time or Times as may be therein limited, and every such Precept shall be directed to the Masters of the Bench, Treasurer, Governors, or other Body or Persons having the chief Control or Authority in any such Place; and

Vestries may include in the Sewers Rate Precepts of Metropolitan Board.

Sums collected in certain Places beyond Amount of Rate for Main Drainage Rate, &c. to be credited to such Places.

Payment of Sums assessed upon Places in said Schedule C.

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the Body or Persons to whom any such Precept shall be directed shall raise and levy the Money required by the same by means of a separate Rate, in like Manner and subject to the like Provisions as the Sewers Rate to be made under the Provisions of the firstly-recited Act and this Act; and the said Body or Persons may appoint One or more Persons to collect any such Rate, and may pay him or them such Salary, Poundage, or Allowance as they may deem just and reasonable, and may take such Security from every such Collector for the due Execution of his Duty as they shall think reasonable and proper; and the several Provisions herein-after contained with respect to the levying, paying over, and accounting for Monies levied by Collectors by Direction of any Vestry shall be applicable to every such Collector; and the several Enactments with respect to the levying of Monies by the said Metropolitan Board on the Default of Vestries and District Boards shall apply in case of a Default by the Body or Persons to whom any such Precept may be directed by the said Board to levy and pay over the Money therein named according to the Exigency thereof.

Metropolitan Board may amend Assessments and Precepts where necessary.

13. It shall be lawful for the Metropolitan Board of Works, in case of any Omission or other Inaccuracy in any Assessment or Precept which they have made or issued, to make such Amendments or Alterations therein as may render the same conformable to the Provisions of the recited Acts and this Act; and it shall be lawful for the said Board, should they deem it requisite and proper, to revoke any Precept which they may have issued, and to issue another Precept in lieu thereof.

Overseers to pay over and account for Monies to Vestries and District Boards.

14. Whenever any Vestry or District Board shall by their Order require the Overseers of any Parish or Place to levy and pay over the Sum or Sums of Money which such Vestry or Board may require, under the Provisions of the said recited Acts or this Act, such Overseers shall, within such Period after the levying of the said Sum or Sums or any Part thereof as the said Vestry or Board shall determine, pay over to the Treasurer of the said Vestry or Board, or to any Officer, or into any Bank in such Order mentioned, the Amount mentioned in such Order, and the Excess, if any, which may have been levied beyond such Amount, less the Expenses of and incidental to the making and collecting of the same, and shall make out and deliver to the said Vestry or Board a true and perfect Account in Writing signed by them, and duly audited by the Auditors appointed for such Parish or Place under the Provisions of the firstly-recited Act, of all Monies and Rates received by them in pursuance of the said Order, and shall for such Purpose produce to the said Auditors the Vouchers, Counterfoils, or Receipts for all Payments made to or by them; and such Auditors shall, for the Purposes of the said Audit, have all and every the Powers and Authorities given to the Auditors named in the 195th Section of the firstly-recited Act; and in case any Overseers shall fail to pay over such Monies or Rates as aforesaid, or to render such Account, or to produce such Vouchers, Counterfoils, and Receipts for the Space of Twenty-one Days after being thereunto required, they shall be subject to the Penalties

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ties mentioned and contained in the Sixty-fifth Section of the firstly-recited Act: Provided always, that where the Term "Overseer" or "Overseers" shall extend to and include any Vestry elected under the firstly herein-before recited Act, or any Board of Trustees or Governors of any Parish or Place chosen under any Local Act now in force, the Provisions of this Clause shall not be applicable to such Vestry or Board of Trustees or Governors, so long as the Orders of the Vestry or Board shall be duly complied with and satisfied; and in every Case in which the Vestry does not appoint a Collector or Collectors to collect such Rates, the said Overseers are hereby authorized to employ and pay One or more Collector or Collectors to collect all such Rates, and to take from every such Collector Security for his duly collecting such Rates, and paying over and accounting for the same, and such Security shall enure to the Benefit of the Overseers for the Time being of every such Parish or Place, who shall have all such and the same Remedies thereon as the Overseers to whom such Security was originally given.

15. It shall be lawful for the Metropolitan Board of Works, or for the Vestry of any Parish mentioned in Schedule A. to the firstly-recited Act, or for any District Board, by Order in Writing, to require the Vestry Clerk, Overseer, Collector, or other Person having the Custody or Control of any Rate for the Relief of the Poor in any Parish or Place, or of any other Rate, or of any Book containing a Copy of any such Rate as aforesaid, to furnish, within such Period, not being less than Seven Days, as shall be limited in such Order, a true Copy of such Rate for the Relief of the Poor, or other Rate, or of such Copy thereof as aforesaid, or of such Part or Parts of the same as shall be specified in such Order, on Payment or Tender for such Copy at the Rate of Sixpence for every Twenty-four Names (inclusive of all the Particulars in the several Columns in the Rate, so far as such Particulars have reference to such Names respectively), and the said Copy shall be examined by and signed by such Vestry Clerk, Overseer, Collector, or other Person, and shall be verified by his solemn Declaration, if the said Metropolitan Board or Vestry or District Board shall require the same, which solemn Declaration any Justice of the Peace, or Commissioner duly authorized, is hereby empowered to administer; and any Person having the Custody or Control of such Rate, or Copy thereof, who shall refuse or neglect to make and deliver to such Metropolitan Board, Vestry, or District Board, or any Person by them authorized to receive the same, such Copy or Extract, or to make such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence, and to a further Penalty not exceeding Ten Pounds for each and every Day during which the said Offence shall be continued, to be recovered by a summary Proceeding.

16. Whenever the Vestry of any Parish mentioned in Schedule B. to the firstly recited Act shall have lawfully incurred any Expenses in the Execution of the said recited Acts or this Act, the Board of Works for the District in which such Parish may be situate shall, in case the Payment of such Expenses is not

Power to Metropolitan Board, Vestries, and District Boards, to demand to be furnished with Copies of Poor Rate, &c.

Expenses incurred by certain Vestries to be paid by District Boards.

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otherwise provided for, pay and discharge the Amount of such Expenses out of the Monies which they are by the firstly-recited Act authorized to raise for the Payment of the Expenses of the Execution of such Act.

Recovery of Monies assessed by Metropolitan Board on extra-parochial Property for Payment of Debts.

17. The Sums from Time to Time assessed by the Metropolitan Board of Works upon or in respect of any extra-parochial or other Property which was included in any separate Sewerage District under the Metropolitan Commission of Sewers, for or towards Payment of any Debt or Debts charged upon such District at the Determination of the said Act of the Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, or of any Interest thereon, for the Payment of which Provision is not otherwise made in the said recited Acts or this Act, shall be paid, on Demand, to the said Board, by the Occupier of the Tenements or Premises, or by the Person or Persons in receipt of any Tolls or Profits issuing out of any incorporeal Hereditaments in respect of which such Assessment shall be made, and every such Sum may be recovered by the said Board by an Action at Law or by a summary Proceeding before a Justice, at the Option of the said Board.

One Summons only to issue for the Recovery of Rates.

18. In any Proceedings before any Justice or Justices, by or on behalf of any Vestry, District Board, Overseer, or Collector, against the Occupier or Owner of any Premises, for the Recovery of any Rates assessed under the said Acts or this Act which may be in arrear, all the Rates for the Recovery of which such Proceedings shall be taken shall be included in the same Summons, and the Charge for such Summons shall not exceed One Shilling, and the Signature of any Justice or Justices to any such Summons may be either in Writing or by a Stamp affixed as such Justice or Justices may direct.

Parties lending Money to Metropolitan Board or Vestries or District Boards not bound to inquire into Application of Money, Regularity of Proceedings, &c.

19. 'Whereas by the firstly-recited Act Power is given to the Metropolitan Board of Works and to any District Board or Vestry to borrow Money for the Purpose of defraying any Expenses incurred by them in the Execution of the said Act, on the Credit of all or any of the Monies or Rates authorized to be raised by them under the said Act:' Be it enacted, That no Corporate Body or Person or Persons lending or proposing to lend Money to the said Metropolitan Board or any Vestry or District Board, under the Provisions of the said Acts or this Act, or of any Act or Acts for amending the same, or of any Act or Acts empowering them or either of them to borrow Money, shall be bound to see or obliged to inquire whether the Money lent or proposed to be lent is advanced for the Purposes of such Acts, nor to see or inquire into the Application of the Money so lent, or any Part thereof; nor shall any such respective Body or Person or Persons be bound or required to ascertain that the Board or Vestry so borrowing, or the Meeting or Meetings of such Board or Vestry, was or were properly constituted or convened, or that the Proceedings at any Meeting were legal or regular; and the Common Seal of every such Board or Vestry impressed upon or affixed, pursuant to the Order or Resolution of such Board or Vestry, to any Mortgage, Bond, or other Instrument

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strument which may have been made or granted by the said Board or Vestry, shall be binding and conclusive on the said Board or Vestry by whom any such Mortgage, Bond, or other Instrument may have been so sealed and executed, and their Successors.

20. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Metropolitan Board of Works, or to any Vestry or District Board, upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments, within a Period not exceeding Thirty Years, as shall in each Case be agreed upon.

Public Loans Commissioners authorized to lend Money to Metropolitan Board, Vestries, &c.

21. It shall be lawful for the said Metropolitan Board, and they are hereby authorized and empowered, during the Construction of any Works by them under the recited Acts or this Act, subject to the Provisions of such Acts, to cause to be stopped up all or such Part of the Carriage or Foot Way of any Streets, Roads, or Ways as shall be necessary for the due Execution of the said Works.

Power to stop up Carriage or Foot Ways, &c.

22. The compulsory Powers of taking Land given to the said Metropolitan Board by the firstly-recited Act, and the "Lands Clauses Consolidation Act, 1845," shall, subject to the Conditions and Restrictions in the firstly-recited Act contained, extend and be applicable to the taking of any Lands which they may require for the Purpose of making convenient Roads or Ways to or in connexion with any Sewers or Works vested or hereafter to be vested in the said Board, or which they may require for making Roads or Ways during the Construction of any Sewerage Works, or for Spoil Banks or Places of Deposit of surplus Earth or other Materials in the Execution of any such Works.

Power to Metropolitan Board to take Lands for Roads, &c.

23. No Resolution made or passed after the passing of this Act by the said Metropolitan Board, authorizing the Expenditure upon or the Construction of any Works the estimated Cost of which shall amount to or exceed the Sum of Twenty thousand Pounds, shall be carried into execution or be deemed valid and binding until the same shall have been confirmed at a subsequent Meeting of the said Board duly convened.

Votes exceeding 20,000*l.* to be confirmed.

24. When the said Metropolitan Board shall, in exercise of the Powers conferred upon them, have constructed any Bridges, Culverts, Arches, or Passages in connexion with any Sewers or Works, all such Bridges, Culverts, Arches, and Passages shall at all Times after the Construction thereof be maintained at the Expense of the said Board.

Maintenance of Bridges, Culverts, &c.

25. It shall be lawful for the said Metropolitan Board to make and maintain any Bridges, Arches, Culverts, Passages, or Roads over, under, or by the Sides of or leading to or from any Sewerage Works constructed or to be constructed by them, which

Formation and Maintenance of Bridges, Arches, Culverts, &c.

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they may deem necessary and convenient for preserving the Communications between Lands through which the said Works may have been or may be made or carried; provided that it shall be lawful for the said Board to contract and agree with the Owners and Occupiers of Lands to pay them or any of them Compensation in lieu of making or maintaining such Bridges or other Works.

Time limited for Completion of Works specified in Sect. 1. of 21 & 22 Vict. c. 104.

26. The Extension of Time authorized and directed by the Twenty-sixth Section of the thirdly-recited Act, the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and four, shall be deemed to apply to the Sewers and Works mentioned in the First Section of that Act for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as may be practicable, the Sewage of the Metropolis from passing into the *Thames* within the Metropolis.

As to trapping of Gullies connected with Main Sewers.

27. No Gully or Ventilating Shaft immediately connected with or appertaining to, or which hereafter may be immediately connected with or appertain to, any Sewer vested in the Metropolitan Board of Works, shall be trapped, covered, or closed up without previous Notice in Writing being given to the said Board, nor if the said Board or their Engineer within One Week after the giving of such Notice shall express in Writing their or his Objection to the same.

As to Transfer of Powers as to Sewerage to Metropolitan Board.

28. Notwithstanding the Provision contained in the Eighty-ninth Section to the firstly-recited Act, relative to the Transfer by Vestries and District Boards to the Metropolitan Board of Works of their Powers and Duties in relation to Sewerage and Drainage, it shall not be lawful for any Vestry or District Board to transfer to the Metropolitan Board of Works any such Powers or Duties without the previous Consent in Writing of the said Metropolitan Board.

Orders to be made by Committee on Appeals.

29. Under the Provisions of the Two hundred and eleventh and Two hundred and twelfth Sections of the firstly-recited Act, empowering the Committee of Appeal of the Metropolitan Board of Works to hear and determine an Appeal against any Order or Act of any Vestry or District Board, the said Committee may allow or dismiss the Appeal, or quash or confirm or vary the Order appealed against.

Committee empowered to make Improvement Rates, &c. for Expenses of Works of private Improvement executed by the Commissioners of Sewers, and take other Proceedings in relation thereto.

30. In any Case in which the Metropolitan Commissioners of Sewers have incurred any Expenses authorized by the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to be paid by an Improvement Rate, or as Charges for Default, it shall be lawful for the Committee of Appeal, appointed under and in pursuance of the Two hundred and twelfth Section of the firstly-recited Act, to levy Improvement Rates or Charges for Default for the Recovery of the whole of such Expenses, or such Portion thereof as shall still remain due and unpaid, in the Manner directed by the said Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter One hundred and twelve, and the said Committee shall have all the Rights and Remedies for the Recovery thereof which are vested in the said Metropolitan Board in that Behalf; and if any Person liable to the Payment of any such Improvement

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Rate or Charges for Default fail to pay the same when due, or for the Space of Fourteen Days after the same shall have been lawfully demanded, the said Committee of Appeal may and they are thereby empowered to summon the Defaulter to appear before them to show Cause why such Improvement Rate or Charges for Default so in arrear should not be paid ; and in case the Defaulter fail to appear according to the Exigency of the Summons, or if no sufficient Cause for Nonpayment be shown, the said Committee may by Warrant under the Seal of the Board cause the Amount of such Improvement Rate or Charges for Default so in arrear to be levied by Distress of the Goods and Chattels of the Defaulter.

31. So much of Section Fifty-eight of the said Act of the Eighteenth and Nineteenth of *Victoria* as provides that the Acts of every Committee shall be submitted to the general Body of the Board or Vestry appointing such Committee, for their Approval, shall be repealed so far as relates to the Metropolitan Board ; and be it enacted in lieu thereof, That the said Metropolitan Board shall be at liberty to give such Instructions to any Committee appointed by such Board regulating the Conduct of any Business deputed to such Committee, and such Committee shall act in conformity therewith, and shall report to the Board all Acts done by them in conformity with such Instructions.

Part of
Sect. 58. of
18 & 19 Vict.
c. 120. repealed.

32. ' Whereas it is in and by the firstly-recited Act provided that the Metropolitan Board of Works shall from Time to Time, in order to secure the efficient Maintenance of the Main and General Sewerage of the Metropolis, make such general or special Orders as to them may seem proper for the Guidance, Direction, and Control of the Vestries of Parishes and District Boards in the Levels, Construction, Alteration, Maintenance, and Cleansing of Sewers in their respective Parishes or Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Parishes and Districts, and their Communications with the Main Sewers vested in the said Metropolitan Board, and generally for the Guidance, Direction, and Control of Vestries and District Boards in the Exercise of their Powers and Duties in relation to Sewerage, and all such Orders shall be binding upon such Vestries and Boards : ' Be it enacted, That whenever the said Metropolitan Board shall, in exercise of the said Power, have ordered that any Sewer or Sewers vested in the Vestry, District Board, or other Body acting for any Parish or Place comprised in the Schedules of the firstly-recited Act, having Control over the Sewers in one Parish, District, or Part, shall, for the Purpose of Outfall or otherwise, be connected with any Sewer or Sewers vested in the Vestry or District Board of another Parish, District, or Part, or other Body having Control over the Sewers in such Parish, District, or Part, it shall be lawful for the Vestry, District Board, or other Body, for the Drainage of whose Parish, District, or Part such Connexion shall be required, and at whose Instance and Request such Order shall have been made, to execute all necessary Works as well within their own Parish, District, or Part as within any other

Communications between Sewers in different Parishes or Districts, and Payment of Compensation &c. in consideration thereof.

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other Parish, District, or Part which shall be specified in the said Order of the Metropolitan Board for effecting such Connexion: Provided that every Communication to be made by any Vestry, District Board, or other Body with any Sewer out of their own Parish, District, or Part shall be made under the Supervision and to the Satisfaction of the Board, Vestry, or other Body having Control over such last-mentioned Sewer; and where it shall appear to the said Metropolitan Board to be equitable and just, under the Circumstances of the Case, that any Vestry, Board, or other Body so connecting their Sewers with the Sewers vested in another Vestry, District Board, or other Body should pay such last-mentioned Vestry, Board, or Body any Compensation or Remuneration, either in One Sum or by yearly or other Payments, for the Use of their Sewer, it shall be lawful for the said Metropolitan Board to order and direct Payment of such Compensation or Remuneration accordingly, and the Vestry, Board, or other Body to whom any such Payment shall be directed to be made may recover the same from the Vestry, Board, or Body directed by such Order to make such Payment, either by Action at Law or before a Justice of the Peace in a summary Manner.

Regulations as
to breaking up
Turnpike
Roads.

33. The One hundred and fifty-seventh Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That the Metropolitan Board of Works, and any Vestry or District Board may, where necessary for the Purpose of executing any Work authorized by the recited Acts or this Act, open and break up any Turnpike Road, under and subject to the Restrictions and Provisions herein-after contained; that is to say, Three Days previous Notice, with a full Description of any intended Works, shall be left at the Office of the Commissioners or Trustees of the Road, and, except by the Permission of the said Commissioners or Trustees, the Traffic of the Road shall not at One Time be stopped or hindered along more than Half of its Width, nor, if the Half left open be of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and the Party doing the Works shall cause all Openings in the Road to be effectually secured and fenced, and affix and maintain Lights during the Night near to the Place where the Ground is open, so as to prevent Accidents; and the said Commissioners or Trustees are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works; and the Party doing the Work shall restore every Road so opened or broken up to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, shall pay to such Commissioners or Trustees, on Demand, such Sum as they shall require for such Purpose, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Kerbs, or Footpaths, and other Matters and Things connected with the Maintenance of the Road, and in default the Surveyor of the said Commissioners or Trustees may cause the necessary Work to be done;

and

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and in all Cases of Expense incurred by any such Surveyor on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

34. Where any Works authorized by this or the recited Acts will interfere with any Railway or Canal, the Board or Vestry proposing to construct such Works shall before commencing the same give Notice in Writing of their Intention so to do to the Company owning such Railway or Canal, and shall, together with such Notice, deliver a Plan and Section showing the Nature of such Interference; and if within Seven Days after the Receipt of such Notice the Company shall by Writing, addressed to the Board or Vestry, object to the Manner in which it is intended to interfere with such Railway or Canal respectively, on account of the probable Interruption or endangering of the Traffic thereon, the same Works shall not be commenced; and it shall thereupon be referred to an Engineer, to be appointed by the Board of Trade, on the Application of either Party, to determine the Manner of executing the said Works, and the Determination come to by such Engineer shall be binding on both Parties.

Plan, &c. of Works affecting Railways or Canals to be submitted to Companies.

35. Provided always, That it shall not be lawful for any Board or Vestry to alter the Level of any Railway or Canal, unless with the Consent of the Company owning the same respectively, or, if that be refused, with the Consent of the Board of Trade; and provided also, that nothing in this Act contained shall take away or affect the Right of any Railway or Canal Company to Compensation for the taking or injuriously affecting of any Land or Property of such Company, or for or by reason of the Interruption of any Traffic on their Railway or Canal, or for any Damages, Costs, or Expenses which such Company may be required to pay in consequence of such Interruption.

Line of Railway not to be altered.

36. The Inspectors of Votes directed to be appointed under the firstly-recited Act for any Parish, or, where any Parish is divided into Wards, for any Ward of a Parish, may, before commencing the Duties of their Office under the said Act, appoint by Writing under their Hands an Umpire; and in case the said Inspectors shall be unable to agree upon or determine by a Majority any Matter which they are by the said Act required to determine, such Matter shall be decided by the said Umpire, and his Decision in relation thereto shall be final and conclusive.

Inspectors of Votes to appoint Umpire.

37. Every Vestry and District Board constituted under the firstly-recited Act, or this Act, may hold their Meetings on such Days of the Week, except *Sundays*, as they may from Time to Time determine, notwithstanding any Provision to the contrary contained in any Local Act; and any Business which, by any Local or other Act of Parliament, or Custom, should be done by any such Vestry on a certain Day, may be done at any Meeting of such Vestry duly convened for the Purpose, and held within Seven Days next before or after such certain Day as aforesaid: Provided that where the Hour or Time for holding such Meetings is fixed by the Local Act they shall continue to be held at the same Hour or Time.

Vestries and District Boards may appoint their Days of Meeting.

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Certiorari for
Auditors Al-
lowances or
Disallowances.

38. Notwithstanding anything in the One hundred and ninety-fifth Section of the firstly-recited Act contained to the contrary, if any Person aggrieved by any Allowance, Disallowance, or Surcharge by any Auditors of the Accounts of any Vestry or District Board require such Auditors to state the Reasons for the said Allowance, Disallowance, or Surcharge, the Auditors shall state such Reasons in Writing in the Book of Account in which the Allowance, Disallowance, or Surcharge may be made; and it shall be lawful for every Person aggrieved by such Allowance, Disallowance, or Surcharge to apply to the Court of Queen's Bench for a Writ of Certiorari to remove into the said Court the said Allowance, Disallowance, or Surcharge, in the like Manner and subject to the like Conditions as are provided in respect of Persons suing forth Writs of Certiorari for the Removal of Orders of Justices of the Peace, except that the Condition of the Recognizance shall be to prosecute such Certiorari at the Costs and Charges of such Person, without any wilful or affected Delay, and if such Allowance, Disallowance, or Surcharge be confirmed, to pay to such Auditors or their Successors, within One Month after the same may be confirmed, their full Costs and Charges, to be taxed according to the Course of the said Court, and except that the Notice of the intended Application, which shall contain a Statement of the Matter complained of, shall be given to such Auditors or their Successors, who shall in return to such Writ return a Copy under the Hands of a Majority of them of the Entry or Entries in such Book of Account to which such Notice shall refer, and shall appear before the said Court, and defend the Allowance, Disallowance, or Surcharge so impeached in the said Court, and shall be reimbursed all such Costs and Charges as they may incur in such Defence out of the Funds of the Vestry or District Board respectively interested in the Decision of the Question, unless the said Court make any Order to the contrary; and on the Removal of such Allowance, Disallowance, or Surcharge the said Court shall decide the particular Matter of Complaint set forth in such Statement, and no other; and if it appear to such Court that the Decision of the said Auditors was erroneous, they shall, by Rule of the Court, order such Sum of Money as may have been improperly allowed, disallowed, or surcharged to be paid to the Party entitled thereto by the Party who ought to repay or discharge the same, and they may also, if they see fit, by Rule of the Court, order the Costs of the Person prosecuting such Certiorari to be paid by the Vestry or District Board to which such Accounts relate, as to such Court may seem fit, which Rules of Court respectively shall be enforced in like Manner as other Rules of the said Court are enforceable.

39. If any Person be returned to serve in any Vestry for more than One Ward, he shall on or before the next Meeting of the Vestry after such Election signify in Writing to the Clerk of such Vestry his Decision as to the Ward which he may desire to represent on such Return; and if before or at such Meeting he shall refuse or neglect so to do, the Vestry shall determine the Ward

Provision in
case of a Ves-
tryman being
returned for
more than One
Ward.

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Ward which he shall represent ; and the Vacancy occasioned by such Determination or Decision shall be filled up by an Election to be held for that Purpose within One Month from the Date of such Determination or Decision, such Elections to be conducted in the like Manner as the annual Elections of Vestrymen.

40. The Thirty-fifth Section of the recited Act of the Eighteenth and Nineteenth *Victoria* is hereby repealed ; and in lieu thereof be it enacted, That the Vestry constituted by the said Act in every Parish mentioned in the Second Column of Schedule B. to the same Act shall, on the First *Wednesday* in the Month of *June* in the Year One thousand eight hundred and sixty-three, and in every subsequent Year, elect so many Persons qualified by Rating and Occupation, as required by the same Act and the recited Act of the Nineteenth and Twentieth *Victoria* to be elected Vestrymen of such Parish, to be Members of the Board for the District in which such Parish is comprised, as may be necessary for supplying the Vacancies among the Members of such Board elected for such Parish occasioned by Expiration of the Term of Office of the Members going out of Office at the Time of such Election.

Elections to be held annually for supplying Vacancies occasioned by Expiration of Term of Office.

41. When at any Time, upon any Account taken of the Population by the Authority of Parliament, any of the Parishes within the Metropolis not now divided into Wards for the Purpose of electing Vestrymen shall be found to contain more than Two thousand rated Householders, it shall be lawful for the Metropolitan Board of Works, upon the Application in Writing of the Vestry, or of not less than Five hundred rated Householders of the Parish, to divide such Parish into Wards, and to determine and set out the Number, Extent, Limits, and Boundary Lines of such Wards, but so nevertheless that no Ward shall contain less than Five hundred rated Householders, and that the whole Number of Wards shall not exceed Eight ; and the Metropolitan Board shall apportion among the several Wards the Number of Vestrymen to be elected for such Parish, and shall, in assigning the Number of Vestrymen to each Ward, have regard, as far as in their Judgment is practicable, as well to the Number of Persons rated to the Relief of the Poor in each Ward as to the aggregate Amount of the Sums at which all such Persons are rated ; and the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three, and a Copy of the Particulars of such Division and Apportionment shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State for his Approval, and also to the Vestry Clerk of the Parish to which such Division and Apportionment relate ; and the said Particulars shall, within Seven Days after such Transmission, be published by the said Board in the *London Gazette* ; and at the Expiration of not less than Two Calendar Months the said Secretary of State shall, if he approve of the same, publish the said Particulars again with his Approval affixed thereto in the *London Gazette* ; but if the said Secretary of State disapprove of the proposed Division into Wards or Apportionment of Vestrymen, then he shall, subject, however, to all the above Limitations,

As to Division into Wards when Parish contains 2,000 Houses.

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make such other Division or Apportionment as in his Judgment shall be more conducive to a fair Representation in the Vestry of the Interests of the Ratepayers of the said Parish, and shall publish the Particulars of such fairer Division and Apportionment in the *London Gazette*, and the Parish shall, after such Publication by him in the *London Gazette*, be deemed to be divided into such Wards so determined and set out.

No Parish shall be annexed without previous Notice.

42. No Representation shall be made under the Two hundred and forty-ninth Section of the firstly-recited Act, unless and until the Metropolitan Board of Works shall have given to the Churchwardens and Surveyors of Highways of the Parish to which such Representation relates Two Months Notice in Writing under their Common Seal of their Intention to make such Representation and of the Provisions which it is intended to propose in such Representation; and the said Churchwardens and Surveyors of Highways shall, immediately after receiving such Notice as aforesaid, summon a Vestry Meeting of the Parish, and submit such Notice to the Consideration of the said Meeting; and such Representation of the said Metropolitan Board shall be accompanied by a Copy of all Resolutions or Statements that may have been made to the said Board in Writing by the said Churchwardens and Surveyors of Highways, or either of them, by Direction of such Vestry Meeting.

Annual Report of Officer of Health.

43. The Officer or Officers of Health for each Parish or District shall make an annual Report to the Vestry or District Board of the sanitary Condition of the Parish or District, and upon the other Matters set forth in the One hundred and thirty-second Section of the firstly recited Act, and it shall not be necessary to append to the annual Report of the Vestry or District Board, to be made in the Month of *June* in each Year, a Copy of any other Report of such Officer or Officers than such annual Report.

Owners and Occupiers of Land may execute Works of Drainage at their own Expense.

44. It shall be lawful for the Owners or Occupiers of any Land or Premises in any Parish, District, or Part within the Limits of the Metropolis as defined by the firstly recited Act, with the Consent and subject to the Regulations and Conditions herein-after mentioned to construct Sewers at their own Expense for the Purpose of draining such Land or Premises; and it shall be lawful for any Vestry or District Board in whom the Sewers in any Parish, District, or Part are vested, if they shall deem it just and proper so to do, to contribute out of the Rates under their Control applicable to the Execution of Works of Sewerage to the Cost of any Sewers constructed for the Purpose aforesaid.

Vestries, &c. to submit Plans of new Sewers to Metropolitan Board.

45. Any Vestry or District Board intending to construct any Sewer shall, before commencing any Works for that Purpose, submit to the Metropolitan Board of Works a Plan of the Street or Place in which it is proposed to construct such Sewer, drawn to such a convenient Scale or Scales as the said Metropolitan Board shall direct, and there shall be shown on such Plan the Position, Course, and Dimensions of the proposed Sewer, with a Section or Sections thereof, and such other Particulars in relation thereto as the said Metropolitan Board shall deem necessary and

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require, and no such Sewer or Works shall be proceeded with without the Approval in Writing or contrary to the Directions of the said Board.

46. Three clear Days Notice in Writing shall be given to the Metropolitan Board of Works by any Vestry or District Board previously to the Connexion of any Sewer or Drain with a Main Sewer; and the necessary Junction or Communication for that Purpose shall be made by such Vestry or District Board to the Satisfaction of the said Metropolitan Board.

Communications with Main Sewers.

47. Every Person other than a Vestry or District Board intending to make or branch a Sewer, either into a Sewer vested in the Metropolitan Board of Works, or into a Sewer vested in any Vestry or District Board, shall in the first instance lay the Plan and Section thereof before, and apply for the Sanction of, the Vestry or District Board of the Parish, District, or Part in which such last-mentioned Sewers shall be situate; and no Sewer shall be begun to be made by such Person until the Sanction in Writing of such Vestry or District Board shall have been obtained.

Private Parties before branching Sewers to apply for Sanction of Vestries. &c.

48. Before any Vestry or District Board shall sanction the Construction of any such Sewer they shall submit the Plan and Section thereof to the Metropolitan Board of Works for their Approval, in the same Manner as if such Sewer were proposed to be constructed by such Vestry or District Board; and no Vestry or District Board shall sanction the Construction of any such Sewer without the Approval in Writing of the said Metropolitan Board first had and obtained.

Vestries, &c. to apply for Approval of Metropolitan Board.

49. All Persons intending to make or branch any Drain into a Sewer vested in the Metropolitan Board of Works shall, Seven clear Days before commencing any Works for that Purpose, make written Application to the Vestry or Board of the Parish, District, or Part in which such Sewer shall be situate, accompanied by a Plan showing such Particulars as may be required by any Byelaw or Resolution of the said Metropolitan Board; and no such Work shall be commenced until the Sanction in Writing of the said Vestry or District Board shall have been given.

Seven Days Notice must be given before Drains can be branched into Main Sewers.

50. When it shall be desired to abandon either wholly or in part, or to extend, contract, or alter any Design for a Sewer previously submitted to and approved by the Metropolitan Board of Works, Notice in Writing of such Desire shall be given by the Vestry or District Board by whom such Approval shall have been obtained to the said Metropolitan Board, accompanied by Plans and Sections showing the Nature of the Abandonment, Extension, Contraction, or Alteration desired; and no such Abandonment, Extension, Contraction, or Alteration shall be made without the previous Approval in Writing of the said Metropolitan Board; and no Person other than a Vestry or District Board shall abandon wholly or in part, or extend, contract, or alter in Construction, any Sewer approved or sanctioned by the Metropolitan Board of Works, without the previous Sanction in Writing of the Vestry or District Board in whose Parish or District the Works were intended to be executed, to be applied for and given in the same Manner as herein-before directed with respect to new Sewers.

Regulations as to Abandonment, Alteration, &c. of Designs for Sewers previously approved.

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In case Sewer be not constructed within 12 Months, fresh Application to be made.

51. In case any Sewer sanctioned and approved by the Metropolitan Board of Works as herein-before provided shall not be constructed or executed within Twelve Calendar Months from the Date of such Sanction or Approval, the Works for the Construction of such Sewer shall not be executed without a fresh Permission by the Metropolitan Board, and their written Sanction that the necessary Works for the Construction of such Sewer may proceed, to be applied for and obtained in manner herein-before provided with respect to the original Permission for the Construction of such Sewer.

Expense of constructing Sewers in new Streets and Streets laid out since 1st Jan. 1856.

52. Where any Sewer shall, after the passing of this Act, be constructed by any Vestry or District Board in or for the Drainage of any new Street, or of any House or Houses erected since the First Day of *January* One thousand eight hundred and fifty-six, the Expense of constructing such Sewer and the Works appertaining thereto, including the Cost of Gullies, Side Entrances, Lengths of Sewer at the Intersection of Streets, and other incidental Charges and Expenses, shall be borne and defrayed by the Owners of such Street or Houses, and of the Land bounding or abutting on such Street respectively, and the said Expenses shall be apportioned by the Vestry or District Board in such Proportions as they may deem just, and the Amount charged upon or payable in respect of each House or Premises shall be payable before the Works shall be commenced, during their Progress, or after their Completion, as the Vestry or District Board shall in each Case determine, either in One Sum or by Instalments, within such Period, not exceeding Twenty Years, as the Vestry or District Board shall direct; and any such Sum or Instalments shall be recoverable from the present or any future Owner of the said House or Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board.

Expense of constructing Sewers where there had before been only open Sewers.

53. Where any Sewer shall be constructed by any Vestry or District Board in a Street in which previously to such Construction there had been no Sewer, or only an open Sewer, but where Sewers Rates have been levied previously to such Construction, the Expense of constructing such Sewer and the Works appertaining thereto, including the Cost of Gullies, Side Entrances, Lengths of Sewer at the Intersection of Streets, and other incidental Charges and Expenses, shall be borne and defrayed in part only by the Owners of the Houses situate in and of the Land bounding and abutting on such Street respectively; and the Amount to be borne by such Owners shall be determined by the Vestry or District Board in each particular Case, and the Residue of such Expenses shall be defrayed by the Vestry or District Board out of the Sewers Rates levied in their Parish or District; and the Amount so charged by the Vestry or District Board upon or in respect of each House or Premises shall be payable, either before the Works shall be commenced, during their Progress, or after their Completion, as the Vestry or Board shall in each Case determine, either in One Sum or by Instalments within such Period not exceeding Twenty

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Years, as the Vestry or Board shall direct ; and any such Sum or Instalment shall be recoverable from the present or any future Owner of such House or Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board : Provided that no Street or Property in respect of which Sewers Rates have been levied for Five Years prior to the First Day of *January* One thousand eight hundred and fifty-six shall be subject to be charged under the Provision contained in this Section.

54. In apportioning the Cost of constructing Sewers under the Provisions contained in the Two last preceding Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, it shall be lawful for any Vestry or District Board to charge the Owners of Land bounding or abutting on any Street in a less Proportion than the Owners of House Property, should they, under the Circumstances of the Case, deem it just and expedient so to do.

Land may be charged in a less Proportion than House Property.

55. In any Case in which the estimated Expenses shall exceed the actual Cost of constructing Sewers under the Provisions contained in the said Two preceding Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, then the Difference between such estimated Expenses and the actual Cost shall be repaid by the Vestry or Board to the Owners of the Houses or Premises by whom the Amount of any such estimated Expenses may have been paid ; and in any Case in which the estimated Expenses shall be less than the actual Cost of constructing any Sewer or Sewers under the Provisions aforesaid, then the Owners of the said Houses or Premises shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with any Sums already paid, will make up the Amount of the actual Cost ; and the Vestry or District Board shall have all the same Remedies for the Recovery of such further Sum as are herein-before given for recovering any Expenses apportioned by Vestries or District Boards under the said Enactments.

Where estimated Expenses exceed actual Cost, Difference to be refunded by, and where less to be paid to, Vestry, &c.

56. It shall be lawful for the Vestry or District Board, should they deem it reasonable and just so to do, at their Discretion to defray, out of the Sewers Rates to be levied in their Parish or District, any Portion of the Expenses of and incident to the Construction of Sewers under the Provisions contained in the said Two Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties.

Vestry, &c. may defray Part of Expense out of Sewer Rates.

57. Any Person who may deem himself aggrieved by any Order or Resolution of any Vestry or District Board in relation to the Expenses of constructing Works under the said Two Sections of this Act relating to the Construction of Sewers wholly or partly at the Cost of private Parties, or the Apportionment of such Expenses, may appeal to the Metropolitan Board of Works against such Order or Resolution, subject in all respects to the Directions and Provisions contained in the Two hundred and eleventh Section of the firstly-recited Act, and the Section of this Act relative to the Form of Order to be made

Appeal against Orders of Vestries, &c. as to Amount or Apportionment of Expenses.

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by the Committee of Appeal of the Metropolitan Board of Works against Orders or Acts of Vestries or District Boards.

Execution of Works of Sewerage by Vestries and District Boards beyond the Limits of the Metropolis.

58. 'Whereas the Vestries of the Parishes mentioned in Schedule A. of the firstly-recited Act and District Boards are, by the Sixty-ninth Section of the said Act, subject to the Powers vested in the Metropolitan Board of Works, empowered to make, repair, and maintain Sewers vested in them, and to do and perform other Works and Matters as in the said Section is mentioned, and it is expedient to give increased Facilities to such Vestries and District Boards for the Execution and Performance of such Works and Matters: ' Be it therefore enacted, That whenever it shall be found necessary by the Vestry of any Parish mentioned in Schedule A. to the said Act, or by the Board of Works of any District mentioned in Schedule B. to the said Act, for the Purpose of executing Works for any of the Purposes mentioned in the said Section, to carry any Sewer or Work beyond the Limits of the Metropolis as defined by the said Act, it shall be lawful for any such Vestry or District Board to execute Works in Parts situate beyond or without such Limits, and to cleanse, repair, and maintain such Works as they shall from Time to Time deem necessary: Provided always, that no Work shall be performed or commenced by any Vestry or District Board beyond the Limits of the Metropolis as above defined, except for the Purpose of continuing or forming Part of a Work commenced or executed within their respective Parish or District; nor shall any such Works be performed or commenced without the Consent in Writing of the Metropolitan Board of Works for that Purpose first had and obtained, nor without the Consent of the Vestry or District Board, or Authorities of the Parish or Place through which the Work may pass; but if any such Vestry or District Board or Authority shall refuse such Consent, One of Her Majesty's Chief Secretaries of State shall have Authority under this Act to decide whether such Consent ought to be withheld, and such Secretary of State may make such Order as to him shall seem just; but nothing herein contained shall apply to any Work for the Purpose of the Main Drainage of the Metropolis under the recited Acts: Provided also, that no new Sewer, either within or beyond the Limits of the Metropolis, shall be made or executed by any Vestry, District Board, or other Body having Control over Sewers within the Metropolis without the previous Approval of the said Metropolitan Board.

Proviso.

Contribution to Cost of Main Sewers and Sewers built since 1st January 1856, or hereafter to be built.

59. The Provisions contained in the Eightieth Section of the firstly-recited Act, empowering Vestries and District Boards to order, at their Discretion, under the Circumstances therein mentioned, such Sums as they shall deem just to be paid and contributed by the Owners of Houses towards the Expense of the Construction of Sewers into which Drains from such Houses shall be made or branched, shall be extended, and the same are hereby extended and made applicable to the Metropolitan Board of Works with respect to Houses draining into Main Sewers constructed at the Expense of any Person or Body other than any Commissioners

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sioners of Sewers, and which are vested in the Metropolitan Board; and the same Provisions are hereby extended and made applicable to all Sewers within the Limits of the Metropolis as defined by the firstly-recited Act, built since the First Day of *January* One thousand eight hundred and fifty-six, or which may hereafter be built at the Expense of any Person or Body other than the Metropolitan Board of Works, or any Vestry, District Board, or other Body having Control over Sewers within the Metropolis, into which House Drains may be made or branched; and the said Metropolitan Board, Vestry, District Board, or other Body, as the Case may be, may at their Discretion accept Payment of Contribution from the Owners of Houses draining into such Sewers respectively, either in One Sum or by Instalments within any Period not exceeding Twenty Years, with Interest after a Rate not exceeding Five Pounds by the Hundred by the Year, as the said Board, Vestry, or other Body shall in each Case determine, and shall on receipt of any such Contribution or Instalment pay over the same to the Person or Body entitled thereto; and every Sum payable to the said Board, Vestry, or other Body by way of Contribution to the Construction of Sewers shall be recoverable from the present or any future Owner of the said Premises either by Action at Law or before a Justice of the Peace in a summary Manner, at the Option of the Board or Vestry: Provided that nothing herein contained shall prejudice or affect the Right of Vestries and District Boards to demand and recover from the Owners of Houses and Land the Sums charged upon them by such Vestry and District Boards respectively under the Provisions contained in this Act.

60. In all Cases in which Time shall be given by the Metropolitan Board of Works, or by any Vestry, District Board, or other Body, for the Payment of any Contribution to the Cost of a Sewer as aforesaid, the Metropolitan Board of Works shall keep a Register of all such Orders for Contribution, which Register shall contain the Description of the Premises, the Amounts payable, the Periods for Payment, and other necessary Particulars; and such Register shall be open to Inspection by Parties interested during Office Hours without Payment of Fee or Reward; and every Vestry, District Board, or other Body giving Time for Payment of any such Contribution as aforesaid shall forthwith transmit to the said Metropolitan Board a Copy of their Order or Resolution in that Behalf made, and such other Particulars in relation thereto as the said Board may deem necessary and require.

61. The Seventy-seventh Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That no Person shall make or branch any Sewer or Drain, or make any Opening into any Sewer vested in the Metropolitan Board of Works, or in any Vestry or District Board, without the previous Consent in Writing of such Board or Vestry: Provided that it shall be lawful for any Person, with such Consent, at his own Expense, to make or branch any Drain into any Sewer vested in such Board or Vestry, or authorized to be made by them or either

Where Time is given for Payment of Contribution, the Metropolitan Board shall keep a Register.

Regulations respecting Openings into Sewers.

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either of them under the firstly-recited Act or this Act, such Drain being of such Size, Materials, and other Conditions, and branched into such Sewer in such Manner and Form of Communication in all respects, as the Board or Vestry shall direct or appoint: Provided also, that where any Contribution to the Cost of a Sewer is payable in respect of Drainage into the same, it shall not be lawful for any Person to make or branch any Drain into such Sewer, except in conformity with the Directions of the Board or Vestry in whom the same shall be vested with respect to Payment of Contribution under the Provisions contained in the firstly-recited Act and this Act in that Behalf; and in case any Person, without the Consent of the said Metropolitan Board, District Board, or Vestry as aforesaid, make or branch, or cause to be made or branched, any Sewer or Drain, or make any Opening into any of the Sewers vested in any such Board or Vestry, or authorized to be made by them as aforesaid, or if any Person make or branch, or cause to be made or branched, any Drain of a different Construction, Size, Material, or other Conditions, or in another Manner or Form of Communication than shall be directed or appointed by such Board or Vestry, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds; and the Board or Vestry may cut off the Connexion between such Drain and their Sewer, or if they shall see fit execute the necessary Works for making the said Drain conformable to their Regulations or Directions at the Expense of the Person making such Drain or causing the same to be made, such Expenses to be recovered either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Board or Vestry.

Reports as to
underground
Rooms occu-
pied as Dwell-
ings.

62. Every District Surveyor required to report by the One hundred and third Section of the firstly-recited Act shall, without Fee or Reward, report to the Metropolitan Board, and to every Vestry and District Board in the District in which such Surveyor may act, in the Months of *June* and *December* in each Year, and at all other Times when he shall be required so to do by any such Board or Vestry, all underground Rooms or Cellars occupied as Dwellings within the Meaning of the first-recited Act that are not built or constructed in conformity with the Rules contained in the said Section, and shall in such Report set forth the exact Locality in which such underground Rooms or Cellars are situate; and in any Proceedings taken to recover the Penalty under the said One hundred and third Section of the said Act, such Evidence as may give rise to a probable Presumption that some Person passes the Night in such Room or Cellar shall be Evidence, until the contrary be made to appear, that such has been the Case.

Extension of
Time under
Sect. 76. of
18 & 19 Vict.
c. 120. for
making Orders
by Vestries
and District
Boards.

63. 'Whereas by the Seventy-sixth Section of the firstly-recited Act it is provided that the Vestry or District Board shall make their Order in relation to the Matters therein referred to, and cause the same to be notified to the Person from whom the Notice mentioned in the said Section was received within Seven Days after the Receipt of such Notice, and it is expedient that the Time for making such Order should be extended:'

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‘ extended :’ Be it therefore enacted, That where any Notice shall have been given to any Vestry or District Board pursuant to the said Section, it shall be lawful for the Surveyor of such Vestry or Board, if he shall deem it necessary and proper so to do, within Three Days after the Receipt of such Notice by the Vestry or District Board, by Writing under his Hand directed to and served upon the Person giving such Notice, to require that the Building or Works referred to therein shall not be proceeded with until after the then next Meeting of the said Vestry or District Board, and until their Directions in reference thereto shall have been notified to such Person, provided that the Order of the said Vestry or District Board shall be made and notified to the said Person at the latest within Fifteen Days after the Receipt of such Notice by the Vestry or District Board ; and in case any Person shall proceed with any Building or Works contrary to this Enactment he shall forfeit and pay to the Vestry or District Board a Sum not exceeding Five Pounds, and also a further Sum of Forty Shillings for every Day during which such Offence shall continue, to be recovered by Action at Law or in a summary Manner at the Option of the Vestry or Board.

64. ‘ Whereas by the Seventy-third, Seventy-fourth, Seventy-sixth, Eighty-first, Eighty-fifth, and Eighty-sixth Sections of the firstly-recited Act, certain Works, Matters, and Things are required to be constructed, made, or executed on the Requisition of Vestries and District Boards by the Owners or Occupiers of the Premises therein referred to ; and in case any such Owner or Occupier refuse or neglect to commence, proceed with, or complete the same, as the Case may be, the Vestry or District Board are authorized to perform and execute such Works, Matters, and Things, and recover the Costs incurred thereby in manner therein provided ? Be it enacted, That in case of any such Neglect or Default by any Person or Persons to comply with the Order of any Vestry or District Board to execute any Works, Matters, or Things under any of the said Provisions, the Person or Persons so offending shall forfeit and pay to the Vestry or District Board a Sum not exceeding Five Pounds, and also a further Sum not exceeding Forty Shillings for every Day during which such Offence shall continue, to be recovered by Action at Law or before a Justice of the Peace in a summary Manner, at the Option of the Vestry or District Board ; and the Vestry or District Board may at their Discretion either execute or perform any such Works, Matters, or Things, and recover the Costs and Expenses thereof from the Owner of the Property as aforesaid, or proceed for and recover the said Penalty or Penalties ; but nothing herein contained shall render any Person or Persons liable to be proceeded against for the Penalty as well as for the Costs and Expenses of the Works.

Where Parties neglect to carry out Works pursuant to Order of Vestry, the Vestry may recover Penalty or do the Works.

65. The Penalties declared by the firstly-recited Act in the Case of Persons committing the Offences mentioned therein are hereby extended and made applicable to all Persons causing the Commission of any such Offences, or by whose Order or Direction any such Offences shall have been committed.

Extension Penalties in 18 & 19 Vict. c. 120.

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Temporary
Provision for
Drainage of
Property where
no proper
Sewer within
200 Feet.

66. 'Whereas certain Property within the Limits of the Metropolis is so situate as to render it impracticable, or practicable only at undue Expense, to connect such Property with covered Sewers, and it is expedient that some temporary Provision should be made for draining such Property and abating the Nuisances existing thereon or caused thereby:' Be it therefore enacted, That in any Case in which any House or other Building, whether erected before or after the passing of this Act, is without sufficient Drainage, and there is no proper Sewer within Two hundred Feet of any Part of such House or Building, it shall be lawful for the Vestry or District Board of the Parish or District in which such House or Building is situate by Notice in Writing to require the Owner of such House or Building to construct and lay from such House or Building a covered Drain to lead therefrom into a covered water-tight Cesspool or Tank or other suitable Receptacle, not being under a House or within such Distance from a House as the Vestry or Board shall direct, and to construct such Cesspool, Tank, or Receptacle; and the several Provisions in the firstly-recited Act with respect to the laying of House Drains at the Expense of the Owners of Property, and the Recovery of such Expenses of and the Penalties for any Omission in respect to the Performance of any such Works pursuant to the Orders of Vestries or District Boards in accordance with the Directions of the said Act, shall be extended to and apply to the making of such Cesspools, Tanks, Receptacles, and Drains, and the Orders of Vestries and District Boards in relation thereto and the Expenses thereof.

Vestries, &c.
may compel
Supply of
Water for
Houses.

67. If it shall appear to any Vestry or District Board that any House within their respective Parishes or Districts is without a proper Supply of Water, and that such Supply can be furnished to such House at a Rate not exceeding Threepence *per* Week, conformably with the Scale of Rates authorized to be charged by any Water Company within the Metropolis as defined by the firstly-recited Act, the said Vestry or District Board may give Notice in Writing to the Owner or Occupier of such House, requiring him, within a Time specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with, the said Vestry or District Board shall do such Works and recover the Expenses thereof from the Owner of the Premises as herein-after provided; and any Water Company shall, upon the Requisition of such Vestry or Board, supply with Water such House, and the Rates for the Supply of such House or Houses as aforesaid shall be due and payable by the said Owner, and shall be recovered by the Company as if such Owner had contracted with the Company for the Supply of such Water. In any Case where it shall appear to any Vestry or District Board that the existing Supply of Water to any House within their respective Parishes or Districts would be sufficient for such House if the same were inhabited by a lesser Number of Persons, but is insufficient by reason that the same is inhabited by numerous Persons (being more than One single Family), it shall be lawful for

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for such Vestry or District Board to give Notice in Writing to the Occupier of such House, requiring him, within a Time specified therein, to obtain such further Supply (not exceeding a Supply at the Rate of Thirty Gallons *per Day* for each Person) as to them shall appear necessary, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with within the Time therein specified, it shall be lawful to take Proceedings for overcrowding, in the Manner provided by the "Nuisances Removal Act for *England*, 1855;" and upon Proof of the Fact that the Water Supply is not sufficient by reason of the Number of Persons inhabiting the said House (being more than One Family), it shall be lawful for the Justices to make the like Order and to inflict the like Penalty as in any other Case of overcrowding.

68. Every Person who shall knowingly erect or place any Building, Wall, Bridge, Fence, Obstruction, Annoyance, or Encroachment in, upon, over, or under any Sewer under the Jurisdiction of the Metropolitan Board of Works, or of any Vestry or District Board, and every Person obstructing, filling in, or diverting any Sewer or Drain under the Jurisdiction, Survey, or Control of the Metropolitan Board, or of any Vestry or District Board, without the previous Consent in Writing of the Board or Vestry in whom the same may be vested, shall, in addition to any other Proceeding to which he may be liable therefor, forfeit and pay to such respective Board or Vestry a Sum not exceeding Twenty Pounds for every such Offence; and the Board or Vestry may demolish and remove any such Building, Wall, Bridge, Fence, Obstruction, Annoyance, or Encroachment, and perform any Works necessary for restoring or reinstating the Sewer or other Work or Thing damaged; and the Party erecting such Building, Wall, Bridge, Fence, or causing such Obstruction, Annoyance, or Encroachment, shall also pay the Expense of removing and abating them respectively, and of re-opening, restoring, repairing, or reinstating any Sewer or Drain obstructed, filled in, closed up, or diverted; and in case of a continuing Offence in any of the Cases aforesaid the Offender shall be liable to a further Penalty, not exceeding Five Pounds, for each Day after Notice thereof from the Metropolitan Board of Works, or from the Vestry or District Board, to be recovered by Action at Law or before any Justice of the Peace by a summary Proceeding, at the Option of the Board or Vestry: Provided always, that nothing herein contained shall extend to prevent or impede the Maintenance, Repair, or Renewal of any Buildings or Works under which a Sewer or Drain has been constructed, but so, nevertheless, that such Buildings or Works shall not injure or obstruct the said Sewer or Drain.

Penalty on
Persons placing
Buildings or
Encroachments
on Sewers.

69. Any Person who shall take up, remove, demolish, or otherwise interfere with any Sewer or Part of a Sewer vested in the Metropolitan Board of Works, or in any Vestry or District Board, without the previous Permission in Writing of such Board or Vestry, or who shall wilfully damage any Sewer, Bank, Defence, Wall, Penstock, Grating, Gully, Side Entrance, Tide Valve,

Penalty on
Persons interfering
with
Sewers.

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Flap, Work, or Thing vested in the Metropolitan Board or any Vestry or District Board, or do any Act by which the Drainage of the Metropolis or any Part thereof may be obstructed or injured, shall for every such Offence forfeit and pay to the said Metropolitan Board of Works, or to the Vestry or District Board aggrieved by any such Act, for every such Offence a Sum not exceeding Twenty Pounds, and shall also pay to such Board or Vestry all the Expenses of repairing, restoring, reinstating, or amending any Sewer or other Work or Thing so taken up, removed, demolished, damaged, or interfered with, to be recovered by Action at Law or before a Justice of the Peace by a summary Proceeding, at the Option of the Board or Vestry.

Vestries in Schedule A. and District Boards empowered to provide and maintain Drinking Fountains.

70. The Vestry of any Parish mentioned in Schedule A. to the said firstly-recited Act and any District Board may provide and maintain Drinking Fountains in such convenient and suitable Situations as they may deem proper, and may undertake the Maintenance of any Drinking Fountain already erected within such Parish or District, and supply the same with Water and defray the Expenses thereof; and any Expenses incurred by any Vestry or District Board in providing or maintaining any such Fountains or supplying the same with Water shall be paid out of the general Rate authorized to be raised and levied under the firstly-recited Act; and any Person guilty of wilfully fouling the Water in any Drinking Fountain so erected or maintained, or of wilfully damaging any of the said Fountains, or any Part thereof, shall forfeit and pay to such Vestry or District Board for every such Offence a Sum not exceeding Five Pounds, to be recovered by a summary Proceeding, and shall also pay to such Vestry or District Board the Expenses of repairing or reinstating any such Fountain, or any Part thereof, so injured as aforesaid.

Income of Estates, Property, &c., subject to Trusts for Repair of Highways to be paid over to Vestry or District Board.

71. All Property, Rights, Matters, and Things whatsoever which before the passing of the firstly-recited Act were vested in any Surveyor or Surveyors of Highways in connexion with their Duties and Powers as such Surveyor or Surveyors, transferred by that Act to any Vestry or District Board, shall be deemed to have become transferred to and to have vested in such Vestry or District Board by virtue of the said Act; and so much of the yearly and other Income of all Estates, Property, and Effects of whatsoever Description so vested and transferred as aforesaid as is or may be subject to any Use or Trust for or in respect of and applicable to the Repair of any Highways within the Metropolis shall be applicable to the Repair, Maintenance, and Improvement of the Highways within the Metropolis under the Provisions of the said Act, and shall from Time to Time be accounted for and paid over to the respective Vestries and District Boards, and be applied by them for the Purposes of the Highways within their Parishes and Districts, in the same Manner as the same could lawfully have been applied before the passing of the said Act.

Vestries and District Boards may, with Consent of Metro-

72. The Vestry of every Parish mentioned in Schedule A. to the firstly-recited Act, and the District Board of every District, shall, with the previous Consent in Writing of the Metropolitan Board

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Board of Works, have Power within their respective Parish or District to make, extend, widen, alter, or improve any Street, Road, or Way, or any Bridge over a Canal traversing any Part of such Parish or District, for the Purpose of facilitating Passage and Traffic, or for any other public Purpose; or to contribute and join with the Metropolitan Board, or with any other Body or Persons, in any such Improvements; and to take by Agreement or Gift any Land, Right in Land, or Property for the Purposes aforesaid, or any of them, on such Terms and Conditions as they may think fit; and for the Purposes aforesaid it shall be lawful for any Vestry or District Board, should they see fit, to take down the present Bridges over Canals within their Parish or District, and to erect others in their Place and Stead, or to erect new Bridges over such Canals in such Situations as they may deem beneficial, and from Time to Time to repair and maintain such existing or new Bridges, and to indemnify the Canal Company or other Body or Persons interested in such Bridges against the future Repairs and Maintenance of any such Bridges; and the Expenses incurred by any Vestry or District Board in any such Improvements shall be paid out of the general Rate authorized to be raised in their Parish or District under the firstly-recited Act: Provided that no such Extension, Widening, Alteration, Improvement, taking down, or Re-erection of any existing Bridge over any such Canal, or the Erection of any new Bridge over the same, shall be made without the previous Consent in Writing under their Common Seal of the Company owning such Canal, and the Provisions of the One hundred and seventh Section of the firstly-recited Act shall remain in force and be applicable to this Enactment: Provided also, that it shall be lawful for any such Vestry or District Board, under the Provision contained in the One hundred and eighty-third Section of the firstly-recited Act, to borrow and take up at Interest on the Credit of all or any of the Monies or Rates authorized to be raised by them under that Act any Sums necessary for defraying the Expenses of any such Improvements: Provided, that nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Proprietor of the Estate or Property upon which such Bar, Gate, Rail, or other Fence, Square, Street, or Way shall be situate: Provided that this Enactment shall not limit the Powers in force given by the Act next herein-after referred to, or by any Local Act.

73. The Powers of improving and regulating Streets and for the Suppression of Nuisances contained in the Act of the Fifty-seventh Year of the Reign of His Majesty King *George the Third*, Chapter Twenty-nine, Local and Personal, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, shall, so far as the same is in force, and is not inconsistent with the Provisions of the recited Acts and this Act, extend and apply to the Metropolis as defined in the firstly-

politan Board, effect Improvements within their Parish or District.

Act as to paving and improving Parts of Metropolis to extend to Metropolis as defined by this Act.

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recited Act and in this Act, including any unpaved Streets, and notwithstanding any Exceptions therein contained.

Buildings projecting beyond general Line when taken down to be set back.

74. In case any Building, situated within any of the Parishes, Districts, or Places comprised in the Schedules of the firstly-recited Act, which shall in any Part thereof project beyond the general Line of the Street in which the same may be situate, or beyond the Front of the Building, Wall, or Railing on either Side thereof, shall at any Time be taken down to an Extent exceeding One Half of such Building, such Half to be measured in Cubic Feet, or shall be destroyed by Fire or other Casualty, or demolished, pulled down, or removed from any other Cause to the Extent aforesaid, it shall be lawful for the Metropolitan Board of Works to require the same to be set back to such a Line and in such a Manner for the Improvement of any Street as the said Board shall direct; provided that the said Board shall make Compensation to the Owner of such Building for any Damage and Expenses which he may sustain and incur thereby: Provided also, that this Section shall not apply to any Building in the Places mentioned in Schedule (C.) to the Metropolis Local Management Act which does not abut upon any public Street or Place.

Mode of proceeding with regard to Buildings beyond Line of Street.

75. The One hundred and forty-third Section of the first-recited Act, and the One hundred and fortieth Section of the Act passed in the Seventh Year of His Majesty King *George* the Fourth, Chapter One hundred and forty-two, intitled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames* are hereby repealed; and in lieu thereof be it enacted, That no Building, Structure, or Erection shall, without the Consent in Writing of the Metropolitan Board of Works, be erected beyond the general Line of Buildings in any Street, Place, or Row of Houses in which the same is situate in case the Distance of such Line of Buildings from the Highway does not exceed Fifty Feet, or within Fifty Feet of the Highway when the Distance of the Line of Buildings therefrom amounts to or exceeds Fifty Feet, notwithstanding there being Gardens or vacant Spaces between the Line of Buildings and the Highway, such general Line of Buildings to be decided by the Superintending Architect to the Metropolitan Board of Works for the Time being; and in case any Building, Structure, or Erection be erected, or be begun to be erected or raised, without such Consent or contrary to the Terms and Conditions on which the same may have been granted, it shall be lawful for the Vestry of the Parish or the Board of Works for the District in which such Building or Erection is situate to cause to be made Complaint thereof before a Justice of the Peace, who shall thereupon issue a Summons requiring the Owner or Occupier of the Premises, or the Builder or Person engaged in any Work contrary to this Enactment, to appear at a Time and Place to be stated in the Summons to answer such Complaint; and if at the Time and Place appointed in such Summons the said Complaint shall be proved to the Satisfaction of the Justice before whom the same shall be heard, such

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Justice shall make an Order in Writing on such Owner or Occupier, Builder, or Person, directing the Demolition of any such Building or Erection, or so much thereof as may be beyond the said general Line so fixed as aforesaid, within such Time as such Justice shall consider reasonable, and shall also make an Order for the Payment of the Costs incurred up to the Time of Hearing; and in default of the Building or Erection complained of being demolished within the Time limited by the said Order, the said Vestry or Board shall forthwith enter the Premises to which the Order relates and demolish the Building or Erection complained of, and do whatever may be necessary to execute the said Order, and may also remove the Materials to a convenient Place, and subsequently sell the same, as they think fit; and all Expenses incurred by the said Vestry or Board in carrying out the said Order and in Disposal of the said Materials may be recovered by the said Vestry or Board from the Owner or Occupier of the said Premises, or the Builder or Person engaged in the Work, either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the said Vestry or Board, in manner provided by the Two hundred and twenty-seventh Section of the firstly-recited Act as to the Recovery of Penalties.

76. The Metropolitan Board may, in giving Consent for any Erection beyond the regular Line of the Buildings in any Street, annex any Condition to the Consent given by the Board, and in case such Erection shall not be made in accordance with the Consent of the Board, or be in any Manner altered or raised without their Consent, the Board may enter and demolish or alter the Buildings or Structure or any Part thereof, and recover all Expenses, or may impose any Penalty not exceeding Forty Shillings to be summarily recovered for every Day during which any Building or Structure being a Contravention of such Condition shall exist after Notice from the said Board or any Officer of the Board to remedy the Complaint.

Conditions as to Buildings beyond Line of Street.

77. Where any Vestry or District Board shall, under the Powers given by the One hundred and fifth Section of the firstly-recited Act, have paved or be about to pave any new Street, the Owners of the Land bounding or abutting on such Street shall be liable to contribute to the Expenses or estimated Expenses of paving the same, as well as the Owners of Houses therein, provided that it shall be lawful for the Vestry or District Board to charge the Owners of Land in a less Proportion than the Owners of House Property, should they deem it just and expedient so to do; and any such Costs or Expenses, including the Cost of paving at the Points of Intersection of Streets, and all other incidental Costs and Charges, shall be apportioned by the Vestry or Board, and shall be recoverable either before the Work shall be commenced, or during its Progress, or after its Completion; and it shall be lawful for the Vestry or District Board at their Discretion to accept Payment of the Amount apportioned or charged in respect of each House or Premises by Instalments spread over a Period not exceeding Twenty Years, and any such

Expenses of paving new Streets.

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Amount shall be recoverable from the present or any future Owner of the Premises either by Action at Law or in a summary Manner before a Justice of the Peace, at the Option of the Vestry or Board.

Vestry may flag Footways and levy the Costs.

78. In case any Footway laid out at the passing of the firstly-recited Act shall have been repaired by the Vestry or any other Body, but shall not have been flagged, and the Vestry or District Board shall have deemed it necessary or expedient or shall deem it necessary or expedient that the same should be flagged, and such Vestry or Board shall have flagged or shall flag the same, either throughout the whole Breadth thereof or any Part of such Breadth, it shall be lawful for such Vestry or Board to levy the Cost and Expenses by a Rate or Rates upon the Occupiers of the Houses in the Road, Street, or Part abutting on or next to the Footway which shall have been so flagged, either in One Sum or by equal Instalments spread over a Period not exceeding Twenty Years, as the said Vestry or Board may see fit; and the said Vestry or Board shall thenceforth keep the said flagging in good and sufficient Repair.

Sums to be paid by the Duke of Bedford to Parties making up Roads and Footways on Bedford Estate, in the Parish of St. Pancras, to be added to Debt on that Part of the Parish.

79. And whereas at the Time of the coming into operation of the firstly-recited Act certain Houses were in course of Erection or about to be erected by private Parties on certain Lands, Parts of the Estate belonging to his Grace the Duke of Bedford, in the Parish of *Saint Pancras*, and the Roads and Footways in front of the said Houses and Land were partly paved by and at the Expense of the said Parties before the coming into operation of the firstly-recited Act: And whereas the Commissioners acting under the Local and Personal Act of the Session holden in the Thirty-ninth and Fortieth Years of King *George* the Third, Chapter Forty-nine, relating to the paving of the said Estate, and whose Powers were determined by the firstly-recited Act, ought, under the Power vested in them by the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, to have executed the said Works of paving, or to have defrayed the Cost thereof, and Payment for the same would, if the Powers of the said Commissioners had not been determined, have been made out of the Money arising from Rates or Assessments to be made under the said Act of King *George* the Third, or Money borrowed on the Security thereof; but the Arrangements respecting the said Works were not such as to be binding on the Vestry of the said Parish under the Transfer made to such Vestry by the said firstly-recited Act of the Debts and Liabilities legally charged upon or payable out of Rates or Assessments authorized to be made under the said Act of King *George* the Third: And whereas certain of the said Parties are willing to complete the said Roads and Footways in consideration of the Payment to them of certain Sums of Money, such Sums to be received in satisfaction as well of past as of future Expenses incurred by them in the making or paving of the said Roads and Footways: And whereas his Grace the Duke of *Bedford* is willing to advance such Sums of Money, and it is expedient to authorize the Addition of such Sums to

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' the said Debt on the Completion as aforesaid of the said Roads and Footways and Payment of the said Sums to the said Parties ' respectively : ' Be it therefore enacted, That upon the Completion of the said Roads and Footways to the Satisfaction of the said Vestry, and the Production to them of the Receipts in Writing of the said Parties respectively for the said Sums from his Grace the Duke of *Bedford* or his Agent, such Sums shall respectively become Debts to the said Duke, and be added to and form Part of the Debt which at the Time of the coming into operation of the firstly-recited Act was legally charged upon the said Rates or Assessments, and shall carry Interest at the Rate of Four Pounds *per Centum per Annum*, payable half-yearly on the First Day of *January* and the First Day of *July* in every Year from the Time of the Receipt of such Sums by the said Parties or the Completion of the said Roads and Footways as aforesaid, whichever shall last happen ; and Section One hundred and eighty of the firstly-recited Act shall be applicable accordingly in respect of such Sums and the Interest thereof in like Manner as in respect of such Debt as last aforesaid.

80. The Proviso of the One hundred and sixth Section of the firstly-recited Act is hereby repealed ; and in lieu thereof be it enacted, That no Street not being a Highway shall be repaired as in the said Section mentioned, unless Notice be given to the Owners and rated Occupiers of the Houses in such Street respectively ; and Service of any such Notice may be effected by leaving the same at the several Houses in such Street, or where any of the said Houses shall be unoccupied, by affixing the same upon the outer Door or some conspicuous Part of such Houses ; and provided further, that no such Street shall be repaired as in the said Section mentioned if within One Month after Notice has been given as aforesaid written Notice of Objection to such Repair, signed by at least Two Thirds of the Owners or rated Occupiers of Houses in the said Street, shall be given to the Vestry or District Board.

81. In any Case of Default by the Owner of any Court, Passage, or public Place, not being a Thoroughfare, to comply with the Requisition of any Vestry or District Board to perform Works of paving or draining of the Nature described in the One hundredth Section of the firstly-recited Act, it shall be lawful for the Vestry or Board, should they see fit, in lieu of enforcing the Penalty therein mentioned, to execute and perform such Works, and recover the Expenses thereof from the Owner either by Action at Law or in a summary Manner before a Justice, at the Option of the Vestry or Board.

82. In every Case in which any Company or Person shall be liable under the firstly-recited Act to reinstate the Pavement, Surface, or Soil of any Street under the Control of any Vestry or District Board which may have been broken up or opened, or to repay to such Vestry or Board the Expenses of reinstating the Pavement, Surface, or Soil of any Street, every such Company or Person shall be liable to reinstate the Pavement, Surface, or Soil, or to pay the Expenses of reinstating the Pavement, Sur-

Proviso to
Sect. 106 of
18 & 19 Vict.
c. 120.
repealed.

Notice of
Intention to
repair Street,
not being a
Highway.

If Owners of
Courts, &c.
omit to drain,
&c. Vestry may
perform the
Works.

Reinstatement
of Pavement
broken up by
Works of Com-
panies, &c.

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face, or Soil of such Parts of the Street as shall have been so broken up or opened, as well as of the Part or Parts contiguous thereto which may be affected by the Works of such Company or Person, to the reasonable Satisfaction 'of the Surveyor for the Time being of the Vestry or District having Control over the Pavements in such Parish or District.

Metropolitan Board may make Byelaws for Guidance of Vestries, &c. in Construction of Sewers.

83. The Metropolitan Board of Works may, in order to secure the efficient Maintenance of the Main and general Sewerage of the Metropolis, from Time to Time make, alter, and repeal Byelaws for the Guidance, Direction, and Control of the Vestries of Parishes in Schedule A. to the firstly-recited Act, District Boards, and all other Persons, in relation to the Levels, Dimensions, Construction, Maintenance, Ventilation, and cleansing of Sewers in their respective Parishes, Districts, or Parts, and for the other Objects enumerated in the One hundred and thirty-eighth Section of the firstly-recited Act, subject in all respects to the several Provisions relating to Byelaws contained in the Two hundred and second Section of the said Act ; but this Provision shall only extend to the City of *London* and the Liberties thereof, so far as regards the Main Drainage of the Metropolis.

Vestries, &c. may stop up Streets during Execution of Works.

84. It shall be lawful for any Vestry or District Board, with the previous Sanction of the Metropolitan Board of Works, to close or stop up any Street within their Parish or District, during the Execution of any Paving, Sewerage, or other Works by such Vestry or Board in such Street, and to keep the same closed and stopped up for such Time as shall be necessary in that Behalf, and allowed by the Metropolitan Board.

Height of Buildings in certain Streets.

85. No Building, except a Church or Chapel, shall be erected on the Side of any new Street of a less Width than Fifty Feet, which shall exceed in Height the Distance from the external Wall or Front of such Building to the opposite Side of such Street, without the Consent in Writing of the Metropolitan Board of Works ; nor shall the Height of any Building so erected be at any Time subsequently increased so as to exceed such Distance without such Consent ; and in determining the Height of such Building the Measurement shall be taken from the Level of the Centre of the Street immediately opposite the Building up to the Parapet or Eaves of such Building ; and every Person committing any Offence under this Enactment shall be liable to a Penalty of Five Pounds, and in case of a continuing Offence to a further Penalty of Forty Shillings for every Day during which such Offence shall continue after Notice from the said Board, to be recovered by summary Proceeding.

Metropolitan Board may place Roadway, Footpaths, &c. in different Parishes or Districts under Management of One Vestry or District Board.

86. Where in any Street the Roadway and Footpaths or either of them are or is situate in more than One Parish or District, or where the whole of the Roadway and Footpaths of any Street are situate in One Parish or District, and the whole or any Part of the Houses and Buildings abutting on such Roadway or Footpaths are situate in another Parish or District, in either of the said Cases it shall be lawful for the Metropolitan Board of Works, should they deem it convenient and proper so to do, to order that any such Roadway and Footpaths shall, for

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the Purposes of Sewerage, Drainage, Paving, and Lighting, or any of them, be under the exclusive Management of the Vestry or District Board of One of the said Parishes or Districts, and to order and direct in what Proportions the Costs of constructing and maintaining any new Sewer or Drain in such Street, or of the Reconstruction, Reparation, or Maintenance of any existing Sewer or Drain therein, or of the paving or making up or lighting of the Roadway or Footpaths thereof, and the Repair and Maintenance of such Roadway or Footpaths, shall be borne and defrayed by the Vestry or Board of each Parish or District, and the Decision of the said Metropolitan Board thereon shall be final and conclusive; and in case of Default by any Vestry or Board liable under any such Order to any such Payment, the Vestry or District Board entitled thereto may sue for and recover the Amount thereof from the Vestry or Board so making Default by Action at Law.

87. The One hundred and forty-first Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That Vestries and District Boards shall and may, within the Limits of their respective Jurisdictions, from Time to Time cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, Entrance, or other convenient Part of any Street in their Parish or District, the Name of such Street, and renew such Name whenever it may be obliterated or defaced; and the Metropolitan Board of Works may alter the Name of any Street to any other Name which to such Board may seem fit; and before any Name is given to any Street, Notice of the intended Name shall be given to the said Metropolitan Board, and the said Board may, by Notice in Writing given to the Person by whom Notice of such intended Name has been given to them, at any Time within One Calendar Month after Receipt of such Notice, object to such intended Name; and it shall not be lawful to set up any Name to any new Street in the Metropolis until the Expiration of One Calendar Month after Notice thereof has been given as aforesaid to the said Metropolitan Board, or to set up any Name objected to as aforesaid; and whenever the said Metropolitan Board shall, under the Power herein-before given, have ordered or directed an Alteration in the Name or Names of any Street, or of any Place or Row of Houses, or in any Line of Road, they shall transmit a Copy of their Order directing such Alteration to the Vestry or District Board in whose Parish or District such Street, Place, Row of Houses, or Line of Road shall be situate; and such Vestry or District Board shall thereupon cause to be painted or affixed on a conspicuous Part of some House or Building, to the Satisfaction of the said Metropolitan Board, at or near each End, Corner, Entrance, or other convenient Part of the said Street, Place, Row of Houses, or Line of Road, the altered Name or Names specified in the Order of the Metropolitan Board, and shall perform all other necessary Acts for giving effect to such Order; and it shall be lawful for the said Metropolitan Board from Time to Time to order and direct that any Row of Houses or Buildings in any Street

Affixing Names of Streets by Vestries and District Boards.

Alteration of Names by Metropolitan Board, and Execution of Orders by Vestries and District Boards.

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Street or in any Line of Road in the Metropolis shall, for the Purpose of distinguishing the same, be marked with such Numbers or Names as they shall deem convenient and proper for that Purpose, and which they shall specify in their Order in that Behalf; and whenever the said Metropolitan Board have passed any such Order as last aforesaid, they shall transmit a Copy thereof to the Vestry or District Board in whose Parish or District the said Street, Place, Row of Houses, or Line of Road shall be situate, and it shall thereupon become the Duty of such Vestry or District Board to perform all necessary Acts and to take all requisite Proceedings for carrying the Order of the said Metropolitan Board into execution, and for that Purpose they shall give Notice to the Owners or Occupiers of the Houses and Buildings in such Street, Place, Row of Houses, or Line of Road to mark their several Houses and Buildings with such Numbers or Names as the said Metropolitan Board shall by their said Order have ordered or directed, and to renew the Numbers or Names of such Houses or Buildings as often as they are obliterated or defaced; and if any Occupier of any such House or Building neglect for One Week after Notice from the said Vestry or District Board to mark such House or Building with such Number or Name as shall be mentioned and required in the said Notice, or to renew the Number or Name as aforesaid, he shall be liable to a Penalty not exceeding Forty Shillings, and the said Vestry or District Board may cause such Number or Name to be so marked or renewed, and recover the Expenses thereof from the Owner of such House or Building by a summary Proceeding before a Justice of the Peace; and if any Person wilfully destroy, pull down, obliterate, or deface the Name of any Street or Line of Road in the Metropolis, or the Name or Number of any House or Building therein, or paint, affix, or set up any Name or Number to any House or Building contrary to this Enactment, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the said Vestry or District Board to cause such Name or Number so painted, affixed, or set up contrary to the Directions in their said Notice to be obliterated or destroyed: Provided always, that the Powers conferred by this Section upon the Metropolitan Board shall extend to the City of *London* and the Liberties thereof; and all Matters by this Section directed and authorized to be done by Vestries and District Boards shall and may be done within the City of *London* and the Liberties thereof by the Commissioners of Sewers of the said City and Liberties.

Persons
omitting to
give Notice
required by
18 & 19 Vict.
c. 120. s. 76.
liable to
Penalty.

88. If any Person shall, without having given the Notice directed by the Seventy-sixth Section of the firstly-recited Act, begin to lay the Foundation of any new House or Building within any Parish mentioned in Schedule A. of the said Act, or any District in Schedule B. of the said Act, or to make any Drain for the Purpose of draining either directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of such Parish or District, he shall become liable to a Penalty for every such Offence not exceeding Five Pounds, and to a continuing

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Penalty of Forty Shillings for each and every Day during which he shall omit to give the Notice directed by the said Act.

89. If any Person or Persons other than the Person or Persons employed by or contracting with the Vestry or District Board of any Parish or District, or those employed by or under such Person or Persons, shall receive, carry away, or collect any Dirt, Dust, Cinders, Rubbish, Ashes, or Breeze from any Houses or Premises, or from any Street or Highway in any Parish or District, or any Road Scrapings, Refuse, or Mud from any Street or Highway within any Parish or District, it shall and may be lawful for any Justice of the Peace, upon Complaint to him made, to grant a Summons, or, if such Justice shall think fit, a Warrant to bring before him such Offender or Offenders, and such Justice shall examine on Oath any Witness or Witnesses who shall appear to give Information or Evidence touching such Offence; and any Person convicted of any such Offence shall forfeit to the said Vestry or District Board a Sum not exceeding Five Pounds, to be recovered by a summary Proceeding; provided that nothing herein-before contained shall be deemed to apply to the Removal of the Refuse of any Trade, Manufacture, or Business, or of any Building Materials from any House or Land by the Direction of the Owner or Occupier of such House or Land.

Penalty on Persons wrongfully collecting Ashes, &c.

90. Every Person who shall affix or cause to be affixed any Bill, Notice, or Paper against, or deface or disfigure any Street Post, Lamp Post, Pump, or Building vested in any Board or Vestry, or who shall remove, deface, or injure any Notice Board placed or set up by Order of any Board or Vestry, or who shall pull down, obliterate, or deface any Notice set up or affixed by Order of any Board or Vestry, shall for every such Offence forfeit a Sum not exceeding Forty Shillings, to be recovered before a Justice by a summary Proceeding.

Penalties for affixing Bills on Lamp Posts, Notice Boards, &c.

91. No Person within any Parish mentioned in Schedule A. to the firstly-recited Act, or in any District mentioned in Schedule B. to the said Act, shall breed, feed, or keep any Swine in any Locality, Premises, or Place which may be unfit for the keeping of Swine, or in which the breeding, feeding, or keeping Swine may create a Nuisance, or be injurious to Health; and any Person breeding, feeding, or keeping Swine in or on any such Locality, Premises, or Place shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Ten Shillings for every Day during which he shall continue such Offence after Notice from the Vestry or District Board to discontinue the same, and any such Penalty may be recovered by a summary Proceeding; and if in any Proceeding under this Enactment it shall be proved to the Satisfaction of the Justice or Justices that any such Locality, Premises, or Place are or is unfit for the keeping of Swine, such Justice or Justices may prohibit the using thereof for that Purpose for the future; and any Person disobeying the Order of any Justice or Justices in this Behalf shall be liable to a Penalty of Ten Shillings for every Day during such his Default.

Penalty for keeping Swine in improper Situations.

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Sect. 131 of
18 & 19 Vict.
c. 120. and
Sect. 35 of
20 & 21 Vict.
c. cxxxv. re-
pealed.

Licences
to continue.

Licensing
Cowhouses.

Month's Notice
to be given of
applying for
Licence for
keeping
Slaughter-
house.

92. The One hundred and thirty-first Section of the firstly-recited Act, and the Thirty-fifth Section of "The Metropolitan Market Act, 1857," (Twentieth and Twenty-first *Victoria*, Chapter One hundred and thirty-five) (Local and Personal), are repealed; but all Licences granted in pursuance of the Provisions in the said repealed Sections contained shall continue in force for the Space of One Year next after the Day of the granting of the same respectively, and all Offences heretofore committed against the Provisions of the said Acts, or either of them, in relation to Slaughter-houses, shall be dealt with in every respect as if this Act had not been passed.

93. From and after the First Day of *November* One thousand eight hundred and sixty-two no Place within any Parish or Place mentioned in the Schedules to the firstly-recited Act shall be used by any Person carrying on the Business of a Slaughterer of Cattle or Cowkeeper or Dairyman as a Slaughter-house for the Purpose of slaughtering Cattle or a Cowhouse or Place for the keeping of Cows, without a Licence had for such Purpose respectively from the Justices of the Peace assembled at a Special Sessions held in the Division or District where such Slaughter-house, Cowhouse, or Place is situate, and such Licence shall continue in force for the Period of One Year from the granting thereof, and thenceforth until the Special Sessions to be held next after the Expiration of such Period, and no Fee or Reward exceeding Five Shillings shall be taken for any such Licence; and if any Person carrying on such Business of a Slaughterer of Cattle, Cowkeeper, or Dairyman use as a Slaughter-house or Cowhouse any Place within any Parish or Place mentioned in the Schedules of the firstly-recited Act which is not so licensed, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds, of which Offence the Fact that Cattle have been taken into such Place shall be deemed sufficient *primâ facie* Evidence: Provided always, that before any Licence for the Use of any Place as a Slaughter-house or Cowhouse is granted as aforesaid, Fourteen Days Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which any such Place is situate, to the Intent that such Vestry or District Board if they think fit, may show Cause against the granting of any such Licence, and also Seven Days Notice previous to such Special Sessions being held of the Intention to apply for such Licence shall be given to the Clerk of the Justices for such Division: Provided, that nothing in this Act contained shall extend to Slaughter-houses erected or to be erected in the Metropolitan Cattle Market under the Authority of the Metropolitan Market Act, 1851, or the Metropolitan Market Act, 1857.

94. Before any Licence for the keeping or using of any House or Place within the Metropolitan Police District as a licensed Slaughtering House or Place for the Purpose of slaughtering or killing Horses or other Cattle not killed for Butchers' Meat shall be granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the

Twenty-

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Twenty-sixth Year of the Reign of His Majesty King *George* the Third, Chapter Seventy-one, or of the Act of the Session holden in the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-seven, or any Act amending either of the said Acts, One Month's previous Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such House or Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

95. It shall be lawful for every Vestry and District Board, if they in their Discretion think fit, to appoint and employ a sufficient Number of Persons, or to contract with any Company or Persons, for collecting and removing the Manure and refuse Straw from such Stables and Cowhouses within their Parish or District, the Occupiers of which may signify their Consent in Writing to such Removal; provided that such Consent shall not be withdrawn or revoked without One Month's previous Notice to the Vestry or District Board, and that no Person shall be hereby relieved from any Penalty or Penalties to which they may be subject for placing Dung or Manure upon the Footways or Carriageways of any Parish or District, or for having any Accumulation or Deposit of Manure so as to be a Nuisance or injurious to Health.

96. The Two hundred and seventeenth, Two hundred and eighteenth, and Two hundred and nineteenth Sections of the firstly-recited Act are hereby repealed; and in lieu thereof be it enacted, That it shall be lawful for any Vestry or District Board, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under the said recited Act or this Act either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the recited Act and this Act; and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises as if the same had been actually paid to such Owner as Part of such Rent: Provided always that no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Vestry or District Board, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner and

Vestries and District Boards to contract for Removal of Manure from Stables and Cowhouses.

Vestry or District Board may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

Agreements between Landlord and Occupier

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Tenant not to be affected.

Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Deduction by Owner paying Rent where Amount of Expenses deducted from Rent paid to him.

97. If the Owner or Landlord of any Premises from whose Rent any Amount shall be deducted in respect of any Costs, Charges, or Expenses payable under the firstly-recited Act or this Act shall hold the Premises in respect of which the Amount of such Costs, Charges, or Expenses shall be paid at a Rent not less than the Rackrent, he shall be entitled to deduct the whole Amount paid by him on account of such Costs, Charges, or Expenses from the Rent payable by him to his superior Landlord; and if he holds at a Rent less than the Rackrent, he shall be entitled to deduct from the Rent so payable by him a Sum bearing the same Proportion to the Amount so paid by him on account of such Costs, Charges, or Expenses as his Rent shall bear to the Rackrent; and if the Owner or Landlord from whose Rent any Deduction be made under the Provision last aforesaid be himself liable to the Payment of Rent for the Premises in respect of which the Deduction shall be made, and hold such Premises for a Term of which less than Twenty-one Years shall be unexpired, but not otherwise, he may deduct from the Rent so payable by him a Sum bearing the same Proportion to the Sum deducted from the Rent payable to him as the Rent payable by him shall bear to the Rent payable to him, and so on in succession with respect to every Landlord of the same Premises both receiving and liable to pay Rent in respect thereof, and holding the same for a Term of which less than Twenty-one Years shall be unexpired as aforesaid: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Roads, &c. laid out as Streets to be of full Width of Forty Feet for Carriage Traffic, and Twenty Feet for Foot Traffic.

98. No existing Road, Passage, or Way being of a less Width than Forty Feet shall be hereafter formed or laid out for building as a Street for the Purposes of Carriage Traffic, unless such Road, Passage, or Way be widened to the full Width of Forty Feet, the Measurement of the Width of such Street to be taken Half on either Side from the Centre or Crown of the Roadway to the external Wall or Front of the Houses or Buildings erected or intended to be erected on each Side thereof; but where Forecourts or other Spaces are intended to be left in front of the Houses or Buildings, then the Width shall be measured up to the Fence or Boundary dividing or intended to divide such Forecourts or Spaces from the Public Way, or for the Purposes of Foot Traffic only, unless such Road, Passage, or Way be widened

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to the full Width of Twenty Feet, measured as aforesaid, or unless such Streets respectively shall be open at both Ends, from the Ground upwards; and any Road, Passage, or Way hereafter to be formed or laid out for either of the Purposes aforesaid shall be deemed to be a new Street, and become subject to all the Provisions of the recited Acts and this Act, and to the Provisions and Penalties of and under any Byelaws made or to be made in pursuance thereof in relation to Sewerage, Drainage, or Paving, and to Width, Construction, Surface, Inclination, and other Requirements and Particulars.

99. Provided that it shall be lawful for the Metropolitan Board of Works to permit the Formation of any such Street of less Width than herein-before provided, or with One Opening only, should they under any special Circumstances deem it equitable and expedient so to do.

Metropolitan Board may sanction Streets of less Width, &c.

100. It shall be lawful for every Vestry and District Board mentioned in Clause One hundred and eighty-three of the first-recited Act to exercise the Power to borrow Monies therein mentioned, with the Sanction of the Metropolitan Board of Works granted under their Common Seal, for the Purpose of enabling such Vestry or District Board to make, extend, widen, alter, or improve any Street, Road, or Way, for facilitating the Passage and Traffic within the Parish or District for which such Vestry or District Board is appointed, or for the Purpose of contributing to and of joining with the Metropolitan Board or with any other Board or Persons in any such Improvement.

Power to Vestries, &c. to borrow Monies for the Improvement of Streets.

101. If any Vestry, Commissioners, or other Body in whom any Duties or Powers in relation to the Appointment of Inspectors or Examiners of Weights and Measures are now vested under any Local Act, Charter, or otherwise, desire that such Duties or Powers should cease, and that Inspectors of Weights and Measures appointed or to be appointed at General or Quarter Sessions, pursuant to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, and of any Act amending the same, should act in and for the Parts to which such Local Act extends, so far as regards their Parish or District, and a Resolution to that Effect be passed by a Majority, at a Meeting of the Vestry or Board specially convened for the Purpose of considering the Question of determining such Duties or Powers, of which not less than Fourteen Days Notice shall have been given, Notice of such Resolution shall be given by the Clerk of such Vestry or Board to the Clerk of the Peace for the County in which their Parish or District is situate; and such Notice shall be laid by such Clerk of the Peace before the next Court of General or Quarter Sessions of the Peace for such County; and from and after the Receipt of such Resolution by such Justices the Appointment, and all Powers of Appointment, of any Inspector or Examiner appointed under any such Local Act shall cease so far as regards such Parish or District, but not so as to affect any pending Proceedings for Penalties or otherwise; and all the Provisions of the said Act of the Session holden in the Fifth and

Any Vestry or District Board may put an end to any Powers of Appointment of Inspectors of Weights and Measures existing under any Local Act in their Parish or District.

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Sixth Years of King *William* the Fourth, Chapter Sixty-three, and of any Act amending the same, shall apply to such Parish or District as if such Local Act were not in force therein.

Recovery of Penalties.

102. Every Penalty or Forfeiture imposed by this Act, and made recoverable by a summary Proceeding, may be recovered before any Justice of the Peace in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Expenses of Act to be included among general Expenses of executing Acts.

103. The Expenses incurred by the Metropolitan Board of Works in applying for and passing this Act, and preparatory or incident thereto, shall be and are hereby included among the general Expenses of the said Board in the Execution of the firstly-recited Act, and may be defrayed accordingly; and the Expenses incurred by any Vestry or District Board in relation to this Act shall be and are hereby included among the other Expenses incurred by that Vestry or District Board in the Execution of the firstly-recited Act, and may be defrayed accordingly.

Extension of certain Provision of 18 & 19 Vict. c. 120. s. 227.

104. The Provision in the Two hundred and twenty-seventh Section of the firstly-recited Act for the Recovery of Penalties and Forfeitures imposed by the said Act is hereby extended to any Damages, Costs, or Expenses payable or recoverable under the said recited Acts or this Act; and any such Damages, Costs, or Expenses, the Recovery whereof is not otherwise provided for, may be recovered by summary Proceedings in manner directed by the said Section.

Application of Penalties.

105. The Two hundred and thirty-fourth Section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, That all Penalties or Forfeitures payable or recoverable under the firstly-recited Act or this Act, and all Penalties or Forfeitures recovered by any Vestry or District Board acting as the Local Authority for the Execution within their respective Parish or District of "The Nuisances Removal Act, for *England*, 1855," shall go and be paid in manner herein-after mentioned, anything contained in an Act made and passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, or in any other Act or Acts to the contrary notwithstanding; that is to say, One Half shall go to the Informer, and the Remainder shall go to the Vestry or District Board of the Parish or District in which the Offence was committed, or to the Metropolitan Board of Works, in case the Injury shall have been sustained by or the Offence committed in respect of that Board; or if such Vestry or District Board or the Metropolitan Board of Works be the Informers, then the whole of the Penalty recovered shall go to them respectively, and all Sums which shall go to or be recovered by any Board or Vestry on account of any Penalty or Forfeiture shall be paid to their Treasurer, or into such Bank to their Account as they may direct, and shall be applicable towards the general Expenses of such Board or Vestry; provided that in every Case where any Board or Vestry are liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

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106. No Writ or Process shall be sued out against or served upon, and no Proceeding shall be instituted against the Metropolitan Board of Works, or any Vestry or District Board, or their Clerk, or any Clerks, Surveyor, Contractor, Officer, or Person whomsoever, acting under their or any of their Directions, for anything done or intended to be done under the Powers of such Board or Vestry under the said Acts or this Act, until the Expiration of One Calendar Month next after Notice in Writing shall have been served upon such Board or Vestry, or where the Action or Proceeding shall be against such Officer or other Person acting under their or any of their Directions shall have been delivered to him or left at his Office or Place of Abode, stating the Cause of Action or Grounds of the Proceeding or Demand, and the Name and Place of Abode of the intended Plaintiff or Claimant and of his Attorney or Agent in the Cause or Proceeding; and upon the Trial of any Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action except such as is stated in the Notice so served or delivered, and unless such Notice be proved the Jury shall find for the Defendant; and every such Action and Proceeding shall be brought or commenced within Six Months next after the Accrual of the Cause of Action or Ground of Claim or Demand, and not afterwards, and every such Action shall be laid and tried in the County or Place where the Cause of Action accrued, and not elsewhere; and the Defendant shall in any such Action be at liberty to plead the General Issue, and give the said recited Acts and this Act and all special Matter in Evidence thereunder; and it shall be lawful for the Board or Vestry, or any Person to whom such Notice is given as aforesaid, to tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Calendar Month after Service of such Notice, and in case the same be not accepted to plead such Tender in Bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinued, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, it shall be lawful for the Defendant, by Leave of the Court, at any Time before Trial, to pay into Court under Plea such Sum of Money as he may think proper, and (by the like Leave) to plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Notice of Action, &c.

Limitation.

Venue.

General Issue.

Tender of Amends.

107. The Two hundred and thirty-third Section of the first-recited Act is hereby repealed; and in lieu thereof be it enacted, That no Person shall be liable for the Payment of any Penalty or Forfeiture under the recited Acts or this Act, or any Byelaw made by virtue thereof, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence have been made before such Justice within Six Months next after the Commission or Discovery of such Offence.

Penalties to be proceeded for within Six Months.

Metropolis Local Management Acts Amendment.

Application of Act.

108. Except as herein specially provided, nothing herein contained shall in any way prejudice or affect any Act, Matter, or Thing made, done, or commenced prior to the passing of this Act.

No further Liability to attach to Places named in Schedule (C.) of 18 & 19 Vict. c. 120.

109. Nothing in this Act contained shall be held to make the several Places named in Schedule (C.) of the firstly-recited Act liable to any Payment or Assessment to which they would not have been liable if this Act had not been passed.

Construction of Acts.

110. The said recited Acts and this Act shall be construed together as One Act.

Short Titles.

111. The recited Acts may be respectively cited for all Purposes as "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1856," and "The Metropolis Management Amendment Act, 1858;" and this Act may be cited for all Purposes as "The Metropolis Management Amendment Act, 1862."

Interpretation of Terms.

112. In the Construction of the recited Acts and this Act the Term "Metropolis" shall be deemed to include the City of *London* and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to the firstly-recited Act; the Word "Drain" shall be deemed to apply to and include the Subject Matters specified in the Two hundred and fiftieth Section of the firstly-recited Act, and also any Drain for draining a Group or Block of Houses by a combined Operation, laid or constructed before the First Day of *January* One thousand eight hundred and fifty-six, pursuant to the Order or Direction or with the Sanction or Approval of the Metropolitan Commissioners of Sewers; the Expression "Water Company" shall mean and include any of the Companies enumerated in the Twenty-ninth Section of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Queen *Victoria*, Chapter Eighty-four, for the making better Provision respecting the Supply of Water to the Metropolis, and also any other Company, Board, or Commission, Association, Person, or Partnership, corporate or unincorporate, for the Time being supplying the Metropolis or any Part thereof with Water for Domestic Use; the Word "Cattle" shall include Sheep, Lambs, and Swine; the Word "Street" shall be deemed to apply to and include the Subject Matters specified in the Two hundred and fiftieth Section of the firstly-recited Act, and also any Mews and a Part thereof; the Expression "new Street" shall apply to and include all Streets hereafter to be formed or laid out, and a Part of any such Street, and also all Streets, the Maintenance of the Paving and Roadway whereof had not, previously to the passing of this Act, been taken into Charge and assumed by the Commissioners, Trustees, Surveyors, or other Authorities having Control of the Pavements or Highways in the Parish or Place in which such Streets are situate, and a Part of any such Street, and also all Streets partly formed or laid out; the Word "pave" shall apply to and include the Formation of the Roadway or Footway of any Street; the Word "Clerk" shall include any Officer called or to be called "Secretary;" the Word "Surveyor" shall include any Officer called or to be called "Engineer;" the Word "Print"

Metropolis Local Management Acts Amendment.

“Print” shall apply to and include every Mode of taking Impressions, whether by Letter Press, Stereotype, Lithography, or otherwise.

113. ‘Whereas an Act was passed in the Session of Parliament holden in the Twentieth and Twenty-first Years of Her Majesty, ‘to enable the Metropolitan Board of Works to form a Park ‘for the Northern Suburbs of the Metropolis, to be called ‘“*Finsbury Park* :” And whereas it is expedient to continue ‘the said Act for such Period as herein mentioned :’ Be it therefore enacted, That the said Act shall be continued in force until the Seventeenth Day of *August* One thousand eight hundred and sixty-three, in like Manner as if the Time so limited had been the Time limited by the said Act of the Twentieth and Twenty-first Years of *Victoria*, Chapter One hundred and twenty.

Finsbury Park Act continued till 1863.

114. There shall be repealed so much of the One hundred and ninety-third Section of an Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled *An Act for the better Local Management of the Metropolis*, as provides that the Auditor of the Accounts of the Metropolitan Board shall be paid by such Board not exceeding Five Guineas for every Day he is fully employed on such Audit, and all Expenses he is put to in the auditing of such Accounts ; provided always, that such Payment shall not exceed Fifty Guineas : And in lieu thereof, be it enacted, That the Auditor of the Accounts of the Metropolitan Board shall be paid by such Board a Sum not exceeding Two Guineas for every Day that he is fully employed on such Audit, and all Expenses that he is put to in the auditing of such Accounts, provided that such Payments do not in the whole exceed One hundred Guineas.

Amendment of 18 & 19 Vict. c. 120. s. 193.

115. From and after the passing of this Act all Duties, Powers, and Authorities under the Local Act of the Tenth Year of *George* the Fourth, Chapter Sixty-eight, now remaining vested in the Committee of Management of the Affairs of the Parish of *Saint Paul, Covent Garden*, shall cease to be so vested, and shall become vested in and be performed and exercised by the Vestry of such Parish, elected under the Act of the Eighteenth and Nineteenth Years of *Victoria*, Chapter One hundred and twenty, and that the said Committee shall cease and be determined, and no new Appointment or Election of such Committee shall take place.

Certain Powers under Local Act. 10 G. 4. c. lxviii. respecting St. Paul, Covent Garden, transferred.

116. It shall not be lawful for the Metropolitan Board of Works, or for any Vestry or District Board, to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen’s most Excellent Majesty in right of Her Crown, or in right of the Duchy of *Lancaster*, without the Consent in Writing of the Commissioners for the Time being of Her Majesty’s Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, which Consent such Commissioners are hereby respectively authorized to give, or without the Consent in like Manner of the Chancellor of the said Duchy ; and nothing herein

Saving Rights of the Crown and the Duchy of Lancaster.

Metropolis Local Management Acts Amendment.

herein contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors, in right of Her Crown or in right of Her Duchy of *Lancaster*: Provided always, that nothing herein contained shall in any way lessen, alter, or in any Manner prejudice or affect the Rights, Powers, and Authorities of the Metropolitan Board of Works relating to the Main Drainage of the Metropolis, but such Rights, Powers, and Authorities may be put in force as if this Section had not been passed.

Saving Rights of the Crown in respect of the Duchy of Cornwall.

117. It shall not be lawful for the Metropolitan Board of Works, or for any Vestry or District Board, to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exercisable by the Queen's most Excellent Majesty in right of Her Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the Duchy, which Consent such principal Officers of the Duchy are hereby authorized to give; and nothing herein contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors, in respect of the said Duchy: Provided always, that nothing herein contained shall in any way lessen, alter, or in any Manner prejudice or affect the Rights, Powers, and Authorities of the Metropolitan Board of Works relating to the Main Drainage of the Metropolis, but such Rights, Powers, and Authorities may be put in force as if this Section had not been passed.

SCHEDULES to which this Act refers.

SCHEDULE A.

LIST OF CERTAIN SECURITIES AND LIABILITIES OF METROPOLITAN COMMISSIONERS OF SEWERS.

Name of Lender, Party holding Security, or for whose Life Annuity granted.	Amount of Loan, or Value of Annuity.	Date of Loan or Grant of Annuity.
	£ s. d.	
John Newberry George - - -	3,000 0 0	11th April 1823.
Mary Robinson - - -	2,000 0 0	12th March 1824.
G. B. Hart (Executors of) - - -	1,000 0 0	"
B. D. Kershaw - - -	1,000 0 0	"
Rev. E. D. Kershaw - - -	1,000 0 0	"
Samuel Kershaw - - -	2,000 0 0	4th June 1824.
T. W. Meller (Executors of) - - -	3,000 0 0	12th December 1828.
Do. (do.) - - -	9,500 0 0	13th January 1832.
J. Hicks (Executors of) - - -	5,000 0 0	8th March 1833.
John Hobbs - - -	2,000 0 0	27th May 1840.
J. G. Hall - - -	1,500 0 0	10th Sept. 1847.
Helena Balcombe (Trustees of) - - -	1,500 0 0	
Philip Green - - -	1,000 0 0	

Metropolis Local Management Acts Amendment.

Name of Lender, Party holding Security, or for whose Life Annuity granted.	Amount of Loan, or Value of Annuity.	Date of Loan or Grant of Annuity.
James Courthope Peache - - -	£ 10,000 0 0	2d May 1851.
Royal Exchange Assurance Corporation - - -	20,000 0 0	17th Sept. 1852.
Rock Life Assurance Company -	228,800 0 0	{ Between 1st March 1854 and 1st Feb. 1855.
ANNUITIES.		
(Estimated Value, 1st January 1856.)		
Charlotte Swabey - - -	210 10 0	19th April 1816.
William Edwards - - -	961 18 7	12th April 1822.
Sarah Dorothy Woodfield - - -	85 19 0	10th October 1823.
Louisa Turner - - -	1,039 11 4	" "
Sarah Dorothy Hunt - - -	217 13 11	27th August 1824.
Maria Woodroffe - - -	259 13 11	22d October 1824.
Carolina Jeremy - - -	544 3 8	28th July 1826.
Margaret Symons - - -	70 4 2	
Total - - -	£ 295,689 14 7	

SCHEDULE B.**APPORTIONMENT OF DEBT ON LOAN FROM THE CLERGY MUTUAL ASSURANCE SOCIETY.**

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Saint Marylebone - - -	10,563	0	3			
Saint Pancras - - -	7,466	4	7			
Lambeth - - -	5,181	16	6			
Saint George Hanover Square - - -	9,449	0	3			
Saint Mary Islington - - -	4,618	18	9			
Saint Leonard Shoreditch - - -	2,658	15	6			
Paddington - - -	4,544	19	0			
Saint Mat thew Bethnal Green - - -	1,103	13	8			
Saint Mary Newington, Surrey - - -	2,008	4	8			
Camberwell - - -	2,219	12	6			
Saint James Westminster - - -	4,348	6	3			
Saint James and Saint John Clerkenwell - - -	2,274	5	0			
Chelsea - - -	2,290	7	2			
Saint Mary Abbotts Kensington - - -	2,560	17	2			
Saint Luke Middlesex - - -	1,726	0	6			
Saint George the Martyr Southwark - - -	1,317	12	3			
Bermondsey - - -	1,391	12	0			

Metropolis Local Management Acts Amendment.

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Saint George in the East - - -	-	-	-	1,754	11	5
Saint Martin in the Fields - - -	-	-	-	2,642	8	3
Hamlet of Mile End Old Town - - -	-	-	-	1,589	2	6
Rotherhithe - - -	-	-	-	676	9	2
Saint John Hampstead - - -	-	-	-	814	2	4
Whitechapel District.						
Saint Mary Whitechapel - - -	1,139	14	1			
Christchurch Spitalfields - - -	370	13	2			
Saint Botolph Without Aldgate - - -	488	1	11			
Holy Trinity Minorities - - -	63	0	4			
Precinct of St. Katharine - - -	169	2	3			
Hamlet of Mile End New Town - - -	149	13	4			
Liberty of Norton Folgate - - -	81	18	8			
Old Artillery Ground - - -	42	8	11			
District of the Tower - - -	28	17	6			
				2,533	10	2
Westminster District.						
Saint Margaret and Saint John the Evangelist - - -	-	-	-	2,695	5	2
Greenwich District.						
Saint Paul Deptford, including Hatcham - - -	1,048	3	10			
Saint Nicholas Deptford - - -	211	7	10			
Greenwich - - -	1,268	7	2			
				2,527	18	10
Wandsworth District.						
Clapham - - -	871	19	11			
Tooting Gravenny - - -	103	15	8			
Streatham - - -	514	14	10			
Saint Mary Battersca, excluding Penge - - -	836	1	2			
Wandsworth - - -	464	0	2			
Putney, including Roehampton - - -	369	19	9			
				3,160	11	6
Hackney District.						
Hackney - - -	2,451	0	4			
Saint Mary Stoke Newington - - -	283	7	10			
				2,734	8	2
Saint Giles District.						
Saint Giles in the Fields and Saint George Bloomsbury - - -	-	-	-	2,772	2	5
Holborn District.						
Saint Andrew Holborn above Bars, and Saint George the Martyr - - -	1,395	3	10			
Saint Sepulchre, in the County of Middlesex - - -	187	11	10			
Saffron Hill, &c. - - -	294	11	4			
Liberty of Glasshouse Yard - - -	38	9	11			
				0,915	16	11

Metropolis Local Management Acts Amendment.

Parishes and Places.	Amount charged on each Parish or Part.					
	£	s.	d.	£	s.	d.
Strand District.						
Saint Anne Soho - - - -	958	7	5			
Saint Paul Covent Garden - - - -	458	17	10			
Precinct of the Savoy - - - -	90	9	6			
Saint Mary-le-Strand - - - -	157	1	4			
Saint Clement Danes - - - -	897	15	9			
Liberty of the Rolls - - - -	169	18	4			
				2,732	10	2
Fulham District.						
Saint Peter and Saint Paul Hammersmith -	713	9	0			
Fulham - - - -	501	19	6			
				1,215	8	6
Limehouse District.						
Saint Anne Limehouse - - - -	586	7	3			
Saint John Wapping - - - -	373	11	6			
Saint Paul Shadwell - - - -	325	12	7			
Hamlet of Ratcliffe - - - -	463	14	3			
				1,749	5	7
Poplar District.						
All Saints Poplar - - - -	1,637	9	10			
Saint Mary Stratford-le-Bow - - - -	286	1	2			
Saint Leonard Bromley - - - -	383	6	9			
				2,306	17	9
Saint Saviour's District.						
Christchurch - - - -	671	3	5			
Saint Saviour (including the Liberty of the Clink) - - - -	1,030	10	10			
				1,701	14	3
Plumstead District.						
Charlton next Woolwich - - - -	311	16	1			
Plumstead - - - -	300	9	11			
Eltham - - - -	157	9	9			
Lee - - - -	248	7	9			
Kidbrooke - - - -	90	18	0			
				1,109	1	6
Lewisham District.						
Lewisham, including Sydenham - - - -	1,149	19	7			
Hamlet of Penge - - - -	309	13	9			
				1,459	13	4
Saint Olave District.						
Saint Olave - - - -	536	6	1			
Saint Thomas Southwark - - - -	47	12	6			
Saint John Horsleydown - - - -	438	12	10			
				1,022	11	5
The Charter House - - - -	-	-	-		20	11
Grays Inn - - - -	-	-	-		142	13
TOTAL - - - -				105,000	0	0

Metropolis Local Management Acts Amendment.

SCHEDULE C.

Form of Assessment.

RESOLVED, That this Board do and they do hereby ascertain the Sums which ought, in their Judgment, to be charged upon the several Parts of the Metropolis, and other Parts charged with Mortgages, Debts, and Liabilities at the Expiration of the Act of the 11th and 12th Years of Her Majesty, Chapter 112, for defraying the Expenses of the said Board, in the Execution of the Metropolis Local Management Act, 1855, for the Year ending 18 , under and pursuant to the said Act and the Acts for amending the same; and ordered that such Sums be assessed as herein-after specified, and they are hereby assessed upon such Parts respectively, and that Precepts under the Common Seal of the Board do issue for obtaining Payment thereof:—

Parishes, Districts, or Parts.	Sums assessed.
[Here insert the Parishes Districts, Parts of Parishes, &c., as for instance,]	
City of London, the whole - - -	-
Parish of _____, the whole	-
That Part of the Parish included in former District [or Level or Division] - - -	-
That Part of the Parish included in former District [or Level or Division] - - -	-
[And so on, adding the Names of the other Parishes, Districts, Parts of Parishes, &c., on which Sums are assessed, and the Sums assessed.]	

Form of Precept demanding One Sum assessed upon the whole of a Parish or other Place.

To the Vestry [or other Body or Person charged with Payment of the Amount] of the Parish [or other Place, describing it by Name].

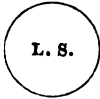
BY virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better "Local Management of the Metropolis,"

THE Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said Vestry [or Chamberlain, &c.], and do hereby require you to pay to
 on or before the _____ Day of _____ now next
 ensuing, the Sum of _____ Pounds _____ Shillings
 and _____ Pence, being the Sum which ought, in the
 Judgment

Metropolis Local Management Acts Amendment.

Judgment of the said Board, to be charged upon the said Parish [or City, &c.], for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish [or City, &c.], for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

Dated this Day of 18 .



Form of Precept demanding an Amount made up of a Sum assessed upon the whole of a Parish or other Place, and of a Sum or Sums assessed upon a Part or Parts of such Parish or Place.

To the Vestry [or other Body or Person charged with Payment of the Amount] of the Parish [or other Place, describing it by Name].

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better Local Management of the Metropolis,"

THE Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said Vestry, and do hereby require you to pay to on or before the

Day of now next ensuing, the Sum of Pounds Shillings and Pence, the Sum of Pounds Shillings and Pence, Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment

of the said Board, to be charged upon the whole of the said Parish for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

*The Sum of Pounds Shillings and Pence, other Part of the said Sum of

Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon that Part of the said Parish of which was at and immediately before the Determination and Expiration of the Metropolitan Sewers Act, 1848, included in the Sewerage District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Part of the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf. [Where distinct Sums are assessed upon other Parts of the same Parish, that Partion

Metropolis Local Management Acts Amendment.

*Portion of the preceding Form commencing at * may be repeated in each Case.]*

Dated this Day of 18 . .

L. S.

Form of Precept to a District Board of Works, demanding a Sum assessed upon the whole of a Parish within the District, or an Amount consisting of a Sum assessed upon the whole Parish, and a Sum or Sums assessed upon a Part or Parts of the same Parish.

To the Board of Works for the District.

By virtue of an Act passed in the Nineteenth Year of the Reign of Queen Victoria, intituled "An Act for the better "Local Management of the Metropolis,"

THE Metropolitan Board of Works do issue this their Precept under their Common Seal to you the said District Board of Works for the said District, and do hereby require you to pay to on or before the Day of now next ensuing,* the Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the Parish of within the said District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

*[Where the Amount demanded is made up of a Sum assessed upon a whole Parish within the District, and also of a Sum or Sums assessed on a Part or Parts of the same Parish, the Form may be as follows :—

The Sum of Pounds Shillings and Pence, Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon the whole of the Parish of within the said District, for defraying the Expenses of the said Board in the Execution of the said Act, and which they the said Board did, on the Day of 18 , ascertain and assess upon the said Parish for such Purpose, under and in pursuance of the Provisions of the said Act and the Acts for amending the same in that Behalf.

The Sum of Pounds Shillings and Pence, other Part of the said Sum of Pounds Shillings and Pence, being the Sum which ought, in the Judgment of the said Board, to be charged upon that Part of the said Parish of within the said District, which was at and immediately before the Determination and Expiration of the Metropolitan Sewers Act, 1848, included in the separate Sewerage District, for defraying the Expenses of the said Board in the Execution

Parochial Assessments.
[The Union Assessment Committee Act, 1862.]

C A P. CIII.

An Act to amend the Law relating to Parochial Assessments
in *England*. [7th August 1862.]

‘ WHEREAS it is expedient that more effectual Provision should be made for securing uniform and correct Valuations of Parishes in the Unions of *England*.’ 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 :

Interpretation.

1. The Words used in this Act shall be construed in like Manner as the Words contained in the Act Fourth and Fifth of King *William* the Fourth, Chapter Seventy-six, and the Word “Committee” shall signify the Assessment Committee provided for by this Act ; and this Act shall be termed “The Union Assessment Committee Act, 1862.”

Appointment of the Assessment Committee by Board of Guardians.

2. The Board of Guardians of every Union, formed under the Act Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-six, shall, as soon as convenient after the passing of this Act and in every subsequent Year, at their First Meeting after the annual Election of Guardians, appoint from among themselves any Number not less than Six nor more than Twelve to be a Committee, consisting partly of *ex-officio* and partly of elected Guardians, to be called the Assessment Committee of the Union, for the Investigation and Supervision of the Valuations to be made as herein-after mentioned within such Union, and for the Performance of such said Acts and Duties as herein-after mentioned : Provided always, that One Third at least of such Committee shall consist of *ex-officio* Guardians, in case there shall be an adequate Number of such *ex-officio* Guardians ; but in case an adequate Number of such *ex-officio* Guardians shall not exist, then the Number so deficient shall be made up of elected Guardians.

Where Union has the same Bounds as Borough, Names of Assessment Committee to be sent to Town Council, &c.

3. Where any Union shall have the same Bounds as a Municipal Borough, the Clerk to the Guardians of such Union shall, upon the Appointment of the Assessment Committee, if directed by the said Guardians to do so, transmit in Writing the Names of the Persons so appointed to the Town Council of such Borough, and such Council may thereupon, if they think fit, appoint from themselves a certain Number, not exceeding the Number appointed by the Board of Guardians, who shall, until they respectively cease to be Members of the Town Council or decline to act, forthwith form Part of the Assessment Committee for such Union, and the said Council may from Time to Time supply any Vacancies in the Number of Persons appointed by them.

Provision for Neglect to appoint.

4. If the Guardians shall neglect or be prevented from making such Appointment at the Meeting above specified, the Poor Law Board shall by their Order appoint some other Day on which the Guardians shall make such Appointment.

Provision for Vacancies.

5. If any *ex-officio* or elected Guardian being a Member of the Committee cease to be Guardian, or resign his Seat at such
Committee

Parochial Assessments.[*The Union Assessment Committee Act, 1862.*]

Committee, or die, or become incapable of acting as such Member, the Board of Guardians shall with all convenient Speed appoint an *ex-officio* or elected Guardian, as the Case may be, to supply the Vacancy.

6. During any Vacancy in any Assessment Committee the other or continuing Members of such Committee may act, and shall have the same Powers and Jurisdiction as if no such Vacancy had happened. As to continuing Members.

7. The Authority of the Committee appointed for any Union under this Act shall extend over every Parish comprised in such Union. Extent of Committee's Authority.

8. The Committee shall hold their First Meeting at the Board Room of the Union on a Day to be fixed by the Board of Guardians, and the subsequent Meetings of the Committee shall be holden at such Times and at such Place and upon such Notice and Requisition as they shall from Time to Time appoint; and any Guardian of the Union may be present at any Meeting of the Committee, but shall not be entitled to take part in the Proceedings thereof. First Meeting, when to be holden.

9. All Acts, Orders, Matters, and Things by this Act authorized or directed to be made or done by the Committee may be made or done by the major Part of the Members of such Committee who shall be present at a Meeting, the whole Number present together at such Meeting not being less than Three, and not less in any Case than One Third of the whole Number of which such Committee consists; and when upon any Question there shall be an Equality of Votes the presiding Chairman shall have a Second or Casting Vote. Quorum of Meetings.

10. The Committee shall employ the Clerk or Assistant Clerk of the Board of Guardians as their Clerk, with such Remuneration for his Services as the Poor Law Board shall sanction. Committee may employ Clerk.

11. The Committee shall cause a Minute of their Proceedings, and of the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for that Purpose, which shall be kept by their Clerk, under their Superintendence, and every such Entry shall be signed by the presiding Chairman of the Assessment Committee present at the Meeting at which the Proceeding took place; and such Entry, purporting to be 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 Committee, or of the Signatures of the Members, all of which Facts shall be presumed until the contrary be proved; and all such Books shall at all seasonable Times be open to the Inspection of every Person rated to the Relief of the Poor in any Parish or Place in the Union, without any Fee being demanded for such Inspection; and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of the Committee refuse to permit any Proceedings to be entered in Books, and signed;

Such Entries Evidence.

Books to be open to Inspection.

any

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any such Person to inspect any such Books, or to take Copies or Extracts therefrom, as aforesaid, such Clerk shall for every such Offence be liable to a Penalty not exceeding Five Pounds, upon a summary Conviction for the same before Two Justices of the Peace.

Proceedings to be reported.

12. The Board of Guardians shall in the Month of *April* in every Year report the Proceedings of their Assessment Committee to the Poor Law Board.

Committee may require Returns from Overseers, &c. ;

13. The Committee by their Order may from Time to Time require the Overseers, Assistant Overseers, Constables, Assessors, Collectors, and any other Persons having the Custody of any Books of Assessment of any Taxes or Rates, Parliamentary or Parochial, or of the Valuations of any Parish, or having the Collection or Management of any such Taxes or Rates, to make Returns in Writing to the Committee, at such Times and Places as they may appoint, of all such Particulars as they may direct in relation to such Taxes, Rates, or Valuations, or any Property included therein, so far as relates to the Union for which they act, and may require the Persons having the Custody of any such Books as aforesaid to make and transmit to the Committee Copies of or Extracts from such Books, or to permit such Copies or Extracts to be made by such Persons as the Committee may in that Behalf direct ; and may from Time to Time require any Persons having the Custody of any such Books, or the Collection or Management of any such Taxes or Rates as aforesaid, to attend before them at a Time and Place to be mentioned in the Order in this Behalf, and to produce all parochial and public Books of Assessment, Rates, Rate Books, Valuations, Apportionments, Tithe and other Maps, Plans, Surveys, and other public Documents in their Custody or Power, and may examine all Persons who shall attend before them : Provided always, that nothing herein contained shall authorize the Production of Valuations or Assessments which by any Provision of Law at present are not suffered to be made public.

and may require Production of Rates, &c., and examine Persons attending before them.

Overseers to prepare Valuation Lists.

14. Subject to any Order as herein-after referred to which may be made by the Committee, the Overseers of each Parish in the Union shall, within Three Calendar Months after the Appointment of such Committee, make a List of all the rateable Hereditaments in such Parish, with the annual Value thereof respectively in so much of the Form shown in the Schedule annexed to the Act Sixth and Seventh *William* the Fourth, Chapter Ninety-six, as is set out in the Schedule to this Act ; and unless such Overseers think that the Valuation then last acted upon in assessing the Rate for the Relief of the Poor correctly shows the full annual rateable Value of all such Hereditaments, they shall revise such Valuation, and such Overseers shall sign every List so made by them as aforesaid, and such List shall be styled "The Valuation List."

Definition of gross estimated Rental.

15. The gross estimated Rental for the Purpose of the Schedule to this Act shall be the Rent at which the Hereditament might reasonably be expected to let from Year to Year, free of all usual

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usual Tenants Rates and Taxes, and Tithe Commutation Rent-charge, if any: Provided that nothing herein contained shall repeal or interfere with the Provisions contained in the First Section of the said Act (Six and Seven *William* the Fourth, Chapter Ninety-six,) defining the net annual Value of the Hereditaments to be rated.

16. The Committee by their Order may from Time to Time enlarge the Time within which the First Valuation Lists under this Act shall be made by the Overseers of all or any of the Parishes in the Union, and for ensuring a uniform and correct Valuation of every Parish in the Union may direct that any existing Valuation of the rateable Hereditaments in any Parish be revised, in whole or in part, or a new Valuation of such Hereditaments be made by the Overseers, or the Committee may, with the Consent of the Board of Guardians of the Union, after Notice shall have been sent to every Guardian thereof, in any Case appoint some Person for either of the Purposes aforesaid, and may direct such Person to make and sign the Valuation List instead of the Overseers, and every Valuation List so made and signed shall be delivered by such Person to the Overseers of the Parish to which the same relates.

Committee may enlarge Time for making Valuation Lists, and may give Directions as to Valuations, &c., and may appoint Persons to make same.

17. The Valuation List for each Parish, made and signed by the Overseers, or delivered to them, as herein-before provided, shall be deposited by the Overseers in the Place in such Parish in which Rate Books are deposited or kept, and a Copy of such Valuation List shall be forthwith delivered to the Board of Guardians, and the Overseers shall give public Notice of the Deposit of such List on the *Sunday* next following the Deposit of such List, and such Notice shall be given in the same Manner, and all Persons assessed or liable to be assessed to the Relief of the Poor of such Parish shall have the like Right of inspecting, and of demanding and taking Copies of and Extracts from such List, as in the Case of a Poor Rate allowed by the Justices, and the Overseers shall, at the Expiration of Fourteen Days from the Time of the Notice given of the Deposit of such List, transmit the same to the Committee, and any Overseer or other Ratepayer within the Union shall have the Right of inspecting and taking Copies of and Extracts from any of the Lists so transmitted.

Valuation Lists to be deposited for Inspection, and afterwards transmitted to the Committee.

18. Any Overseer or Overseers of any Parish in any Union who shall have reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, or any Person who may feel himself aggrieved by any Valuation List on the Ground of Unfairness or Incorrectness in the Valuation of any Hereditaments included therein, or on the Ground of the Omission of any rateable Hereditament from such List, may at any Time after the Deposit as aforesaid of such List, and before the Expiration of Twenty-eight Days after the Notice of the Deposit as aforesaid, give to the Committee and to the Overseers a Notice in Writing of his Objection, specifying the Grounds thereof, and where the Ground of any Objection shall be Unfairness or Incorrectness in the Valuation of any Hereditament in

Objections to Valuation List.

Parochial Assessments.[*The Union Assessment Committee Act, 1862.*]

respect of which any Person, other than the Person objecting, is liable to be rated, or the Omission of such Hereditament, also give Notice in Writing of such Objection, and of the Ground thereof, to such other Person.

Committee to hold Meetings to hear Objections.

19. The Committee shall hold such Meetings as they may think necessary for hearing Objections to the Valuation Lists, and shall, Twenty-eight Days at least before holding every Meeting for hearing Objections to Valuation Lists, other than Meetings by Adjournment, cause Notice of such Meeting to be given to the Overseers of the several Parishes to which such Lists relate, and such Overseers shall, on the *Sunday* next following the Receipt of such Notice, publish the same in the Manner in which Notice of a Rate allowed by Justices is by Law required to be given, and the Committee may at any such Meeting hear and determine such Objections, or may from Time to Time adjourn any such Meeting, and adjourn or postpone the Hearing or further Hearing and Determination of any such Objections, and may, where they think fit, direct Notice of any such Objections to be given by the Overseers or by the Persons objecting to Third Parties before the further Hearing thereof; but the Committee shall not be required to hold a Meeting for hearing Objections to the Valuation List of any Parish, unless such Notice in Writing as herein-before mentioned of some Objection or Objections thereto have been given to the Committee; and where a Meeting is holden for hearing Objections to the Valuation List of any Parish, the Committee shall not hear any Objection to such Valuation List unless such Notice as aforesaid of such Objection have been given to the Committee and to the Overseers; and where the Ground of such Objection is Unfairness or Incorrectness in the Valuation of any Hereditament of any other Person than the Person objecting, or the Omission of such Hereditament, also to such other Person by the Person objecting, except where the Overseers, by themselves or any other Person on their Behalf, and in the Case aforesaid such other Person as aforesaid, by himself or any other Person on his Behalf, consent to the Hearing of such Objection, and in such Case the Committee may, if they see fit, hear the same; and where the Committee see fit to hear the same they shall act in relation thereto in like Manner as if Notice of such Objection had been duly given.

Board may direct further Valuation, and correct Valuation Lists, and when corrected to approve the same.

20. The Committee may, whether any Objection be or be not made to any such Valuation List, and either before or after any Meeting for hearing Objections, make such Alterations in the Valuation of any Hereditaments included in any Valuation List, and insert therein any rateable Hereditament omitted therefrom, and make such Corrections in Names, Descriptions, and Particulars in any Valuation List, and upon such Information, as to them may seem sufficient, and may, with the Consent of the Guardians as aforesaid, appoint or employ a Person to survey and value the rateable Hereditaments comprised in any such Valuation List or any of them, or omitted therefrom, or may take such other Means as they may think necessary for ascer-

Parochial Assessments.

[*The Union Assessment Committee Act, 1862.*]

taining the Correctness thereof ; and when the Committee have heard and determined all such Objections as aforesaid, and have made such Alterations, Insertions, and Corrections in any Valuation List as to them may seem proper, they shall approve the same under the Hands of Three Members of the Committee present at the Meeting at which the same is approved, with the Date of such Approval.

21. Where the Committee make any Alteration in the Valuation of any Hereditaments included in, or insert therein any rateable Hereditament omitted from, any such Valuation List, they shall cause such Valuation List, with such Alteration or Insertion, to be deposited for Inspection in manner herein-before provided concerning the Valuation List made by or delivered to the Overseers, and shall cause the like Notice to be given of such Deposit as is required in the Case of a Valuation List so made or delivered as aforesaid, and shall appoint a Day, not less than Seven Days nor more than Fourteen Days from the Re-deposit of such Valuation List, for the Hearing of any Objections to the Valuation List as so altered ; and when the Committee have heard and determined any such Objections, or have made such further Alterations, Insertions, and Corrections in such Valuation List, they shall approve the same in manner herein-before provided.

Valuation List when altered to be deposited, &c.

22. In case any Ratepayer shall under the existing Law appeal to the Special Sessions or Quarter Sessions against any Rate made for the Relief of the Poor in any Parish, and the Result of such Appeal shall be to amend the Rate appealed against, the Assessment Committee shall alter the Valuation List of the said Parish in conformity with the Decision so made.

If Rate amended on Appeal List to be altered.

23. Every Valuation List, when approved by the Committee, shall be delivered to the Overseers of the Parish to which the same relates, and shall be preserved at the like Place and in the like Custody, and be subject to the like Resort thereto, and be delivered over from Time to Time in like Manner, as the Books are wherein Rates and Assessments for the Relief of the Poor for the same Parish are entered, and shall be produced by the Overseers before the Justices, upon Application, for the Allowance of Rates, and at the Special or General or Quarter Sessions when any Appeal is to be heard, and also at such Times and Places as the Committee may from Time to Time direct.

Custody, &c. of Valuation List after Approval.

24. Every Valuation List approved by the Committee, and delivered to the Overseers of the Parish to which the same relates, shall, with and subject to the Alterations and Additions for the Time being made therein or thereto by any supplemental Valuation Lists so approved and delivered, be the Valuation List in force in such Parish, except in the Case of any Parish, as is herein-after referred to, in which the Poor Rate, or Assessment for the Poor Rate, is made under the Authority of a Local Act, until a new Valuation List in substitution for the same be approved and delivered in like Manner.

What shall be deemed Valuation Lists in force.

25. When and so often as any Property not included in the Valuation List in force in any Parish becomes rateable, or where,

Overseers to prepare supplemental Valua-

Parochial Assessments.[*The Union Assessment Committee Act, 1862.*]

tion Lists in case of Additions to or Alterations in the rateable Property of the Parish.

Committee may from Time to Time direct new Valuation, and new or supplemental Valuation Lists.

Act to apply to new and supplemental Valuation Lists.

After a Valuation List is approved no Rate to be allowed unless made according to such List.

by reason of any Alteration in the Occupation of any Property included in such List, such Property becomes liable to be rated in Parts not mentioned in such List as rateable Hereditaments and separately valued therein, and when and so often as it shall appear to the Overseers that any rateable Property included in such List has been increased or reduced in Value since the Valuation thereof, whether by Building, Destruction of Building, or other Alteration in the Condition thereof or otherwise, the Overseers of the Parish in each of the Cases aforesaid shall, as soon as conveniently may be, make a supplemental Valuation List showing the annual rateable Value according to the Judgment of the Overseers of the Property so become rateable, or of the Parts so become liable to be rated separately, or of the Property so increased or reduced in Value, as the Case may be.

26. The Committee by their Order may from Time to Time, where they see fit, upon the Application of any Person aggrieved by the Valuation List in force in any Parish, or where they themselves think the same expedient, direct a new Valuation of all or any of the rateable Hereditaments in such Parish, and a new Valuation List in substitution for such Valuation List as aforesaid, or a supplemental List in substitution for any Part thereof or in addition thereto, to be made by the Overseers, or the Committee may, with such Consent as aforesaid, appoint a Person for such Purposes; and the Committee may, in directing such new Valuation, and the making of such new or supplemental Valuation List, give and make all such or the like Directions and Provisions in relation thereto as they are authorized under this Act to give and make in relation to the Valuations and Valuation Lists first directed and authorized to be made under the Act.

27. All the Provisions of this Act in relation to Signature, Deposit, Objections, Approval, and otherwise concerning the Valuation List first directed and authorized to be made under this Act of the rateable Hereditaments in any Parish shall be applicable to every new or supplemental Valuation List to be made under this Act.

28. In every Parish where a Valuation List under this Act has been approved and delivered to the Overseers, no Rate for the Relief of the Poor, or other Rate which by Law is required to be based upon the Poor Rate, shall be of any Force, unless the Hereditaments included in such Rate, except as herein-after provided, be rated according to the annual rateable Value thereof appearing in the Valuation List in force in such Parish; and instead of the Declaration required by the Second Section of the said Statute of the Sixth and Seventh Years of *William* the Fourth, Chapter Ninety-six, the Overseers shall, before the Rate shall be allowed by the Justices, sign a Declaration according to the Form set forth in the Schedule hereunto annexed: Provided always, that where by reason of any Alteration in the Occupation of any Property included in such List such Property has become liable to be rated in Parts not mentioned in such List as rateable Hereditaments, and separately rated therein, such Parts may

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may, where a supplemental Valuation List showing the annual rateable Value of such Parts has not been approved and delivered as herein-before required, and whether such List has or has not been made, be rated according to such Amounts as shall be fair apportioned Parts of the annual rateable Value appearing in such Valuation List in force as aforesaid of the Hereditaments out of which such Parts have been constituted.

29. The Provisions of Section Twenty-eight shall not apply to any Poor Rate made by any Vestry, Trustees, Guardians, Commissioners, Overseers, or other Persons authorized by any Local Act to make the Rate for the Relief of the Poor in any Parish, or the Assessment on which such Rate is made.

Provision for
Places under
Local Acts.

30. When the Assessment Committee for any Union shall have approved Valuation Lists for all the Parishes comprised within such Union, the Guardians of such Union, in computing the Amount of Contribution to the Common Fund for the several Parishes, shall thenceforward take the annual rateable Value of the Property in such Parishes respectively from the Valuation Lists for the Time being lastly approved of for such Parishes respectively, any Statute to the contrary notwithstanding: Provided that in case any Parish comprised in any Union shall receive any Sum of Money as a Contribution in aid of the Poor Rate of such Parish, for or in respect of Government Property within such Parish and used for public Purposes, the annual Value of such Property, according to the Estimate (if any) of such Value on which the Amount of the Sum of Money so received is computed, or, if there be no such Estimate, then the annual Value of such Property, estimated in the Mode provided by the Act Sixth and Seventh *William* the Fourth, Chapter Ninety-six, for making an Estimate of the annual rateable Value of Property liable to be rated to Rates for the Relief of the Poor, shall be included by the Overseer or Overseers in the Valuation List of such Parish, and shall be added to the annual rateable Value of the Property in such Parish in computing the Amount of Contribution to the Common Fund for the several Parishes in such Union.

In computing
Amount of
Contributions
to Common
Fund the
annual rateable
Value to be
taken from
approved Valu-
ation Lists.

31. The Committee shall cause a Copy of the Valuation List for the Time in force for every Parish in the Union to be made and deposited at the Board Room or other convenient Place to be appointed by the Board of Guardians in the Custody of the Clerk; which Copy shall be open at seasonable Times to the Inspection of any of the Guardians of the Union, and of any Overseer of any Parish within the Union, without Charge, and of any Ratepayer within the Union on Payment of One Shilling, such Fee to be carried to the Account of the Common Fund.

Copy of Valua-
tion Lists to be
deposited in
Board Room.

32. If the Overseer or Overseers of any Parish in any Union shall have Reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, whether it be on the Ground that the rateable Hereditaments comprised of the Valuation List of such Parish are valued at Sums beyond the annual rateable Value thereof, or on the Ground that the rateable Hereditaments

Appeal against
Valuation List.

Parochial Assessments.[*The Union Assessment Committee Act, 1862.*]

Hereditaments comprised in the Valuation List of some other Parish in such Union are valued at Sums less than the annual rateable Value thereof, it shall be lawful for such Overseer or Overseers, with the Consent of a Vestry summoned for the Purpose of considering the Expediency of giving such Consent, to appeal to the Quarter Sessions for the County or Borough in which the greatest Number of Parishes belonging to the Union is situate, or, in case the Number of Parishes in any Two or more such Jurisdictions is equal to the Quarter Sessions for the County or Borough having Jurisdiction over the Parish in which the Workhouse of the Union is situate, at the Sessions to be holden after the Expiration of a Month after the Allowance of and Deposit of such Valuation List as aforesaid, against such Valuation List of the Parish which shall appear to be over-valued or under-valued ; and if in any Case any such Overseer or Overseers appeal against the Valuation List of any other Parish on the Ground that the rateable Hereditaments in such List are valued at less than the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen clear Days Notice in Writing previous to the First Day of the said Quarter Sessions at which the Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Overseers of the Poor of such Parish, and to the Guardians of the Union comprising such Parish; and if any Overseer or Overseers of any Parish appeal against the Valuation List of such Parish on the Ground that the rateable Hereditaments in such List are valued beyond the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen Days Notice in Writing previous to the Quarter Sessions at which the Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Guardians of the Union in which such Parish is situate, the said Court shall be empowered to hear and determine such Appeal, and either confirm such Valuation List, or correct such Irregularities or Inaccuracies as shall be proved to exist therein as to them may appear fair and just ; but no such Valuation List shall upon such Appeal be quashed or destroyed in regard to any other Parish unless the Court deem it necessary to proceed to the making of an entire new Valuation List as herein-after provided.

33. It shall be lawful for the Court of Quarter Sessions upon any such Appeal, instead of hearing the said Appeal, to adjourn the same, and to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey or Valuation of any of the Parishes in respect of which such Appeal shall be made, and to fix the next or some subsequent Sessions for receiving such Survey or Valuation, and for hearing and determining such Appeal ; and such Court shall also thereupon appoint a proper Person to make such Survey or Valuation, and the Person so appointed shall have Power, with or without Assistants, to enter upon and survey, measure, and value all the Hereditaments liable to be assessed to the Rates for the Relief of the Poor within the Parish or Parishes mentioned in such Order, and such Survey and Valuation

Hearing and
determining
Appeals.

Parochial Assessments.[*The Union Assessment Committee Act, 1862.*]

Valuation shall be reported to the Quarter Sessions on Adjournment fixed as aforesaid for receiving the same, and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

34. The Charges and Expenses of any such Survey and Valuation so ordered shall be deemed Costs in such Appeal, and abide the Event thereof, and the Court before which any such Appeal is heard and determined may order the Costs in and about the Appeal to be paid by either the Appellant or Respondent Party, as they in their Discretion may think fit; but where any Appeal is made on the Ground that the rateable Hereditaments of any Parish comprised in the Valuation List of such Parish are valued beyond the annual rateable Value thereof, if the Court on such Appeal determine in favour of the Appellants, such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Board of Guardians of the Union in which such Parish is situate to pay the same to the Appellants out of the Money raised for the Common Fund for the several Parishes in such Union.

Costs of Valuation and Appeal.

35. Nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act.

Act not to prevent Composition for Rates.

36. Nothing herein contained shall extend or be taken to render liable to be rated any Property, or any Person in respect of any Occupation not now by Law rateable of any Property, or to deprive any Property, or the Occupier of any Property, of the Benefit of any Exemption, in whole or in part, to which such Property or Occupier is now by Law entitled, from any Poor Rate or other Rate which by Law is required to be based upon the Poor Rate, or to render liable to be rated, according to the annual rateable Value thereof, any Property which under any Local Act or otherwise is entitled to be rated upon a fixed Amount, or according to any special or exceptional Principle of Valuation, whether such Property shall or shall not be included in any Valuation List in force under this Act, or shall in anywise affect the Provisions of "The Cambridge Award Act, 1856," or the Act of the Seventeenth and Eighteenth *Victoria* relating to the Relief of the Poor in the City of *Oxford*.

Saving of Exemptions and special Rules of rating.

37. The Committee may allow such Compensation for any Returns, Copies, or Extracts, or any Valuation, or Valuation List, or other Act, Matter, or Thing to be made or done in pursuance of their Order, and such Expenses connected therewith, as to the Committee in each Case seems just.

Board may allow Compensation for Returns, &c.

38. The Remuneration allowed by the Committee to their Clerk, and all Expenses incurred by them for the common Use and Benefit of the several Parishes within the Union for which they are appointed, shall be paid by the Guardians of the said Union, and be charged upon the Common Fund thereof.

Remuneration to Clerk, &c. to be paid out of Common Fund.

39. The Expenses of making any Valuation and Valuation List of any Parish, or any of such Expenses, whether such

Expenses of Valuation, &c. to be paid out of Poor Rates.

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Valuation and Valuation List respectively be made by the Overseers, or by any Person appointed by the Committee, shall be charged upon the Poor Rates of such Parish if the Valuation made by Direction of the Committee shall exceed by One Sixth the Amount of the Valuation delivered to them by the Overseers, and upon the Common Fund of the said Union if the Valuation so made as last mentioned shall not exceed by One Sixth the Valuation so delivered as aforesaid.

40. Every Person who wilfully refuses to attend in obedience to any lawful Order of any such Committee, or to give Evidence, or refuses to produce any Rate Book, Assessment, or Valuation which may be lawfully required to be produced before such Committee, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds upon a summary Conviction for the same before Two Justices of the Peace; and every Person who wilfully injures, defaces, conceals, or destroys such Rate Book, or who upon any Examination before any such Committee wilfully gives false Evidence, shall be deemed guilty of a Misdemeanor.

41. Every Order and Notice made or given by the Committee under this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk, and may be served by the same or a Copy thereof being delivered personally or sent by the Post to the Party on or to whom such Order or Notice purports to be made or given, or by being delivered at his usual Place of Abode.

42. Any Notice or Statement required to be served upon the Committee may be served by being left at the Office of the Clerk to the Board of Guardians, or sent through the Post Office, addressed to the Committee at such Clerk's Office, or by being delivered personally to their Clerk, or at his usual Place of Abode.

43. In every Parish, until a Valuation List has been approved, and delivered to the Overseers under this Act, every Rate made for the Relief of the Poor in such Parish shall be made in the Form and contain the Particulars required by the said Act of the Sixth and Seventh Years of King *William* the Fourth; and after such Valuation List has been so approved and delivered, every such Rate, except in any Parish where the Poor Rate or the Assessment for the same is made under the Provisions of a Local Act as aforesaid, shall show the annual rateable Value of each Hereditament comprised therein, according to the Valuation List in force in such Parish.

44. All the Powers, Authorities, Provisions, Clauses, and Regulations now in force relating to the Assessment, Collection, and levying of Poor Rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of such Rate and for carrying this Act into execution.

45. 'And whereas there are divers Unions or Incorporations for the Relief of the Poor formed under Local Acts and under

Penalty for
Non-attend-
ance, &c.

Injuring, &c.
Rate Books a
Misdemeanor.

Authentication
and Service of
Orders and
Notices of the
Committee.

Service of
Notices, &c. on
the Committee.

Provision as
to Form of
Poor Rate.

Provisions as to
Assessment, &c.
of Poor Rates to
apply to Rates
under this Act.

Power for
Unions under

Parochial Assessments.

[*The Union Assessment Committee Act, 1862.*]

' the Act of the Twenty-second Year of King *George* the Third, Chapter Eighty-three, which may desire to adopt the Provisions of this Act : ' Be it enacted, That any such Union or Incorporation, on Resolution to that Effect of a Majority, at Two successive Meetings of the Body, having under the Constitution of such Union or Incorporation the Management of the Relief of the Poor within the same, may, by Writing under the Hand of the presiding Chairman of the Second of such Meetings, apply to the Poor Law Board to be included in this Act; and such Union or Incorporation, upon the Consent of the Poor Law Board being given to such Application under its Seal, shall be so included; and such Consent so signified shall be Evidence that such Application was in all respects duly made according to the Provisions above mentioned; and such Regulations shall thereafter be made from Time to Time by the said Board, with the Consent of such Body, as may be necessary to render the Provisions of this Act conformable with the Provisions of the Act under which the said Union or Incorporation shall have been formed.

Gilbert's or Local Acts to be included in this Act.

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

Extent of Act.

SCHEDULE.

VALUATION LIST for [*the Parish or Place for which the List is made*] in the County of

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this

Day of

A.B. } Overseers of the Poor of
C.D. } the Parish aforesaid.

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that One of us, or some Person on our Behalf, has examined and compared the several Particulars in the respective Columns of the above Rate with the Valuation List made under the Authority of the Union Assessment Committee Act of 1862, in force in this Parish (*or Township*), and the several Hereditaments are, to the best of our Belief, rated according to the Value appearing in such Valuation List.

_____ } Churchwardens.
_____ }
_____ } Overseers.

The Queen's Prison Discontinuance (1862).

C A P. CIV.

An Act for the Discontinuance of the Queen's Prison, and
Removal of the Prisoners to *Whitecross Street* Prison.

[7th August 1862.]

‘ **W**HEREAS the Amendment of the Law of Bankruptcy
‘ and Imprisonment for Debt has reduced the Number of
‘ Prisoners in the Queen's Prison to such an Extent that it is ex-
‘ pedient to discontinue the said Prison, and to remove the Pri-
‘ soners now remaining therein to the Debtors Prison for *London*
‘ and *Middlesex* situate in *Whitecross Street*, and herein-after
‘ referred to as *Whitecross Street* Prison:’ 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 :

Short Title.

1. This Act may be cited for all Purposes as “ The Queen's
Prison Discontinuance Act, 1862.”

Prohibition
of Committal
to Queen's
Prison.

2. After the passing of this Act no Person shall be committed
to the Queen's Prison, but all Persons now imprisoned in the
Queen's Prison may, until their Removal therefrom as herein-after
mentioned, be detained in the same Manner as if this Act had not
passed.

All Persons who before the passing of this Act might lawfully
have been committed to the Keeper of the Queen's Prison may be
committed to the Keeper of *Whitecross Street* Prison, subject to
this Proviso, that no Person shall be removed by Writ of Habeas
corpus from any other Prison to *Whitecross Street* Prison, and
Whitecross Street Prison shall for all Purposes of Law be deemed
and regarded as the Queen's Prison.

Prisoners to be
removed by
Warrant of
Lord Chief
Justice of
Queen's Bench.

3. At such Time after the passing of this Act as may be deter-
mined by One of Her Majesty's Principal Secretaries of State the
Keeper of the Queen's Prison shall certify under his Hand to the
Lord Chief Justice of the Court of Queen's Bench a true List
of the Names of the Prisoners then in his Custody, with the
several Causes and Times of their Commitments, and as soon
thereafter as conveniently may be the Lord Chief Justice of
the Court of Queen's Bench shall issue his Warrant or Warrants
from Time to Time under his Hand directed to the Keeper of
the Queen's Prison, requiring him to deliver into the Custody of
the Keeper of *Whitecross Street* Prison the Prisoners named in
such Warrant, and upon the Receipt of any such Warrant the
Keeper of the Queen's Prison shall deliver such Prisoners into
the Custody of the Keeper of *Whitecross Street* Prison, with the
Processes under which they were respectively committed, and
such last-mentioned Keeper shall remove such Prisoners to
Whitecross Street Prison.

If any Person named in any Warrant of the Lord Chief Justice
has been lawfully discharged out of the Custody of the Keeper
of the Queen's Prison before the Execution of the Warrant, the
Keeper shall certify such Discharge under his Hand to the said
Lord Chief Justice.

The Queen's Prison Discontinuance (1862).

The Removal of any Prisoner in obedience to the Warrant of the Lord Chief Justice shall not be considered to be an Escape.

4. All Persons removed or committed to *Whitecross Street Prison* in pursuance of this Act shall be in the Custody of the Keeper of that Prison, and be subject to the Rules for the Time being in force for the Regulation of *Whitecross Street Prison*, or to such other special Rules as may from Time to Time be approved by One of Her Majesty's Principal Secretaries of State for the Government of *Whitecross Street Prison*.

Custody of Prisoners committed in pursuance of Act.

Any Part of *Whitecross Street Prison* may from Time to Time be appropriated for the Purposes of the Prisoners removed or committed there in pursuance of this Act, and the Intermixture of the said Prisoners with other Prisoners in the said Prison shall not be construed to be an Escape from the Custody under which the first-mentioned Prisoners are held.

5. If any Prisoner confined in *Whitecross Street Prison* under the Authority of this Act is reported by the Keeper thereof to One of Her Majesty's Principal Secretaries of State to be of unsound Mind, such Secretary of State may cause such Prisoner to be examined by Two Persons, being either Physicians or Surgeons, and upon their certifying that the Prisoner is of unsound Mind the Secretary of State may, by Warrant under his Hand, directed to the said Keeper, order such Prisoner to be removed to the Royal Hospital at *Bethlehem*, or to some other Asylum named in such Warrant.

Removal of Lunatic Prisoners.

The Removal of a Prisoner in pursuance of this Section shall not be deemed to be an Escape, and he shall remain under Confinement in such Hospital or Asylum, or in such other Hospital or Asylum as the Secretary of State may from Time to Time direct, until certified by Two Medical Men to be of sound Mind, in which Case he shall be sent back by Order of the Secretary of State to *Whitecross Street Prison*, if still liable to be confined there, and if not so liable shall be discharged.

Neither the President, Treasurer, or Governors of *Bethlehem Hospital*, nor the Superintendent of any Asylum to which a Prisoner may be removed under this Act, shall be answerable for the Escape of such Prisoner from such Hospital or Asylum.

6. The Commissioners of the Treasury, on behalf of Her Majesty, Her Heirs and Successors, and the Mayor and Aldermen of the City of *London*, may enter into such Agreements as they think fit with respect to the Contribution to be paid to the said Mayor and Aldermen on account of the Expenses to be incurred by them in the safe-keeping, lodging, Maintenance, and Care of the Prisoners removed or committed to *Whitecross Street Prison* in pursuance of this Act, and the Amount of Contribution so agreed to be paid shall be defrayed out of Monies to be provided by Parliament.

Maintenance of Prisoners in new Prison.

7. And in the meantime, and until such Agreement shall be made, the Commissioners of the Treasury shall pay to the said Mayor and Aldermen, for the safe-keeping, lodging, Maintenance, and Care of Prisoners committed to *Whitecross Street Prison* under the Authority of this Act, a Sum bearing the same Proportion

Payment for Maintenance of Prisoners.

The Queen's Prison Discontinuance (1862).

portion to the total Cost of the safe-keeping, lodging, Maintenance, and Care of the whole of the Prisoners as the daily average Number of Prisoners committed to the Custody of the Keeper under the Authority of this Act shall from Time to Time bear to the total Number of Prisoners in his Custody during the Period embraced in such Account.

Removal of
Record.

8. As soon as all the Prisoners confined in the Queen's Prison have been discharged or been removed under this Act to *Whitecross Street* Prison, all Records, Books, and Papers in the Custody of any Officer of the Queen's Prison relating to the Business of the said Prison shall be delivered to such Person as One of Her Majesty's Principal Secretaries of State may direct, and the Office of Keeper of the Queen's Prison and all other Offices in the said Prison shall be abolished.

Discontinued
Prison vested
in the Crown.

9. Upon the Abolition of the Office of Keeper of the Queen's Prison, that Prison, with all the Messuages, Lands, and Tenements, Furniture and Fixtures, thereunto belonging, shall vest absolutely in the Commissioners of Public Works, upon trust to be sold, conveyed, disposed of, or applied in such Manner as the Commissioners of the Treasury shall direct.

Appointment
of Tipstoffs.

10. After the passing of this Act the Lord Chancellor, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer shall severally continue to appoint the Tipstoffs formerly appointed by the Warden of the *Fleet* Prison to act in the Courts of Chancery, Common Pleas, and Exchequer respectively, and the Lord Chief Justice of the Court of Queen's Bench shall severally continue to appoint the Tipstoffs formerly appointed by the Marshal of the Queen's Bench Prison to act in the Court of Queen's Bench, and the Tipstoffs so appointed shall perform the same Duties, so far as is consistent with the Provisions of this Act, and be entitled to the same Emoluments respectively, as the Tipstoffs heretofore appointed by the said Warden and Marshal respectively.

Tipstoffs of
Courts of Chan-
cery, &c. to
give Security
to Keeper for
faithful Dis-
charge of
Duties.

11. Every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall give such Security by Bond or otherwise to the Keeper of *Whitecross Street* Prison for the Time being as the Commissioners of Her Majesty's Treasury, or any Three or more of them, direct, for the faithful Discharge of the Duties entrusted to them as such Tipstoffs of the said Courts respectively, in regard to any Prisoners confined in the *Whitecross Street* Prison, and the said Tipstoffs shall obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the *Whitecross Street* Prison in respect of such Prisoners; and every Tipstaff of the said Courts, neglecting or refusing to give such Security when required so to do, or not obeying the Directions and Instructions of the Keeper of the *Whitecross Street* Prison, or his Deputy, in respect of such Prisoners as aforesaid, shall for every such Default incur a Penalty not exceeding One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law in such Manner as the said Commissioners of Her Majesty's Treasury may direct.

The Queen's Prison Discontinuance (1862).

12. If at any Time hereafter the Mayor, Aldermen, and Commons of the City of *London* provide such Prison Accommodation as may in the Opinion of One of Her Majesty's Principal Secretaries of State be properly substituted for *Whitecross Street* Prison, it shall be lawful for the said Secretary, by Writing under his Hand, to direct all the Prisoners confined in *Whitecross Street* Prison to be removed to the Prison so substituted, and upon such Removal being effected the said Prison at *Whitecross Street* shall be discontinued, and may be disposed of as the said Mayor, Aldermen, and Commons think fit; and the Prison so substituted shall for all Purposes be deemed to be in the Place of the Prison for which it is substituted.

Power to build
new Prison.

Any Part of the substituted Prison may from Time to Time be appropriated for any of the Purposes of the discontinued Prison, and the Removal of the Prisoners from any Part of the substituted Prison to another Part of such Prison, or the Internixture in such substituted Prison of Prisoners in different Custodies, shall not be construed to be an Escape from the Custodies under which such Prisoners are respectively held.

13. The Keeper of the Queen's Prison shall make out and deliver to One of Her Majesty's Principal Secretaries of State a true List of all Charitable Gifts and Bequests applicable to the Relief of the poor Debtors or other Prisoners in the Queen's Prison, and such Gifts and Bequests shall be applied for the Relief of discharged or other Prisoners in *England* in such Manner as may be settled by a Judge of the Court of Chancery in Chambers.

Appropriation
of Charitable
Gifts.

C A P. CV.

An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

[7th August 1862.]

‘ WHEREAS by the Act Forty-third *George* the Third, 43 G. 3. c. 80.
 ‘ Chapter Eighty, the Sum of Twenty thousand Pounds
 ‘ was directed to be issued from His Majesty's Exchequer in
 ‘ *Great Britain*, to be paid and applied by the Commissioners
 ‘ thereby appointed in the making and erecting Roads and
 ‘ Bridges in the Highlands of *Scotland*: And whereas by the
 ‘ Act Fifty-ninth *George* the Third, Chapter One hundred and 59 G. 3. c. 135.
 ‘ thirty-five, further Commissioners were appointed, and on a
 ‘ Recital that certain Roads and Bridges had been made in the
 ‘ Highlands of *Scotland*, and that various Grants of Monies had
 ‘ been made for that Purpose, Provision was made for the
 ‘ Appropriation of the Monies granted in manner therein men-
 ‘ tioned, and for the Payment out of the Public Money of a Sum
 ‘ of Five thousand Pounds annually towards the Purposes of the
 ‘ said Act: And whereas by the Act Fourth *George* the Fourth, 4 G. 4. c. 56.
 ‘ Chapter Fifty-six, Provision was made for eventually increasing
 ‘ the Assessments leviable under the recited Acts, or for erecting
 ‘ Toll
 25 & 26 Vict. 3 C

Highland Roads and Bridges.

' Toll Bars for the Collection of Rates and Duties or Tolls in
 ' aid or in lieu of such Assessments, and for the Purpose of
 ' maintaining in repair the several Piers and Quays erected by
 ' the said Commissioners under the Authority of the recited
 ' Acts, or One of them, Power was given to the said Commis-
 ' sioners to levy certain Tolls or Dues on Vessels or Boats using,
 ' and on Goods embarked from or landed at such Piers and
 ' Quays: And whereas by the Act Fifth *George* the Fourth,
 ' Chapter Thirty-eight, further Provision was made for the
 ' Execution of the recited Acts, and specific Allotments out of
 ' the said annual Grants of Five thousand Pounds were made to
 ' the Counties therein mentioned in aid of the Expense of re-
 ' pairing the Roads and Bridges within the same: And whereas
 ' by the Act Third and Fourth *William* the Fourth, Chapter
 ' Thirty-three, certain Powers were given to the said Commis-
 ' sioners to remove Doubts that had arisen in the Interpretation
 ' of the Two last-recited Acts in Cases where Tolls had been
 ' imposed upon Roads, for the Maintenance of which such Tolls
 ' had afterwards proved inadequate, and on a Recital that it had
 ' in some Cases appeared inexpedient to the said Commissioners
 ' to enforce the Provisions of the third-recited Act made for the
 ' Purpose of maintaining in repair the Piers and Quays erected
 ' by the said Commissioners, by levying Tolls or Dues thereon,
 ' the said Commissioners were empowered, in case they should
 ' deem it expedient, with the Consent of the Heritors and Com-
 ' missioners of Supply of the County within which such Piers or
 ' Quays should be situate, to assume the Care of maintaining in
 ' repair, altering or improving the same, and such Piers and
 ' Quays were thenceforth to be maintained in repair by them in
 ' the same Manner and with and under the same Powers and
 ' Limitations as the Roads and Bridges whereon no Tolls were
 ' levied: And whereas under the Provisions of the recited Acts
 ' Roads and Bridges have been made, and Harbours, Ferry Piers,
 ' and Shipping Quays have been constructed, in several of the
 ' Northern Counties of *Scotland*: And whereas by the Act
 ' Fourteenth and Fifteenth *Victoria*, Chapter Sixty-six, on a
 ' Recital that the Stone Bridge over the River *Ness* at the Royal
 ' Burgh of *Inverness* had been destroyed by a Flood, and that
 ' there were no adequate available Means of defraying the
 ' Expenses of rebuilding the same, the said Commissioners were
 ' empowered to make a new Bridge over the River *Ness*, and
 ' Provision was made for the Appropriation of a Sum of Public
 ' Money, and also for an Advance of Ten thousand seven hundred
 ' Pounds out of the Consolidated Fund by way of Loan, and for
 ' the Repayment of the said Sum of Ten thousand seven hundred
 ' Pounds, with Interest, by means of certain Payments out of the
 ' Sums allotted by the fourth-recited Act, out of the annual Grant
 ' of Five thousand Pounds: And whereas by the Act Eighteenth
 ' and Nineteenth *Victoria*, Chapter One hundred and thirteen,
 ' the Provisions of the last-recited Act were extended, and on a
 ' Recital that the Expense of erecting the said Bridge had
 ' exceeded the estimated Amount thereof, Provision was made

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

14 & 15 Vict.
c. 66.18 & 19 Vict.
c. 113.

Highland Roads and Bridges.

' for an Advance of a further Sum of Three thousand Pounds
 ' out of the Consolidated Fund by way of Loan, to be repaid, with
 ' Interest, in the same Manner as is provided by the last-recited
 ' Act with reference to the said Sum of Ten thousand seven
 ' hundred Pounds : And whereas such Payments have hitherto
 ' been regularly made, pursuant to the Provisions of the Two
 ' last-recited Acts : And whereas by the Act Seventeenth and 17 & 18 Vict.
 ' Eighteenth *Victoria*, Chapter Ninety-four, the annual Grant to c. 94.
 ' the Commissioners charged by the second-recited Act upon the
 ' Public Revenues was directed to be thereafter paid out of such
 ' Aids or Supplies as might be from Time to Time provided by
 ' Parliament for the Purpose : And whereas the Payment of the
 ' said annual Sum of Five thousand Pounds has been discontinued
 ' by Parliament, and it is expedient that the Commission consti-
 ' tuted by the first and second recited Acts should be dissolved,
 ' and that Provision should be made for winding up the Affairs
 ' thereof, and for the Maintenance of the Roads and Bridges,
 ' Harbours, Piers, and Quays made and erected under the Pro-
 ' visions of the recited Acts : And whereas by the Act Sixth 6 & 7 Vict.c. 97.
 ' and Seventh *Victoria*, Chapter Ninety-seven, the County of
 ' *Argyll* was for Road Purposes divided into Districts, which
 ' were placed under the Superintendence of District Road Trus-
 ' tees, and certain Provisions were made for the Purpose of
 ' maintaining the Roads under the Management of the said Com-
 ' missioners : And whereas by the Act Twenty-third and 23 & 24 Vict.
 ' Twenty-fourth *Victoria*, Chapter Two hundred and one, all the c. 201.
 ' Roads in the County of *Caithness*, with the Exception of the
 ' Roads within the Boundaries of the Towns of *Wick* and *Thurso*,
 ' and of the Roads under the Management of the said Commis-
 ' sioners, were vested in Trustees for the whole County : 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 :

1. This Act may be cited for all Purposes as "The Highland Roads and Bridges Act, 1862." Short Title.

2. The following Expressions in this Act shall have the Meanings hereby assigned to them ; that is to say, the Expression "the Commissioners" shall mean the Commissioners of Highland Roads and Bridges ; and the Expression "the Roads" shall mean the Roads and Bridges at present under the Management of the Commissioners. Interpretation of Terms.

3. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the Commissioners shall, for the Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of Dissolution of the Commission.

Highland Roads and Bridges.

such Report the Commission constituted by the first and second recited Acts shall be absolutely dissolved.

Transfer of
Roads and
other Property
to Commis-
sioners of Sup-
ply.

4. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of *Argyll* and *Caithness*, be and are hereby transferred to and vested in the Commissioners of Supply of such County, and in the Case of the said County of *Argyll* shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate, and in the Case of the said County of *Caithness* shall be and are hereby transferred to and vested in the Road Trustees of such County; and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be
maintained by
Commissioners
of Supply.

5. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in the Road Trustees (as the Case may be) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient Repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto as well all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion with the Roads at present under their Jurisdiction and Control within their respective Counties or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous to such Transfer: Provided always, that it shall not be lawful to demand and take more than One Penny *per* Mile for every Horse drawing any Mail Carriage.

Sheriff may
make Orders
for Repair of
Roads.

6. After such Transfers as aforesaid it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Heritors in such County, or in any Road District in the said County of *Argyll*, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Highland Roads and Bridges.

7. 'And whereas the several Contracts for the Maintenance and Repair of the Roads enumerated in Schedule (A.) to this Act have been entered into by or on behalf of the Commissioners, and are still in force:' From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two such Contracts shall cease and determine as regards the Commissioners or any Person or Persons acting on their Behalf, except in regard to any Claims due and payable by the Commissioners prior to the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, but shall be binding on and enforceable by and against the Commissioners of Supply or the Road Trustees (as the Case may be) of the Counties to which the same may respectively relate, as fully as the same would have been binding on or enforceable by and against the Commissioners, or such Person or Persons as aforesaid, if this Act had not been passed.

Contracts enumerated in Schedule (A.) may be enforced.

8. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners, or by or against any Persons acting on their Behalf, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Commissioners of Supply of the respective Counties or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if this Act had not been passed.

Actions not to abate.

9. The Commissioners of Supply or the Road Trustees (as the Case may be) to whom the Roads shall be transferred as aforesaid may abandon, alter, straighten, divert, or stop up, either temporarily or permanently, any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees, unnecessary for general or local Traffic; and for the special Purposes aforesaid the Commissioners of Supply or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of Undertakings by "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" Provided always, that at least Six Months Notice of the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks in some One and the same Newspaper published in the County in which such Portions of Roads proposed to be affected may be situate, or if there be no such Newspaper, then in some One and the same Newspaper published in some adjoining or neighbouring County.

Power to abandon Portions of Roads.

8 & 9 Vict. c. 19.

10. Any Person who shall think himself aggrieved by such Resolution or Order may, within Ten Days after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be

Persons aggrieved may appeal to the Sheriff.

Highland Roads and Bridges.

affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply or the Road Trustees (as the Case may be), whose Resolution or Order may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested in such Petition, and taking such Evidence as he shall deem necessary, it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition, in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall think fit.

If dissatisfied with Decision of Sheriff may appeal to the Lord Ordinary in the Court of Session.

11. If the Petitioners or Commissioners of Supply or the Road Trustees (as the Case may be), or any other Person interested in such Petition, and who made Appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it shall be competent to such Parties or any of them to appeal from such Judgment within One Month after the Date thereof, and to bring the same by Advocation under Review of any Lord Ordinary in the Outer House of the Court of Session; and the Judgment to be pronounced by such Lord Ordinary in the Matter of such Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

Assessment to be levied for the Purposes of this Act.

12. The Commissioners of Supply to whom the Roads shall be transferred as aforesaid shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; and for the Purposes of this Act such Parts of the Counties of *Cromarty* and *Nairn* as lie in the County of *Ross* shall be considered as belonging to the said last-mentioned County; and the first of such annual Assessments shall be imposed at any of the half-yearly Meetings of such Commissioners of Supply which shall take place after the passing of this Act for the Year from the First Day of *January* One thousand eight hundred and sixty-three to the First Day of *January* One thousand eight hundred and sixty-four.

Highland Roads and Bridges.

13. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Twenty-sixth and Twenty-seventh Sections of the recited Act of the Sixth and Seventh *Victoria* shall be and the same are hereby repealed ; and so long as such Act shall continue in force the General Road Trustees of the said County of *Argyll* shall annually apportion among the several Districts of the said County of *Argyll*, according to the Amount of their respective Valuations for Assessment under the said last-mentioned Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County ; and the Road Trustees of the several Districts within the said County of *Argyll* to whom the Roads are to be transferred as aforesaid shall apply the Assessments which they are authorized to levy by such Act, first, in Payment to the County Collector in every Year of the Proportion falling to be paid by each District on account of the said Military Roads and Bridges as aforesaid, such County Collector paying to the Trustees of the Districts within which such Military Roads and Bridges are respectively situate the Monies which shall thus come into his Hands in proportion to the Length of such Military Roads within such last-mentioned Districts respectively ; and secondly, in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present under the Jurisdiction and Control of the District Road Trustees ; and from and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Forty-first Section of the recited Act of the Twenty-third and Twenty-fourth *Victoria* shall be and the same is hereby repealed ; and so long as such Act shall continue in force the Road Trustees of the said County of *Caithness* shall apply the Assessments which they are authorized to levy by the said last-mentioned Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

14. When any Portion of the Roads is situate within any Burgh, the Commissioners of Supply or the Road Trustees (as the Case may be) who shall be entitled to levy Assessments in the County or District within which such Burgh may be situate shall take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Portion of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within One Calendar Month after receiving such Statement to lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement ; and if any Objections shall be so lodged, and no Agreement can be come to as to the Correctness of the Statement within a Week after such Objections shall have been lodged as aforesaid, the Matters in difference shall be determined, upon the Application of any of the Parties, by

Roads in the Counties of *Argyll* and *Caithness* to be maintained out of Assessments levied under existing Acts.

Burghs to contribute to Repair of Roads within any Burgh.

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the Sheriff, whose Decision shall be final and binding, and shall not be liable to Appeal or Suspension, Advocation or Reduction, or any other Form of Review; and upon the Statement being so agreed to or determined upon, the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray the annual Cost of repairing and maintaining such Portion of the Roads as aforesaid, and also the Cost of Assessment and Collection, and such Assessment shall be imposed and levied within such Burgh as like Assessments are imposed and levied therein, and such Magistrates as aforesaid may proceed in like Manner, and with the same Powers and Right of Action and Diligence, and of issuing summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment, with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected, and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so: Provided always, that in any Burgh in which there may be no Municipal or Police or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they may collect the same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint; and the Magistrates of each Burgh shall from Time to Time hand over to the Commissioners of Supply or to the Road Trustees (as the Case may be) the full Amount of such annual Assessment, after deducting the Cost of Assessment and Collection, and such annual Assessment shall be expended for the general Repair and Maintenance of the Roads within such Burgh in such Manner as they shall think fit.

Boundaries of Burghs for the Purposes of this Act.

15. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; viz., the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, the Act Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and the recited Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

16. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act, and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes; and all Assessments imposed by virtue of this Act shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall

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shall be preferable to all other Debts of a private Nature due by the Persons assessed.

17. From and after the passing of this Act the Commissioners of Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads; and the Commissioners of Supply or the Road Trustees (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under their Management, with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Provision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their Room.

Appointment of Committees and Officers.

18. From and after the passing of this Act all future Payments which would have been made, pursuant to the Provisions of the Sixth and Seventh recited Acts, for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds advanced on Loan as aforesaid, shall cease, and such Loans shall be considered as wholly repaid or extinguished.

The Loans of 10,700*l.* and 3,000*l.* extinguished.

19. 'And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Harbours, Piers, and Quays: And whereas the Harbours enumerated in Schedule (B.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (C.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commissioners, and the Harbours enumerated in Schedule (D.) to this Act have for some Time been and are now maintained by Rates and managed either by the Commissioners or by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said Schedules (C.) and (D.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (C.) to this Act as are situate in the said County of *Argyll* shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively situate, and all other Piers and Quays enumerated in the said Schedule (C.) to this Act shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Commissioners of Supply of the Counties within which such Piers and Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the Case may be), in the same Manner and under the same Conditions as they are respectively

Transfer of Piers and Harbours by Commissioners.

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bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act ; and the Harbours enumerated in the said Schedule (D.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are respectively situate ; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think fit ; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to Three hundred Yards, measured in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof ; and upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which are conferred and imposed upon Undertakers by " The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of such Liabilities as are imposed by Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty of the said last-mentioned Act : Provided always, that the Road Trustees or the Commissioners of Supply (as the Case may be) to whom the said Piers and Quays shall be transferred as aforesaid may abandon any of such Piers and Quays as may in their Opinion be or become unnecessary for general or local Trade, but in the Exercise of this Power the Road Trustees or the Commissioners of Supply (as the Case may be) shall be subject and liable to similar Provisions and Conditions with regard to Notices, Applications to the Sheriff, and Appeals to the Lord Ordinary of the Court of Session, as are contained and prescribed in the Ninth, Tenth, and Eleventh Sections of this Act with reference to the Abandonment of Portions of Roads.

Power to levy Rates and to borrow Money.

20. The Persons to whom the several Harbours enumerated in the said Schedule (D.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (E.) to this Act described entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (E.) to this Act specified ; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge and improve the Harbours which may be so transferred as aforesaid : Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within Fifty Years from the Time of borrowing.

Sheriff may make Orders for Repair of Piers, &c.

21. After any such Transfer of Piers, Quays, or Harbours as aforesaid (but subject to the Power of Abandonment contained in the Nineteenth Section of this Act) it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Persons being

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Heritors of such County, or ordinarily using such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

22. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition of and levying of Tolls, shall be and continue in force for the Term of Twenty-one Years from and after the passing of this Act, and thence to the End of the then next Session of Parliament. Endurance of Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

CONTRACTS OF THE COMMISSIONERS STILL IN FORCE.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF INVERNESS.						
Inverness and Nairn Road, Fort George Road and Branches, and North Part of North Boleskine Road.	Miles. Yds. 31 0	James Mac Gillivray.	1st June 1863	£ s. d. 306 13 0	Aug., Sept., Dec., and June.	£ s. d. 919 19 0
Moy Badenock and Inverfarigaig Road.	42½ 0	John and Donald Grant.	Do.	429 10 0	Do.	1,288 10 0
Southern Portion of Badenock Road.	41 0	John and Donald Grant	Do.	445 0 0	Do.	1,335 0 0
Eastern Portion of Fort William and Ardochy Branch Road.	23½ 0	John Cameron -	Do.	130 0 0	Do.	390 0 0
Western Portion of Fort William Road.	22 0	Jas. McGillivray and Peter Cameron.	Do.	155 0 0	Do.	465 0 0
South Boleskine and South Portion of North Boleskine Road.	26½ 0	Duncan McDonald	Do.	106 0 0	Do.	318 0 0
Glencg Road - -	7½ 0	Donald Cameron	Do.	45 0 0	Do.	135 0 0
Sconser and Ashiek Roads	27½ 0	Jno. Kennedy and Alex. Robertson.	Do.	130 0 0	Do.	390 0 0
Broadford Road - -	15½ 0	Malcolm and Don ^d McInnes.	Do.	82 0 0	Do.	246 0 0
Stein, Macleod, and Dungevan Roads.	34 0	Don ^d and Ewen McInnon.	Do.	160 10 9	Do.	481 12 3
Portree Road - -	12½ 0	Do.	Do.	86 5 8	Do.	253 17 0
East Laggan and Carryarock Road.	28½ 0	John Macdonald	10th June 1864	137 0 0	Do.	411 0 0
Speyside Road - -	6 200	Duncan Cameron	Do.	35 0 0	Do.	106 10 0
Beauly and Strathglass Road.	38 0	John Forsyth -	1st June 1864	431 15 0	Do.	1,295 5 0
Glengarry 31 m. 1,113 yds. and Rheabine Rd. 3 m.	341,113	Ewen Cameron -	Do.	175 0 0	Do.	525 0 0
West Laggan Road - -	16 0	John Cameron -	Do.	89 0 0	Do.	264 0 0
Ballechernoch Road - -	5 0	John McDonald	Do.	21 0 0	Do.	63 0 0
Invermorriston Road - -	27 0	Alexr. Mackenzie	Do.	208 0 0	Do.	624 0 0
Snizort Road - -	18 0	Alexr. Maclean -	Do.	153 5 0	Do.	459 15 0
Total - -	456 1,313			3,329 9 5		9,976 8 3

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Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF ROSS.						
Contin and Fearn Road -	30½ Miles	Donald Mann -	1st June 1863	£ 388 1 4	Aug., Sept., Dec. & June.	£ 1,764 4 0
Invergordon Road -	17 "	John Munro -	Do.	324 11 4	Do.	973 14 0
Tain Road -	15 "	Donald Ross -	Do.	148 5 8	Do.	444 17 0
Glenishier Road and Glenelg Road.	20½ "	Donald Cameron	Do.	104 10 0	Do.	313 10 0
Lochalsh and Ardeive Road.	16½ "	Jno. Kennedy and Alex. Robertson.	Do.	80 0 0	Do.	240 0 0
Dingwall Fortrose and Kesock Branch Roads.	20½ "	Win. and James Stewart.	1st June 1864	480 0 0	Do.	1,440 0 0
Eastern Division of Loch Carron Road.	28 "	John Fraser -	Do.	124 15 4	Do.	404 6 0
Western Division of Loch Carron Road and Kis- horn Road.	37 "	Duncan Mathe- son.	Do.	140 0 0	Do.	447 0 0
Rhaebine Road -	7 "	Ewen Cameron -	Do.	35 0 0	Do.	105 0 0
Total -	198½ Miles			1,844 3 8		5,583 11 0
COUNTY OF SUTHERLAND.						
Sutherland Coast Road -	47 Miles	John Grant -	1st May 1864	508 19 6	Do.	1,526 18 6
COUNTY OF CAITHNESS.						
Dunbeath Road -	33 Miles	Donald Macken- zie.	1st May 1863	485 2 0	Do.	970 4 0
Thurso Road -	21 "	George Gilchrist	1st May 1864	386 0 0	Do.	1,159 0 0
Total -	54 Miles			871 2 0		2,129 4 0
COUNTY OF NAIRN.						
Findhorn 11 Miles, and Bemuchlye Road 9½ Miles.	20½ Miles	Angus McDonald	10th June 1864	80 0 0	Do.	297 0 0
COUNTY OF MORAY.						
Grantown 20 Miles, and Duthel Road 6½ Miles.	26½ Miles	John and Donald Grant.	1st June 1863	229 0 0	Do.	687 0 0
Findhorn Road -	3 "	Angus McDonald	10th June 1864	13 0 0	Do.	39 0 0
Speyside Road -	6 "	Duncan Cameron	"	35 10 0	Do.	106 10 0
Total -	35½ Miles			277 10 0		832 10 0
COUNTY OF BANFF.						
Speyside Road -	1½ Miles	Duncan Cameron	10th June 1864	9 15 0	Do.	29 5 0
Total -	1½ Miles			9 15 0		29 5 0
COUNTY OF ARGYLL.						
Kilmelford Road -	8½ Miles	Neil Munro -	10th June 1864	40 0 0	Do.	120 0 0
Strachur Road -	12 "	Don ^d and Peter Ferguson.	20th May "	58 4 0	Do.	174 12 0
Glendaruel Road -	31 "	Archibald McDona- ld.	20th May "	123 0 0	Do.	369 0 0
Total -	41½ Miles			221 4 0		663 12 0

SCHEDULE (B.)**HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS.**

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross,

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7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (C.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St. Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornic Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (D.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

SCHEDULE (E.)

RATES ON VESSELS USING THE HARBOURS.

	<i>s.</i>	<i>d.</i>
For every decked or partly decked Vessel :		
Under the Burden of 20 Tons - - - per Ton	0	4
Of the Burden of 20 Tons and not exceed- ing 100 Tons - - - - - per Ton	0	6
Of the Burden of 100 Tons and upwards per Ton	0	10

RATES ON HERRING BOATS, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, on landing or taking on board Goods or dried or salt Fish - - - - -		each		0	6
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RATES ON PASSENGERS.

For every Person landing from or embarking in any Vessel	s.	d.
	0	3

RATES ON ANIMALS AND GOODS SHIPPED OR UNSHIPED IN THE HARBOURS.

Ale, Beer, or Porter	per Hogshead	0	6
Beef, fresh or salted, or other Provisions	per Barrel	0	3
Bone Dust	per Ton	1	0
Bricks	per 1,000	0	8
Butter	per Cwt.	0	2
Carriages with Four Wheels	each	0	8
Carriages with Two Wheels	each	0	6
Cattle, Cows, Calves	each	1	0
Horses, Asses, and Mules	each	1	0
Pigs	each	0	0 $\frac{1}{2}$
Sheep	each	0	0 $\frac{1}{2}$
Coach or Cart Wheels	per Pair	0	3
Coal	per Ton	0	5
Copper, Lead, Zinc	per Cwt.	0	3
Cordage	per Cwt.	0	3
Dogs (Sporting only)	each	0	2
Fish, salted or dry	per Barrel Bulk	0	3
Flour	per Sack	0	2
Groceries	per Barrel Bulk	0	3
Guano and artificial Manures	per Ton	1	0
Hardware	per Barrel Bulk	0	3
Hay	per Ton	1	0
Hemp and Flax	per Cwt.	0	3
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides	per Cwt.	0	1 $\frac{1}{2}$
Iron, Pig or old	per Cwt.	0	1
Ditto, Bar, Bolt, or Rod	per Cwt.	0	2
Lime	per Boll	0	0 $\frac{1}{4}$
Meal	per Bag of 280 lbs.	0	3
Oil	per Tun	1	0
Oilcake	per Ton	1	0
Potatoes	per Ton	0	6
Ropes and Rags (old)	per Cwt.	0	2
Salt	per Ton	0	10
Slates	per 1,000	0	10
Spirits	per Hogshead of 56 Gallons	0	8
Staves	per 1,000	0	4
Stones, paving or dressed	per Ton	0	4
Ditto, others	per Ton	0	3
Stucco	per Barrel	0	2
Sugar, &c.	per Cwt.	0	4
Tar	per Barrel	0	2
Tiles or Pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9

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Timber, unwrought, of all Kinds	<i>s. d.</i>
per Load of 50 Cubic Feet	0 10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain ; Grass and Turnip Seeds	
per Quarter	0 2
Wine in Cask - - - - - per Hogshead	0 8
Wool - - - - - per Cwt.	0 2
All other Articles not enumerated to pay at landing or shipping :	
If by Measurement - - - per Barrel Bulk	0 3
If by Weight - - - - - per Ton	1 4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. *Sheds.*

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. *Cranes.*

	<i>s. d.</i>
All Goods or Packages not exceeding One Ton - - -	0 3
Exceeding One Ton and not exceeding Two Tons - - -	0 4
" Two Tons " " Three Tons - - -	0 6
" Three Tons " " Four Tons - - -	0 8
" Four Tons " " Five Tons - - -	0 10
" Five Tons " " Six Tons - - -	1 0
" Six Tons " " Seven Tons - - -	1 2
" Seven Tons " " Eight Tons - - -	1 4
" Eight Tons " " Nine Tons - - -	1 8
" Nine Tons " " Ten Tons - - -	2 0
" Ten Tons - - - - -	3 6

3. *Weighing Machines.*

For Goods weighed, One Penny for each Ton or Part of a Ton.

County Surveyors (Ireland).

C A P. CVI.

An Act to amend the Law relating to the Appointment of County Surveyors in *Ireland*. [7th August 1862.]

‘ WHEREAS it is expedient to amend the Law relating to the Appointment of County Surveyors in *Ireland* :’ 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 :

Part of
Sect. 39. of
6 & 7 W. 4.
c. 116. and
of Sect. 7. of
7 & 8 Vict.
c. 106. repealed.

1. So much of Section Thirty-nine of the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, and so much of Section Seven of the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and six, as respectively provide that the Lord Lieutenant shall appoint a Board of Three Civil or Military Engineers to examine and certify the Qualifications of all Persons desirous to act as Surveyors under the Provisions of the said first-recited Act, or as District Surveyors for the County of *Dublin* under the Provisions of the said second-recited Act, shall be and the same is hereby repealed.

Persons desirous to act as Surveyors or as District Surveyors under recited Acts to be examined by the Civil Service Commissioners.

2. The Qualifications of all Persons desirous to act as Surveyors under the Provisions of the said first-recited Act, or as District Surveyors for the County of *Dublin*, under the Provisions of the said second-recited Act, shall be examined into and certified by the Civil Service Commissioners for the Time being appointed by Her Majesty in Council ; and whenever a Vacancy shall occur in any of such Offices an Examination of all Persons desirous to fill the same shall be held at such Time in *Dublin* as the said Commissioners shall appoint, of which Examination due Notice shall be given, and One of the Persons who shall be certified by the said Commissioners shall be appointed to the vacant Office of Surveyor by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, subject to the Approval of the Grand Jury of such County, or to the vacant Office of District Surveyor for the County of *Dublin* by the Grand Jury of the said County, according as such Vacancies shall occur.

Persons certified under Acts 7 & 8 Vict. c. 106. and 6 & 7 W. 4. c. 116. eligible for County or District Surveyors.

3. The Persons who were duly certified by the Board of Examiners under the Act of the Seventh and Eighth Years of *Victoria*, Chapter One hundred and six, in the Year One thousand eight hundred and fifty-six, and who were further certified by the Board of Examiners to the Lord Lieutenant as duly qualified under the Act of the Sixth and Seventh Years of *William* the Fourth, Chapter One hundred and sixteen, shall continue to be deemed and taken as eligible for the Appointment of County Surveyor or District Surveyor, as the Case may be, without further Examination, and may be lawfully appointed to such Offices, anything in this Act to the contrary notwithstanding.

Commencement of Act.

4. This Act shall commence and take effect on and after the First Day of *October* One thousand eight hundred and sixty-two.

Juries.

C A P. CVII.

An Act to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto.

[7th August 1862.]

‘ **W**HEREAS it is expedient to amend an Act passed in the Session of Parliament holden in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*, and also to give greater Facilities for summoning Persons to serve on any Jury:’ 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 :

1. This Act may be cited as “The Juries Act, 1862,” and shall be construed with and as Part of the said, recited Act, herein-after termed the Principal Act. Short Title of Act, &c.

2. All registered Pharmaceutical Chemists and Managing Clerks to Attornies, Solicitors, and Proctors actually practising, all subordinate Officers in Gaols and Houses of Correction, shall be and are hereby absolutely freed and exempted from being returned and from serving upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of the Principal Act or of this Act. Exemptions from serving on Juries.

3. All the Provisions of the Principal Act relating to the Functions of High Constables shall be and are hereby repealed, except as to any Liabilities incurred before such Repeal, and the Duties of High Constables as set forth in the Principal Act shall cease and determine. Provisions as to High Constables repealed.

4. The Clerk of the Peace in every County, Riding, and Division in *England* and *Wales* shall on or before the Twentieth Day of *July* in every Year issue his Precept (in the Form set forth in the Schedule to this Act, or as near thereto as may be,) to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers of the Poor of the several Townships, within the County, Riding, or Division for which he acts, requiring them to make out before the First Day of *September* then next ensuing a true List of all Men residing within their respective Parishes and Townships qualified and liable to serve on Juries according to the Principal Act, and also to perform and comply with all other the Requisitions in the said Precepts contained, and shall forward the same, together with a competent Number of printed Forms of Returns, for the Use of the respective Persons by whom such Returns are to be made, by Post, in a registered Letter having the Words “Jury Precept” legibly written or printed on the Outside thereof, and addressed to the Churchwardens and Overseers as aforesaid; and every Precept delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the

Juries.

Person to whom the same was so delivered or tendered, and if delivered or tendered to any One Churchwarden or Overseer of a Parish or Township shall be deemed to have been served on the whole of the Churchwardens and Overseers of such Parish or Township.

Precepts, &c.
to be printed
at the Expense
of the County,
&c.

5. The Provisions of the Principal Act as to the Expense of printing the Warrants, Precepts, and Returns therein mentioned shall apply to the printing of the Precepts and Returns required by this Act; and the Precepts and Jury Lists required to be posted and registered by this Act shall be posted and registered at the Expense of the County, Riding, or Division.

Duties and
Liabilities of
Parish Officers
to continue.

6. After the Receipt of such Precept from the Clerk of the Peace, the Duties of the Churchwardens and Overseers with reference to the Jury Lists, and the Penalties to which they are liable for making default therein, shall be in all respects the same as if the Words "Clerk of the Peace" had been substituted for the Words "High Constable" in the Eighth Section of the Principal Act.

As to Notices
of Special Petty
Sessions.

7. No Notice shall be sent to the High Constable of the holding of a Special Petty Sessions for the Production of the Jury Lists, as required by the Tenth Section of the Principal Act.

Justices to
adjourn Petty
Sessions for the
Production of
List.

8. It shall be lawful for the Justices of the Peace then present to adjourn any Special Petty Sessions held under the Provisions of the Tenth Section of the Principal Act to any Day within Seven Days thereafter, for the Production of the Jury List for any Parish or Township which, through the Default of any Churchwarden or Overseer, has been omitted to be produced at such Special Petty Sessions, and Notice shall be sent by the Clerk to such Justices to such Churchwardens or Overseers requiring them to produce the said List at such Adjournment.

Justices Clerk
to send Jury
Lists to Clerk
of the Peace.

9. It shall be the Duty of the Clerk to the Justices of the Peace in every Petty Sessional Division in *England* and *Wales* to take charge of the Jury Lists of each Parish and Township within such Division, when and as soon as they shall have been allowed and signed by the said Justices, as by the Principal Act provided, and to forward the same by the next available Post in a registered Letter or Letters, with the Words "Jury List" legibly written or printed on the Outside thereof, addressed to the Clerk of the Peace for the County, Riding, or Division, at his Office, together with a Schedule of the Parishes and Townships for which Jury Lists have been then allowed, which Schedule shall be signed by One of the said Justices, and the Clerk to the Justices shall be entitled to the Fee of Two Shillings and Sixpence, to be paid out of the County Rate, for the Discharge of the Duties hereby imposed upon him.

Clerk of the
Peace to deal
with the Jury
Lists as before.

10. The Duties of the Clerk of the Peace with reference to the Jury Lists so forwarded to him by the Clerks to the Justices, and the Penalties to which he is liable for making default therein, shall be in all respects the same as if this Act had not passed, and the said Lists had been returned by the High Constables to the Court of Quarter Sessions under the Provisions of the Principal Act.

Juries.

11. Any Person liable to serve on any Jury may be summoned as heretofore, or in the Manner following; that is to say, the Sheriff or other proper Officer may make out a Summons and affix the Seal of his Office thereto, and such Summons, having the Words "Jury Summons" legibly written or printed on the same Side as the Address, may be sent open by the Post, prepaid, and directed to the Person so required to serve as Juror at his Place of Abode as described in "The Jurors Book," which said Summons, together with a Duplicate endorsed with the Name and Address of the Juror to whom the original Summons is directed, shall be taken to the Postmaster of any Post Office where Money Orders are received or paid, within such Hours as shall have been previously agreed upon at such Post Office, and under such Regulations with respect to the Registration of such Summons and the Fee to be paid for such Registration (which Fee shall in no Case exceed Twopence over and above the ordinary Rate of Postage) as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the Address of the said Summons with that of the Duplicate, and on being satisfied that they are alike shall forward the Summons to its Address by the Post, and shall return the Duplicate to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Summons of such stamped Duplicate shall be Evidence of the Summons having been delivered at the Dwelling House of the Person whose Name and Address is thereon endorsed, at the Place mentioned in such Endorsement, on the Day on which such Summons would, in the ordinary Course of Post, have been delivered, provided it shall appear that the same was not returned by the Post Office as undelivered; and any Summons sent by the Post as before mentioned, and not so returned as undelivered, shall be considered in all respects as duly served; and in the event of any Person to whom any Summons shall be addressed being ascertained to be dead, or to have permanently left the Place to which such Summons is addressed, the Postmaster or Letter Carrier of the Place in which the Summons shall then be shall endorse thereon the Reason of the Non-delivery thereof, and forward the same in the usual Course of Post to the Returned Letter Office in *London*, in order that it may be returned to the Sender: Provided always, that when any Summons shall be served by Post under the Provisions of this Act, Two additional Days shall be allowed for the Transmission of such Summons by Post, over and above the Number of Days required by Law for the Service of a Summons, before the Day on which the Juror is required to attend.

All Jurors may be summoned by Post.

12. Whenever any Fine shall be imposed upon any Person for not attending as a Juror in obedience to a Summons in that Behalf, it shall not be lawful to estreat the said Fine until after the Expiration of Fourteen Days, and in the meantime the proper Officer of the Court by which such Fine was imposed shall forthwith, by Letter, inform the said Person of the Imposition of

Fines may be remitted upon Cause shown.

Juries.

such Fine, and require him, within Six Days after the Date of such Letter, to forward him an Affidavit of the Cause, if any, of his Non-attendance; and such Officer shall, upon the Receipt of any such Affidavit, submit the same to the said Court, or the Judge or Chairman who presided at the said Court at the Time when such Fine was imposed, and such Court, Judge, or Chairman shall have Power to remit such Fine.

Sheriffs to be
allowed Costs
of Summonses.

13. The Costs incurred by any Sheriff in summoning Jurors by Post, under the Provisions of this Act, so far as the same shall not exceed the Sum allowed to such Sheriff, or his Predecessor in Office, on that Account, in any One Year within the Three Years immediately preceding the passing of this Act, may be included in his ordinary Bill of Cravings, and shall be allowed by the Commissioners of Her Majesty's Treasury.

Extent of Act.
As to Jury Lists
in the City of
London.

14. This Act shall not extend to *Scotland or Ireland*; and nothing in this Act contained shall alter or affect the Mode of Procedure heretofore pursued in the making out of Jury Lists or the summoning of Jurors in the City of *London*.

Commence-
ment of Act.

15. This Act shall come into operation on the Tenth Day of *August* One thousand eight hundred and sixty-two.

SCHEDULE.

Precept for returning Lists of Jurors.

County of	}	To the Churchwardens and Overseers of the Poor of the Parish [<i>or</i> , To the Overseers of the Poor of the Township] of
to wit.		
Hundred of		

YOU are hereby required to make out, before the First Day of September next, a true List in Writing in the Form hereunto annexed, containing the Names of all Men, being natural-born Subjects of the Queen, between the Ages of Twenty-one and Sixty, residing within your Parish [*or* Township] qualified to serve upon Juries; that is to say, of every such Man who has in his own Name, or in trust for him, a clear Income of Ten Pounds by the Year in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of Ancient Demesne, situate in the said County, or in Rents issuing out of any such Lands or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person, and also of every such Man who has a clear Income of Twenty Pounds by the Year in Lands or Tenements situate in the said County, held by Lease for the absolute Term of Twenty-one Years, or some longer Term, or for any Term of Years determinable on any Life or Lives, and also of every such Man who is a Householder in your Parish [*or* Township], and is rated or assessed to the Poor Rate or to the Inhabited House Duty on a Value of not less than Twenty Pounds [if in Middlesex Thirty Pounds], and you are required to make out the said List in alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification,

in

Juries.

in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns for your Guidance.

And if you have not a sufficient Number of Forms you must apply to me for more ; and in order to assist you in making out the List you are to refer to the Poor Rate, and you may, if you think proper, apply to any Collector or Assessor of Taxes, or any other Officer who has the Custody of any House Tax, Land Tax, or other Tax Assessment for your Parish [*or* Township], and take from thence the Names of Men so qualified : And in making such List you are to omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic Priests who shall have duly taken and subscribed the Oaths and Declaration required by Law ; all Ministers of any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, provided they follow no secular Occupation except that of a Schoolmaster, and produce to you a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law ; all Serjeants and Barristers at Law, all Members of the Society of Doctors of Law, and all Advocates of the Civil Law, if actually practising, and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual Certificates, and their Managing Clerks ; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the Duties of their respective Offices ; all Coroners, all Gaolers and Keepers of Houses of Correction, and all subordinate Officers of the same ; all Members and Licentiates of the Royal College of Physicians in London, all Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered Pharmaceutical Chemists, if actually practising as Physicians, Surgeons, or Apothecaries, or Pharmaceutical Chemists respectively ; all Officers of the Navy and Army on Full Pay ; the Master, Wardens, and Brethren of the Corporation of Trinity House of Deptford Strond, and their Clerks, Officers, and Servants ; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed under any Act of Parliament or Charter for the Regulation of Pilots ; all the Household Servants of Her Majesty ; all Commissioners of Property and Income Tax ; all Officers of the Post Office ; all Officers of Customs and Excise ; all Sheriff's Officers, High Constables, and Parish Clerks ; all Officers of the Rural and Metropolitan Police ; and also all Persons exempt by virtue of any Act of Parliament, Prescription, Charter, Grant, or Writ.

And when you have made out such List you are authorized to order a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the Parish [*or* Township], and you are required, on the Three First Sundays in September next, to fix a Copy of such List, signed by you, on the principal Door of every Church, Chapel, or other public Place of Religious Worship within your Parish [*or* Township], and also

*Juries.**Confirmation of Sales, &c.*

to subjoin to every such Copy a Notice to the following Effect, inserting the Time and Place, of which you shall be previously informed: "Take notice, that all Objections to the foregoing List will be heard by the Justices in Petty Sessions on the Day of September next, at the Hour of at ;" and you must allow any Inhabitant of your Parish [or Township] to inspect the original List, or a true Copy of it, during the Three First Weeks of September next, gratis; and you are also further required to produce the said List at such Petty Sessions, and there to answer on Oath such Questions as shall be put to you by Her Majesty's Justices of the Peace there present touching the said List; and these several Matters you are in nowise to omit, upon the Peril that may ensue.

Given under my Hand at the Day of in the Year Clerk of the Peace.

The Form of Precept in Wales is to be altered according to the Difference of Qualification.

C A P. CVIII.

An Act to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others.

[7th August 1862.]

‘ WHEREAS Trustees and others, in the intended Exercise of Trusts or Powers authorizing them to dispose of Land by Sale, Exchange, Partition, or Enfranchisement, have disposed of Land subject to such Trusts or Powers, with an Exception or Reservation of Minerals, and either with or without Rights and Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, or have so disposed of Minerals with or without such Rights and Powers separately from the Residue of the Land, such Mode of Disposition not being expressly authorized nor forbidden by the Instrument creating the Trust or Power: And whereas it is expedient to confirm such Dispositions as aforesaid:’ 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:

L. No Sale, Exchange, Partition, or Enfranchisement at any Time heretofore of Land by any Trustee or other Person, expressed or intended to be made in exercise of any Trust or Power authorizing the Sale, Exchange, Partition, or Enfranchisement of Land, and not forbidding the Reservation of Minerals, and which Sale, Exchange, Partition, or Enfranchisement shall have been made with an Exception or Reservation of Minerals, and with or without Rights or Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Exception or Reservation, but such Sale,

Powers of Sale, &c. not to be invalid on the Ground of Want of express Mention of Exception or Reservation of Minerals, &c.

Sale,

Confirmation of Sales, &c.

Sale, Exchange, Partition, or Enfranchisement shall be deemed to have taken effect in the same Manner as if the Exception or Reservation had been authorized by the Trust or Power; and no Sale, Exchange, or Partition heretofore made as aforesaid of any Minerals separately from the Residue of the Land subject to the Trust or Power intended to have been exercised, and either with or without such Rights or Powers as aforesaid, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Sale, Exchange, or Partition, but such Sale, Exchange, or Partition shall be deemed to have taken effect in the same Manner as if such Minerals, Rights, and Powers (if any) had been expressly authorized to be so dealt with separately from the Residue of such Land; but this Enactment shall not be deemed to confirm any Sale, Exchange, Partition, or Enfranchisement already declared by a Court of competent Jurisdiction to be invalid, nor to confirm or affect any Sale, Exchange, Partition, or Enfranchisement as to the Validity of which any Suit or other Proceeding is now pending.

Not to confirm Sales, &c. declared invalid, or pending.

2. And whereas it is expedient that Trusts and Powers to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement should be extended in the Manner herein-after appearing:

Trustees may dispose of Land or Minerals separately, without the Residue, &c.

Every Trustee and other Person now or hereafter to become authorized to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement may, unless forbidden by the Instrument creating the Trust or Power, so dispose of such Land with an Exception or Reservation of any Minerals, and with or without Rights and Powers of or incidental to the working, getting, or carrying away of such Minerals, or may (unless forbidden as aforesaid) dispose of by way of Sale, Exchange, or Partition the Minerals with or without such Rights or Powers separately from the Residue of the Land, and in either Case without Prejudice to any future Exercise of the Authority with respect to the excepted Minerals, or (as the Case may be) the undisposed-of Land; but this Enactment shall not enable any such Disposition as aforesaid without the previous Sanction of the Court of Chancery, to be obtained on Petition in a summary Way of the Trustee or other Person authorized as aforesaid, which Sanction once obtained shall extend to the enabling from Time to Time of any Disposition within this Enactment of any Part or Parts of the Land comprised in the Order to be made on such Petition, without the Necessity of any further or other Application to the Court.

Sanction of Court of Chancery requisite.

3. This Act shall not extend to *Ireland* or *Scotland*.

Extent of Act.

C A P. CIX.

An Act to continue the Corrupt Practices Prevention Act (1854). [7th August 1862.]

[Continues the 17 & 18 Vict. c. 102. as amended by 21 & 22 Vict. c. 87., until September 1, 1863, and from thence until the End of the next Session of Parliament.]

Union Relief Aid.

C A P. CX.

An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein. [7th August 1862.]

‘ WHEREAS by reason of the closing of Mills and Factories
 ‘ in certain Parts of the Country great Numbers of the
 ‘ labouring and manufacturing Classes have been thrown out of
 ‘ Employment, and having become chargeable to the Unions and
 ‘ Parishes wherein they reside the Ratepayers within the same
 ‘ are likely to be subjected to very heavy and extraordinary
 ‘ Burdens, and it is expedient that Means should be afforded
 ‘ whereby temporary Relief may be rendered to such Rate-
 ‘ payers:’ 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,

Guardians may charge Cost of Relief in Parishes in excess of 3s. in the Pound on the other Parishes in Union.

1. If the Guardians of any Union situate wholly or in part within any of the Counties of *Lancaster, Chester, or Derby*, shall find that the Expenditure of any Parish comprised within such Union in and about the Relief of the Poor for the Quarter ending at *Michaelmas* or *Christmas* next, shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property of such Parish, the Excess shall be charged to the other Parishes in the Union in proportion to the Amount of the annual rateable Value of the Property comprised in such Parishes: Provided that if the Expenditure of any Parish for the Quarter ending at any of the Periods aforesaid, including its Proportion of any Excess charged upon it under this Act, shall exceed the said Rate of Three Shillings in the Pound *per Annum* on its annual rateable Value, all Expenditure of such Parish in and about the Relief of the Poor for that Quarter in excess of such Limit shall be charged in like Manner upon the remaining Parishes the Expenditure of which, including their Proportion of any Excess charged upon them under this Act, shall not have exceeded the Limit aforesaid, and so on *toties quoties* until the Sum charged upon each Parish shall amount to the Limit aforesaid, and then all Expenditure over and above that Limit shall be charged to the Common Fund of the Union.

Guardians may make extraordinary Calls.

2. The Guardians may from Time to Time make any Orders for Contributions from the several Parishes comprised in such Union for the Purposes of this Act, in addition to their ordinary Orders, and shall have the same Powers for enforcing such Orders as in the Case of the usual and ordinary Contributions.

If aggregate Expenditure of Union at Michaelmas or Christmas next exceed 3s. in the Pound, Guardians may

3. If the Guardians of any such Union shall find that the aggregate Expenditure in and about the Relief of the Poor of the whole Union for the Quarter ending at *Michaelmas* or *Christmas* next shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised within such Union, such Guardians may, by Resolution passed at a Meeting held after special Notice in Writing sent to

Union Relief Aid.

every elected and *ex-officio* Guardian of the Union, apply to the Poor Law Board for Authority to borrow a Sum of Money sufficient to meet such Excess; and the Poor Law Board may, if they think fit, issue their Order accordingly; and thereupon the said Guardians may borrow such Sum, and shall charge the Common Fund of the Union with the Repayment of the same, by equal annual Instalments not exceeding Seven, and with the Payment of the Interest from Time to Time to accrue thereon.

apply for Authority to borrow.

4. If the Guardians of any such Union shall find that the aggregate Expenditure in and about the Relief of the Poor of the whole Union for the Quarter ending at *Michaelmas* or *Christmas* next shall have exceeded the Rate of Five Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised within such Union, such Guardians may apply to the Poor Law Board, and thereupon the Poor Law Board may, if they think proper, upon being satisfied that there has been such Excess of Expenditure as aforesaid, make a General Order upon the several Unions and Parishes under a separate Board of Guardians or Select Vestry in the County wherein such Union shall be situated to contribute a Sum of Money to meet the Excess, in proportion to the annual rateable Value of the Property comprised within such Unions and Parishes respectively; and the several Sums so apportioned shall be paid by the Guardians and Select Vestries of the said Unions and Parishes respectively out of the respective Common Funds of the said Unions, and from the Funds of the Guardians and Vestries of the said Parishes respectively, to the Treasurer of the Union on whose Behalf the said Order shall have been issued.

Guardians of distressed Unions where the Expenditure shall have exceeded 5s. in the Pound may apply to the Poor Law Board to apportion such Excess.

5. The Poor Law Board shall exclude from the Contribution any Union or such Parish as aforesaid where the Expenditure for the corresponding Quarter shall have exceeded the Rate of Three Shillings in the Pound *per Annum* on the annual rateable Value of the Property comprised in the said Union or Parish.

Poor Law Board may exclude poorer Unions.

6. Where the Union applying for Aid shall extend into Two or more Counties, the Contribution in aid shall come from that County in which the greater Part of the Union shall be situated; and where the Union required to contribute shall be situated in Two or more Counties, it shall only contribute in that County in which the greater Part of it shall be situated.

Provision where Unions in Two Counties.

7. After the making and issuing of any General Order for Contribution as aforesaid the Guardians of any Union or Parish or any Select Vestry upon whom the Order is made, and who have obeyed such Order, may elect One of their own Body to represent them at the Board of Guardians of the Union on whose Behalf such General Order has been made, and every Person so elected shall be entitled to act as a Guardian of such last-mentioned Union during the then current Quarter, but no such Person shall be entitled to vote in the Election of any Officer for that Union.

Where Parish contributes, Guardians may elect Member of Board of Union aided.

8. No Order of the Poor Law Board shall be issued under the Authority of this Act after the First Day of *March* next, nor be liable to be removed into the Court of Queen's Bench on Certiorari or otherwise; nor shall any Order of the Guardians or Rate made

No Order of Board to be issued after 1st March.

*Union Relief Aid.**Lunatics Law Amendment.*

to carry out the Provisions of this Act be questioned in any Court of Law on Certiorari or otherwise.

How annual Value of Property to be estimated.

9. For the Purposes of this Act the annual rateable Value of the Property within the several Parishes and Unions herein-before referred to shall be estimated in the Manner in which the same is required to be taken in computing the Amount of Contributions to the Common Fund by the Law in force for the Time being.

Interpretation Clause.

10. The several Words herein contained shall be construed in like Manner as in the Act of the Fourth and Fifth *William* the Fourth, Chapter Seventy-six, and in the subsequent Acts extending and explaining the same, and all the Provisions contained therein now in force shall be applicable to this Act.

C A P. CXL

An Act to amend the Law relating to Lunatics.

[7th August 1862.]

‘ **W**HEREAS it is expedient to amend the Law relating to Lunatics, other than those found Lunatics by Inquisition, or Lunatics convicted of Crime, or acquitted on the Ground of ‘ Insanity :’ 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 ; (that is to say,)

Preliminary.

Interpretation of Terms.

1. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them ; that is to say,

“ Lunacy Act, Chapter One hundred,” shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred, and intituled *An Act for the Regulation of the Care and Treatment of Lunatics* :

“ Lunacy Act, Chapter Ninety-six,” shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled *An Act to amend an Act passed in the Ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics* :

“ Lunacy Act, Chapter Ninety-seven,” shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, intituled *An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in England* :

“ The Lunacy Acts ” shall include the Three Acts above mentioned and this Act :

“ Asylum ” shall have the same Meaning as it has in the Lunacy Act, Chapter Ninety-seven :

Lunatics Law Amendment.

“Registered Hospital” shall mean any Hospital registered for the Reception of Lunatics.

2. This Act shall be construed as One Act with the Lunacy Acts, Chapters One hundred, Ninety-six, and Ninety-seven, and Words defined by the said Acts or any of them shall have the same Meaning in this Act.

Construction of Act.

3. This Act may be cited for all Purposes as the “Lunacy Acts Amendment Act, 1862.”

Short Title.

Establishment of County Asylums.

4. ‘Whereas by Section Thirty-one of the Lunacy Act, Chapter Ninety-seven, it is provided, “that the said Visitors shall from Time to Time make their Report to the General or Quarter Sessions of the County or Borough, Counties or Boroughs, for which they (or such of them as have not been elected by Subscribers, as therein mentioned,) have been elected, the several Plans, Estimates, and Contracts which have been agreed upon, and of the Sum or Sums of Money necessary to be raised and levied for defraying the Purchase Monies and Expenses thereof on the County or Borough, or, in the Case of such Union as therein mentioned, on each or every of the Counties or Boroughs; which Plans, Estimates, and Contracts shall be subject to the Approbation of the Court or Courts of General or Quarter Sessions of such County or Counties, and of the Justices of such Borough or Boroughs, before the same are completed or carried into execution” (save in the Case therein mentioned):’

Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State.

Where a Plan, Estimate, or Contract agreed upon by any Committee of Visitors on behalf of a Union of Counties, or of a Union of Counties and Boroughs, is disapproved of by One or more but not all of the Courts of General or Quarter Sessions, or other Bodies of Justices whose Approbation is required, in pursuance of the said Enactment, each Court of General or Quarter Sessions or Body of Justices disapproving of the same shall, within Four Months after such Plan, Estimate, or Contract is reported to them, or where the same has been reported to them before the passing of this Act, then within One Month after the holding of the First Court of General or Quarter Sessions of the County or the First Meeting of the Justices of the Borough after the passing of this Act, as the Case may be, set forth their Objections, with any Observations they may think fit in relation thereto, in a Report in Writing, and forthwith transmit the same to One of Her Majesty’s Principal Secretaries of State, and the Secretary of State shall cause such Inquiries to be made in relation to the Matter as he may deem proper, and shall by Writing under his Hand direct the Plan, Estimate, or Contract in question, with or without any Alteration therein, or such other Plan, Estimate, or Contract for the like Purpose as he may think fit, to be proceeded with and carried into execution.

The Decision of the Secretary of State, given in pursuance of this Section, shall be final, and shall be acted upon without further Report or Approval.

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Estimates to accompany Plans.

5. Together with every Plan for building, or providing or enlarging or improving, any Asylum for Pauper Lunatics, which is to be submitted to the Commissioners in Lunacy, under Section Forty-five of the said Lunacy Act, Chapter Ninety-seven, an Estimate of the Cost and Expense of carrying such Plan into execution shall be also submitted to the said Commissioners.

Excess of Payment may be paid to a Building and Repair Fund.

6. Where the Committee of Visitors enter into any Agreement for the Reception into the County Asylum of Pauper Lunatics belonging to a County or Borough which has not contributed to the erecting or providing such Asylum, and think fit under the Lunacy Act, Chapter Ninety-seven, Section Fifty-four, to fix a greater weekly Sum than is charged by them in respect of Lunatics sent from or settled in some Place, Parish, or Borough which has contributed to the building or providing such Asylum, they may, if they think fit, pay over the Excess created by the Payment of such greater weekly Sum to a Building and Repair Fund, to be applied by them to the altering, repairing, or improving such Asylum, and shall annually submit to the General or Quarter Sessions a detailed Statement of the Manner in which such Fund has been expended.

Provision as to Contract for Reception of Lunatics.

7. Where any Contract has been made by a Committee of Visitors of any County or Borough under the Lunacy Act, Chapter Ninety-seven, Section Forty-two, for the Reception into any Asylum, Hospital, or Licensed House of the whole or a Portion of the Pauper Lunatics of such County or Borough, it shall be lawful for the Justices of such County or Borough, so long as such Contract is subsisting, to defray out of the County or Borough Rate so much of the weekly Charge agreed upon for each Pauper Lunatic received therein as may, in the Opinion of such Committee of Visitors, represent the Sum due for the Use of such Asylum, Hospital, or Licensed House, not exceeding, however, One Fourth of the whole of such weekly Charge, in exoneration to that Extent of the Union to which the Maintenance of any such Pauper Lunatic may be chargeable.

Provision for Care of chronic Lunatics.

8. It shall be lawful for the Visitors of any Asylum and the Guardians of any Parish or Union within the District for which the Asylum has been provided, if they shall see fit, to make Arrangements, subject to the Approval of the Commissioners and the President of the Poor Law Board, for the Reception and Care of a limited Number of chronic Lunatics in the Work-house of the Parish or Union, to be selected by the Superintendent of the Asylum, and certified by him to be fit and proper so to be removed.

Lunatics in Asylum.

9. The Committee of Visitors of any Asylum may provide Accommodation for the Burial of Pauper Lunatics dying in the Asylum by acquiring a new Burial Ground, or by enlarging any existing Burial Ground; they may purchase for the Purposes aforesaid any Land, and may grant any Land when purchased, or any Land already belonging to them, to any Person or Body of Persons, to be held on trust for a new Burial Ground or as Part of an existing Burial Ground, or they may themselves hold such Land on trust as a new Burial Ground or as Part of an existing

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existing Burial Ground ; they may also contribute any Sums of Money to any Person or Body of Persons on condition of such Person or Body of Persons agreeing to provide Accommodation for the Burial of such Paupers as aforesaid in any Burial Ground ; they may also take Steps for the Consecration of any new Burial Ground or enlarged Burial Ground, or any Part thereof, and in the Case of a new Burial Ground, they may provide for the Appointment of a Chaplain therein ; they may enter into any Agreements necessary for carrying into effect the Powers conferred by this Section, but the Exercise of such Powers shall be subject to the Restrictions following :

Firstly, That not more than Two Statute Acres shall in the Case of any One Asylum be purchased or granted as a new Burial Ground, or for an Enlargement of an existing Burial Ground :

Secondly, That the Sanction of the Court of General or Quarter Sessions and of One of Her Majesty's Principal Secretaries of State shall be given to any Plan that may be proposed by any Visitors for carrying into effect this Section.

All Expenses incurred by any Visitors in providing Accommodation for the Burial of Pauper Lunatics, in pursuance of this Act, shall be deemed to be Monies, Costs, and Expenses payable for the Purposes of the Lunacy Act, Chapter Ninety-seven, and may be defrayed accordingly.

10. All the Provisions of "The Lands Clauses Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of any Lands otherwise than by Agreement," "with respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Undertaking, under the Provisions of the Lands Clauses Consolidation Act, 1845, or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," "and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested," shall be incorporated with this Act ; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean any such Committee of Visitors as aforesaid.

8 & 9 Vict. c. 18.
incorporated.

11. It shall be lawful for any Committee of Visitors, with the Sanction of the Court of General or Quarter Sessions, to hire or take on Lease, from Year to Year or for any Term of Years, at such Rent, and upon such Terms, and under such Covenants as they think fit, any Land or Buildings, either for the Employment or Occupation of the Patients in the Asylum, or for the temporary Accommodation of any Pauper Lunatics for whom the Accommodation in the Asylum may be inadequate.

Taking on
Lease additional
Lands
for Use of
Asylum.

The Restrictions in Section Thirty-three of the Lunacy Act, Chapter Ninety-seven, as to the Term for which the Committee of Visitors are thereby authorized to take a Lease, or to rent Land, shall not apply to Land or Buildings to be hired or taken under this Provision.

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The Land and Buildings so to be hired or taken shall, while used for the Purposes of this Section, be deemed Part of the Asylum, and all existing Provisions as to the Asylum or Part of the Asylum shall be applicable thereto accordingly.

Superannua-
tion of Officers
in Asylum.

12. The Power vested in the Visitors of an Asylum of granting an Annuity by way of Superannuation to any Person that has been an Officer or Servant in such Asylum for not less than Twenty Years, under Section Fifty-seven of the Lunacy Act, Chapter Ninety-seven, may be exercised by them when any such Person has been an Officer or Servant for not less than Fifteen Years, in the same Manner as if the Time of such Service had been Twenty Years ; and in calculating the Amount of Superannuation regard may be had, if the Visitors think fit, to the Value of the Lodgings, Rations, or other Allowances enjoyed by the Person superannuated : Provided, that no Annuity by way of Superannuation granted by the Visitors of any Asylum under the Provisions of this Act, or of the Lunacy Act, Chapter Ninety-seven, shall be chargeable on or payable out of the Rates of any County until such Annuity shall have been confirmed by a Resolution of the Justices of such County in General or Quarter Sessions assembled.

Provision for
Superannua-
tion of Ma-
trons.

13. Where the Offices of Superintendent and Matron of any Asylum are held by Man and Wife, and an Order has been made under the Lunacy Act, Chapter Ninety-seven, granting an Annuity by way of Superannuation to the Superintendent, it shall be lawful for the Committee of Visitors of such Asylum, if they think fit to do so, and if the Matron has been an Officer in the Asylum for not less than Twenty Years, to grant to her such Annuity by way of Superannuation as they in their Discretion think proportionate to her Merits and Time of Service, although she may not have become incapable of executing her Office from Sickness, Age, or Infirmary ; and every Annuity granted in pursuance of this Section shall be payable out of the Rates lawfully applicable to the building or repairing of such Asylum : Provided, firstly, that the annual Amount by way of Superannuation paid to any Matron under this Section shall not exceed Two Thirds of the Salary payable at the Time of her Retirement ; secondly, that no such Superannuation shall be granted unless Notice of the Meeting at which the same is to be granted, and of the Intention to determine thereat the Question of such Superannuation, have been given in such Manner and so long before the Time appointed for such Meeting as is provided in the said Act with respect to Notices of Meetings of Committees of Visitors, nor unless Three Visitors concur in and sign the Order granting the same ; thirdly, if any such Matron as aforesaid at any Time thereafter is appointed to any Public Office, or to any Office under the Lunacy Act, in respect of which she receives a Salary, the Payment of the Compensation awarded to her under this Act shall be suspended so long as she receives such Salary, if the Amount thereof is greater than the Amount of Compensation, or, if not, shall be diminished by the Amount of such Salary.

*Lunatics Law Amendment.**Licensed Houses.*

14. Before the Grant by the Justices of a Licence for the Reception of Lunatics to a House which has not been previously licensed for that Purpose, the Notice given by the Applicant, and the Plan and Statements accompanying the same, or Copies of such Notice, Plan, and Statements respectively, shall be transmitted by the Applicant to the Commissioners, and the Commissioners shall inspect or cause to be inspected the House and Land or Appurtenances proposed to be included in the Licence, and shall ascertain, with reference as well to the Situation as to the Structure, Arrangements, and Condition of the Premises, whether the same are suitable for the Reception of the Patients proposed to be received therein, and the Commissioners shall transmit to the Clerk of the Peace for the County or Borough a Report in reference to such Application; and no Licence shall be granted by the Justices of the County or Borough, in pursuance of such Application, until the Report of the Commissioners with reference thereto has been received by the said Clerk of the Peace, and taken into consideration by the Justices in General or Quarter or Special Sessions assembled.

Inspection by Commissioners before Licence granted by Justices.

Where a Licence is granted by the Justices of a County or Borough in respect of a House not previously licensed, such Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule marked A. to this Act, instead of in the Form prescribed by the Lunacy Act, Chapter One hundred.

15. Before the Consent of any Visitors is given to any Addition or Alteration being made in or about any Licensed House, or the Appurtenances, the Notice of the proposed Addition or Alteration, and Plan thereof, and accompanying Description given to the Clerk of the Peace, or Copies thereof respectively, shall be transmitted by him to the Commissioners, who shall, after making or causing to be made such Inquiries or Inspection (if any) as they may deem proper, transmit to the said Clerk of the Peace a Report stating their Approval or Disapproval thereof; and the Visitors shall not consent to such Addition or Alteration until they have received and considered such Report.

Notice of Alterations to be given to the Commissioners.

16. Whereas by the Second Section of the Lunacy Act, Chapter Ninety-six, it is enacted, "that no Person having, after the passing of the Lunacy Act, Chapter One hundred, received for the First Time a Licence for the Reception of Lunatics, or thereafter receiving for the First Time such Licence, shall receive a Licence unless he resides on the Premises licensed, and no Two or more Persons having, after the passing of the last-mentioned Act, received for the First Time a joint Licence for the Reception of Lunatics, or thereafter receiving for the First Time such joint Licence, shall receive such Licence unless they or One of them should reside on the Premises licensed:" And whereas it is expedient that in the Licensed Houses to which the said Section does not apply, by reason of the Proprietor or Proprietors thereof having first received a Licence prior to the Date

Provision as to non-resident Proprietors.

Lunatics Law Amendment.

‘ mentioned in the said Section, the following Provision shall be made :’ Be it enacted,

That in all Cases of Licensed Houses, where the Proprietor or Proprietors thereof have first received their Licence or Licences before the Date of the passing of the Lunacy Act, Chapter One hundred, the Physician, Surgeon, or Apothecary required by Act of Parliament to reside in or visit such House shall be approved, in the Case of a House licensed by the Commissioners, by the Commissioners, and in the Case of a House licensed by Justices, by the Justices ; and any Proprietor of a Licensed House to which this Section applies who permits any Physician, Surgeon, or Apothecary who has not been approved by the Commissioners, or by the Justices, as the Case may be, to reside in or visit at such House in such Capacity as aforesaid for a Period exceeding One Calendar Month, shall incur a Penalty not exceeding Five Pounds for every Day beyond such Month during which such Physician, Surgeon, or Apothecary so resides or visits ; the above-mentioned Period of One Month shall be reckoned in the Case of a Physician, Surgeon, or Apothecary so resident or visiting at the Time of the passing of this Act from the Date of the passing thereof, and in the Case of any fresh Appointment of any such Physician, Surgeon, or Apothecary as aforesaid from the Date of such Appointment.

Penalty on
infringing
Terms of Li-
cence.

17. If any Person empowered by Licence issued under the Lunacy Act, Chapter One hundred, to employ his House and Premises for the Reception of Lunatics receives into his House any Patients beyond the Number specified in his Licence, or fails to comply with the Regulations of his Licence in respect of the Sex of the Patients to be received, or the Class of Patients, whether private or not, to be received, he shall, in respect of each Patient received in contravention of his Licence, incur a Penalty not exceeding Fifty Pounds.

Extension of
Powers to take
Boarders in
Houses.

18. It shall be lawful for the Proprietor or Superintendent of any Licensed House, with the previous Assent in Writing of Two or more of the Commissioners, or in the Case of a House licensed by Justices of Two or more of the Visitors, to entertain and keep in such House as a Boarder for such Time as may be specified in the Assent any Person who may have been within Five Years immediately preceding the giving of such Assent a Patient in any Asylum, Hospital, or Licensed House, or under Care as a single Patient.

Admission and Visitation of Patients.

Provision for
sending Pauper
Lunatics to
Asylums.

19. ‘ Whereas by the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven, it is amongst other things enacted as follows : “ That every Relieving Officer of any Parish within
“ a Union or under a Board of Guardians, and every Overseer
“ of a Parish of which there is no Relieving Officer, who shall
“ have Knowledge either by such Notice or otherwise that any
“ Pauper resident in such Parish is or is deemed to be a Lunatic
“ and a proper Person to be sent to an Asylum, shall within
“ Three Days after obtaining such Knowledge give Notice
“ thereof

Lunatics Law Amendment.

‘ “ thereof to some Justice of the County or Borough within
 ‘ “ which such Parish is situate :” Now be it enacted, That the
 said Section shall be construed as if the Words “and a proper
 Person to be sent to an Asylum” had been omitted in the said
 recited Enactment.

20. No Person shall be detained in any Workhouse, being a Lunatic or alleged Lunatic, beyond the Period of Fourteen Days, unless in the Opinion, given in Writing, of the Medical Officer of the Union or Parish to which the Workhouse belongs such Person is a proper Person to be kept in a Workhouse, nor unless the Accommodation in the Workhouse is sufficient for his Reception, and any Person detained in a Workhouse in contravention of this Section shall be deemed to be a proper Person to be sent to an Asylum within the Meaning of Section Sixty-seven of the Lunacy Act, Chapter Ninety-seven ; and in the event of any Person being detained in a Workhouse in contravention of this Section, the Medical Officer shall for all the Purposes of the Lunacy Act, Chapter Ninety-seven, be deemed to have Knowledge that a Pauper resident within his District is a Lunatic, and a proper Person to be sent to an Asylum, and it shall be his Duty to act accordingly, and further to sign such Certificate as is contained in Schedule F. to the said Act, No. 3, with a view to more certainly securing the Reception into an Asylum of such Pauper Lunatic as aforesaid.

Lunatics proper
to be sent to
Asylums.

21. The List of Lunatic Paupers required by Section Sixty-six of the Lunacy Act, Chapter Ninety-seven, to be made out by the Medical Officer, shall be in the Form in the Schedule marked B. hereto, and not in the Form required by the said Section, and shall, as respects such of the Lunatics therein mentioned as may be in any Workhouse, state whether, in the Opinion of the Medical Officer, the Workhouse is or not sufficient for the Accommodation of the Lunatics detained therein, and whether or not the Lunatics detained therein are proper Persons to be kept in a Workhouse.

Amendment of
Form of List
as respects
Pauper Lu-
natics in Work-
houses.

22. When a Person has been found lunatic by Inquisition an Order, signed by the Committee appointed by the Lord Chancellor, and having annexed thereto an Office Copy of the Order appointing such Committee, shall be a sufficient Authority for the Reception of such Person into any Asylum, Hospital, Licensed House, or other House, without any further Order or any such Medical Certificates as are required by Section Ninety of the Lunacy Act, Chapter One hundred, and Section Four and Eight of the Lunacy Act, Chapter Ninety-six, and the Provisions of the Section Ninety of the Lunacy Act, Chapter One hundred, as to the Visitation of every single Patient once in every Two Weeks by a Physician, Surgeon, or Apothecary, shall not apply to any Person found lunatic by Inquisition as aforesaid.

Order for
Reception
and Medical
Visitation of
Persons found
lunatic by
Inquisition.

23. No Order for the Reception of a Private Patient into any Asylum or Registered Hospital, licensed or other House, made in pursuance of the Lunacy Acts, Chapters Ninety-six and Ninety-seven, or either of them, shall authorize the Reception of such Patient after the Expiration of One Calendar Month from its Date, nor unless the Person subscribing such Order has himself

Persons
signing Orders
for Admission
to have seen
Patient within
One Month.

Lunatics Law Amendment.

seen the Patient within One Month prior to its Date, nor unless a Statement of the Time and Place when such Person last saw the Patient is added to such Order.

Certain Persons prohibited from signing Orders for Admission.

24. The following Persons shall be prohibited from signing any Certificate or Order for the Reception of any Private Patient into any licensed or other House :

First, Any Person receiving any Per-centage on or otherwise interested in the Payments to be made by or on account of any Patient received into a licensed or other House :

Second, Any Medical Attendant as defined by the Lunacy Act, Chapter One hundred.

Relative of Pauper to be named in Order of Admission.

25. Where an Order is made, in pursuance of the Lunacy Acts or any of them, for the Reception of any Private or Pauper Lunatic into any Asylum, Registered Hospital, or Licensed House, there shall be inserted in every such Order, wherever it be possible, the Name and Address of One or more of the Relations of the Lunatic ; and in the event of his Death it shall be the Duty of the Clerk of such Asylum, the Superintendent of such Hospital, and the Proprietor or Superintendent of such Licensed House, to send by Post Notice of his Death in a prepaid Letter addressed to such Relation or One of such Relations.

Same Order and Certificates to justify Detention as Pauper of Private Patient.

26. The Order and Certificate required by Law for the Detention of a Patient as a Pauper shall extend to authorize his Detention, although it may afterwards appear that he is entitled to be classified as a Private Patient ; and the Order and Certificates required by Law for the Detention of a Patient as a Private Patient shall authorize his Detention, although it may afterwards appear that he ought to be classified as a Pauper Patient.

Provision as to defective Certificates.

27. Where any Medical Certificate upon which a Patient has been received into any Asylum, Registered Hospital, licensed or other House, or either of such Certificates, is deemed by the Commissioners incorrect or defective, and the same are or is not duly amended to their Satisfaction within Fourteen Days after the Reception by the Superintendent or Proprietor of such Asylum, Registered Hospital, or licensed or other House of a Direction or Writing from the Commissioners requiring Amendment of the same, the Commissioners or any Two of them may, if they see fit, make an Order for the Patient's Discharge.

Transmission of Documents to Commissioners on Admission of Patient.

28. The Documents required by the Lunacy Act, Chapter One hundred, Sections Fifty-two and Ninety, and the Lunacy Act, Chapter Ninety-seven, Section Eighty-nine, to be sent to the Commissioners in Lunacy, after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Private Patient has been received into any Licensed House, Registered Hospital, or Asylum, shall, with the Exception of the Statement now required to be subjoined to the Notice of Admission into any Asylum, Hospital, or Licensed House, be transmitted to the said Commissioners within One clear Day from the Day on which any Patient has been received into any such House, Hospital, or Asylum as aforesaid, and the said Sections shall, so far as relates to the said Documents, other than the said Statement, be construed as if the Words "One clear Day" were substituted

Lunatics Law Amendment.

substituted therein for the Words "after Two clear Days and before the Expiration of Seven clear Days;" nevertheless the said excepted Statement shall be transmitted as heretofore, save that it shall be separate from the said Notice, and shall refer to the Order of Admission by the Date thereof, instead of referring to it as the above Notice, and the Words referring to the said Statement as being subjoined shall be omitted in the said Notice.

29. Every Licensed House may be visited at any Time, and, if situate within their immediate Jurisdiction, shall be visited twice at least in every Year by any One or more of the Commissioners, in addition to the Visits now required to be made by Two at least of the Commissioners; and if not within the immediate Jurisdiction of the Commissioners, may be visited at any Time, and shall be visited twice at least in every Year by One or more of the Visitors, in addition to the Visits now required to be made by Two at least of the Visitors.

Visits by Commissioners.

Every Commissioner visiting alone shall have the same Powers as Two Commissioners would have under Section Sixty-one of the Lunacy Act, Chapter One hundred; and all the Provisions of the said Act contained in Sections Sixty-three, Sixty-four, Sixty-five, Sixty-six, and Sixty-seven shall apply to a Commissioner or Visitor visiting alone, as the Case may be, in the same Manner as they would apply under the said Act to Two or more Commissioners or Two or more Visitors visiting together.

30. Any One or more of the Commissioners may at any Time visit every Asylum and Hospital for Lunatics, and every Gaol in which there may be, or alleged to be, any Lunatic, in addition to the Visits now required or empowered to be made by Two at least of the Commissioners, and every Commissioner so visiting alone shall have the same Powers as Two or more Commissioners would perform and have in the Case of an Asylum or Gaol, in pursuance of the One hundred and tenth Section of the Lunacy Act, Chapter One hundred, and in the Case of a Hospital in pursuance of Section Sixty-one of the Lunacy Act, Chapter One hundred.

Single Commissioner to visit Asylums and Gaols.

31. Where upon the Visitation of any Workhouse by any Two or more of the Commissioners in Lunacy it appears to them that any Lunatic or alleged Lunatic therein is not a proper Person to be kept in a Workhouse, they may by an Order under their Hands direct such Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven: Provided always, that it shall be lawful for the Guardians of the Union or Parish to which any Workhouse belongs to appeal against such Order at any Time within One Calendar Month from the making thereof to Her Majesty's Principal Secretary of State for the Home Department, who shall thereupon exercise the Power given to him by Section One hundred and thirteen of the Lunacy Act, Chapter One hundred, save that he shall not appoint there-

Power to remove Lunatic from Workhouse to Asylum.

Lunatics Law Amendment.

under the Commissioners who made the Order appealed against, or either of them; and the Order in the Matter of the Secretary of State, made upon the Report of the special Visitation, shall be binding on all Parties concerned.

Removal of
single Pauper
Patients to
Asylums.

32. Any Two or more of the Commissioners in Lunacy may visit any Pauper Lunatic or alleged Lunatic not in an Asylum, Hospital, Licensed House, or Workhouse, and may, if they think fit so to do, call to their Assistance a Physician, Surgeon, or Apothecary, and examine such Pauper; and if such Physician Surgeon, or Apothecary sign a Certificate with respect to such Pauper, according to the Form in Schedule F. No. 3, annexed to the Lunacy Act, Chapter Ninety-seven, and the Commissioners are satisfied that such Pauper is a Lunatic, and a proper Person to be taken charge of and detained under Care and Treatment, they may, by an Order under their Hands, direct such Lunatic or alleged Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

Effect of Order
for Removal.

33. The Order made by any Two or more of the Commissioners in Lunacy in pursuance of this Act may authorize the Admission of a Lunatic not only into any Asylum of the County or Borough in which the Parish or Place from which the Lunatic is sent is situate, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also into any Asylum for any other County or Borough, or any Hospital registered or House licensed for the Reception of Lunatics, under the same Circumstances and subject to the same Conditions under which an Order of the Justice or Justices may authorize such Admission in pursuance of Section Seventy-two of the Lunacy Act, Chapter Ninety-seven.

Statement of
Condition of
Pauper Lunatics
to be sent
to Guardians.

34. The Superintendent of every Asylum shall, once at the least in each Half Year, transmit to the Guardians of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, a Statement of the Condition of every Pauper Lunatic chargeable to such Union or Parish.

Amendment of
Sect. 64. of
8 & 9 Vict.
c. 100.

35. The Inquiries authorized to be made under Section Sixty-four of the Lunacy Act, Chapter One hundred, or under Section Ninety-two of the same Act, and the Provisions amending the same, may include Inquiries as to the Monies paid to the Superintendent or Proprietor on account of any Lunatic under the Care of such Superintendent or Proprietor.

Copies of
Entries of Com-
missioners and
Visitors.

36. The Proprietor of every Licensed House within the Jurisdiction of Visitors appointed by Justices shall, within Three Days after a Visit by the Visiting Commissioners or Commissioner, transmit a true and perfect Copy of the Entries made by them or him in the Visitors Book, the Patients Book, and the Medical Visitation Book, respectively, distinguishing the Entries in the several Books, to the Clerk of the Visitors as well as to the Commissioners,

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missioners, and the Copies so transmitted to the Clerk of the Visitors of all such Entries in the Visitors Book relating to any such Licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on taking into consideration the Renewal of the Licence to the House to which such Entries relate; and every such Proprietor as aforesaid who shall omit to transmit as herein-before mentioned a true and perfect Copy of every or any such Entry as aforesaid shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

37. The Visiting Committee of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, shall once at the least in each Quarter of a Year enter in a Book to be provided and kept by the Master of the Workhouse such Observations as they may think fit to make respecting the Dietary, Accommodation, and Treatment of the Lunatics or alleged Lunatics for the Time being in the Workhouse of their Union or Parish, and the Book containing the Observations made in pursuance of this Section by the Visiting Guardians or Overseers shall be laid by the Master before the Commissioner or Commissioners on his or their next Visit.

Visiting Committee to enter Observations in a Book respecting Dietary, Accommodation, &c. of Lunatics in Workhouses.

Miscellaneous Clauses.

38. Section Eighty-six of the Lunacy Act, Chapter One hundred, and Section Seventeen of the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and five, shall extend to authorize the Proprietor or Superintendent of any Licensed House or Hospital, with such Consent, and to be given on such Approval as thereby required, to permit any Patient to be absent from such Hospital or House upon Trial for such Period as may be thought fit:

Patients may be permitted to be absent on Trial from Hospitals and Private Houses.

Two of the Commissioners, as regards any Hospital or any Licensed House, and Two of the Committee of Governors of any Hospital, and Two of the Visitors of any Licensed House, as regards any Licensed House within the Jurisdiction of Visitors, may of their own Authority permit any Pauper Patient therein to be absent from such Hospital or House upon Trial for such Period as they may think fit, and may make or order to be made an Allowance to such Pauper not exceeding what would be the Charge for him in such Hospital or House, which Allowance shall be charged for him and be payable as if he were actually in such Hospital or House, but shall be paid over to him, or for his Benefit, as the said Commissioners or Visitors may direct:

In case any Person so allowed to be absent on Trial for any Period do not return at the Expiration thereof, and a Medical Certificate as to his State of Mind certifying that his Detention as a Lunatic is no longer necessary be not sent to the Proprietor or Superintendent of such Licensed House or Hospital, he may at any Time within Fourteen Days after the Expiration of the same Period be retaken as in the Case of an Escape.

39. If any Officer or Servant in any Hospital or Licensed House through wilful Neglect or Connivance permits any Patient

Penalty on Officer conniving at the

Lunatics Law Amendment.

Escape of Lunatics.

to escape from such Hospital or Licensed House, or secretes or abets or connives at the Escape of any Patient from such Hospital or Licensed House, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds.

Correspondence of Private Patients.

40. Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to the Commissioners in Lunacy or Committee, or in the Case of Houses within the Jurisdiction of Visitors to the Visitors or any of them, shall, unless special Regulations to the contrary have been given by such Commissioners or Visitors, be forwarded unopened.

Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to any Person other than the Commissioners or Committee or Visitors or One of them, shall be forwarded to the Person to whom it is addressed, unless the Superintendent in the Case of an Asylum or Hospital, the Proprietor in the Case of a Licensed House, and the Person having the Charge of a single Patient in the Case of a single Patient, prohibit the forwarding of such Letter, by Endorsement to that Effect under his Hand on the Letter, in which Case he shall lay all Letters so endorsed before the Visiting Commissioners, Committee, or Visitors, as the Case may be, on their next Visit.

Any Superintendent, Proprietor, or Person in charge of a single Patient failing to comply with the Provisions of this Section as to laying any Letter before the Commissioners or Committee or Visitors that is not forwarded to the Address of the Person to whom it is directed, or being privy to the Detention by any other Person of any Letter detained in contravention of this Section, shall incur a Penalty not exceeding Twenty Pounds in respect of each Offence; and any Person detaining any Letter in contravention of this Section shall incur, in respect of each Letter so detained, a Penalty not exceeding Twenty Pounds.

Statement as to Condition of single Patients.

41. Every Person having the Care or Charge of a single Patient shall in addition to the Notice required to be given by the Ninetieth Section of the Lunacy Act, Chapter One hundred, before the Expiration of Seven clear Days from the Day on which he has taken the Patient under his Care or Charge, transmit to the Commissioners a Statement of the Condition of the Patient, according to the Form in Schedule F. annexed to the said last-mentioned Act, such Statement to be signed by the Physician, Surgeon, or Apothecary visiting the Patient in pursuance of the Ninetieth Section of the Lunacy Act, Chapter One hundred.

If any Person having the Care or Charge of a single Patient fails to transmit such Statement as aforesaid within such Time as is required by this Section he shall be guilty of a Misdemeanor.

42. In the Case of single Patients the Commissioners may from Time to Time make Regulations as to the Form of and the Particulars to be entered in the "Medical Visitation Book," required to be kept by the Ninetieth Section of the Lunacy Act, Chapter One hundred, and if the Person having the Care or Charge

Commissioners empowered to prescribe Forms, &c. of Medical Visitation Book.

Lunatics Law Amendment.

Charge of a single Patient fails to comply with the Regulations so made he shall in respect of each Offence incur a Penalty not exceeding Five Pounds.

43. If there be no Person capable or qualified, under Section Seventy-two or Section Seventy-three of the said Lunacy Act, Chapter One hundred, to direct the Discharge or Removal of any such Patient as therein mentioned from any Registered Hospital or Licensed House, the Commissioners may order the Discharge or Removal of such Patient, as they may think fit.

Discharge of
a Private
Patient.

44. The Superintendent of every Asylum, and every Person having the Care or Charge of a single Patient, shall, in the event of the Death of any Patient, transmit to the Coroner of the County or Borough the same Statement as is required by Law to be transmitted in the Case of the Death of any Patient in any Hospital or Licensed House, and if such Coroner, after receiving such Statement, thinks that any reasonable Suspicion attends the Cause and Circumstances of the Death of such Patient he shall summon a Jury to inquire into the Circumstances of such Death.

Report to
Coroner of
Death of single
Patient.

Any Superintendent or Person in charge who makes default in complying with the Requisitions of this Section shall be guilty of a Misdemeanor.

45. Section Fourteen of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, shall be repealed, and in lieu thereof be it enacted, Where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, Registered Hospital, or Licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic is found in a Borough which has a separate Court of Sessions of the Peace, and is not liable, under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, Section One hundred and seventeen, to the Payment of a Proportion of the Sums expended out of the County Rate, or is found in any Borough which under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, is exempted from Liability to contribute to the Payment of the Expenses incurred for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic shall be adjudged to be chargeable to the Borough in which he is found; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of such Lunatic.

Chargeability
of Pauper Lu-
natics whose
Settlements
cannot be
ascertained
where found
in certain
Boroughs.

All the Provisions in the Lunacy Act, Chapter Ninety-seven, as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Orders to be made for Payment of Expenses and other Monies in respect of such Lunatic, and for the Repayment thereof to the Treasurer of a County, shall

Lunatics Law Amendment.

extend to the Case of a Borough to which a Lunatic is made chargeable under this Section as if the said Provisions were re-enacted in this Act, and such Borough were therein mentioned or referred to instead of a County.

Amendment of
8 & 9 Vict.
c. 100. s. 100.
as to Power of
administering
Oaths.

46. Any Two or more Commissioners or Visitors, in exercise of the Powers given to them by the One hundredth Section of the Lunacy Act, Chapter One hundred, may, if they think fit, examine on Oath any Person appearing before them as a Witness, notwithstanding a Summons may not have been served on him in pursuance of the said Section.

Definition of
Physician,
Surgeon, or
Apothecary.

47. The Term Physician, Surgeon, or Apothecary, wherever used in the Lunacy Acts, shall mean a Person registered under "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety.

Part of
Sect. 132. of
16 & 17 Vict.
c. 97. repealed.

48. So much of Section One hundred and thirty-two of the Lunacy Act, Chapter Ninety-seven, as enacts that in that Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall mean a County of a City or County of a Town, shall, except with respect to the City of *London*, be repealed, and all the Provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

SCHEDULE A.

Form of Licence.

Know all Men, That we, the undersigned Justices of the Peace, acting in and for _____ in General [*or Quarter or Special*] Sessions assembled, do hereby certify that *A.B.* of _____ in the Parish of _____ in the County of _____ hath delivered to the Clerk of the Peace a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at _____ in the County of _____ and which has not been previously licensed for that Purpose, and hath applied to us for a Licence thereof: And whereas the Particulars of the said Application have been transmitted to the Commissioners in Lunacy, and their Report in reference to the said Application has been received, and has been taken into consideration by us; and we, having considered and approved the Application, do hereby authorize and empower the said *A.B.* (he intending *or* not intending to reside therein) to use and employ the said House and Premises for the Reception of _____ Male [*or Female or* _____ Male and _____ Female] Lunatics, of whom not more than _____ shall be Private Patients, for the Space of _____ Calendar Months from this Date.

Given under our Hand and Seals, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

Witness, *Y.Z.*, Clerk of the Peace.

Lunatics Law Amendment.

SCHEDULE B.

County of
Union [or Parish of]
District of

QUARTERLY LIST of LUNATIC PAUPERS within the District of the Union of [or the Parish of], in the County or Borough of, not in any Asylum, Registered Hospital, or Licensed House.

Name.	Sex.	Age.	Form of Mental Disorder.	Duration of present Attack of Insanity, and if idiotic, whether or not from Birth.	Resident in Work-house.	Non-Resident in Workhouse, where and with whom resident.	Date of Visit.	In what Condition, and, if ever restrained, why, and by what Means, and how often.

I declare that I have personally examined the several Persons whose Names are specified in the above List on the Days set opposite their Names; and I certify, firstly, with respect to those appearing by the above List to be in the Workhouse, that the Accommodation in the Workhouse is sufficient for their Reception, and that they are all [or all except A.B. and C.D.] proper Patients to be kept in the Workhouse; and, secondly, with respect to those appearing by the above List to be resident elsewhere than in the Workhouse, that they are all [or all except A.B. and C.D.] properly taken care of, and may properly remain out of an Asylum.

I declare that the Persons in the above List are to the best of my Knowledge the only Pauper Lunatics in the District of the Union of [or in the Parish of] who are not in an Asylum, Registered Hospital, or duly Licensed House.

(Signed) A.B.,

Medical Officer of the District
of the Union [or Parish] of

Dated the Day of One thousand eight hundred and

C A P. CXII.

An Act for establishing the Jurisdiction of the Charity Commissioners in certain Cases. [7th August 1862.]

WHEREAS by the Acts relating to the Charity Commissioners for England and Wales Authority has been given to the Commissioners to make Orders for various Purposes in Charity Cases upon summary Application, and particularly in relation to the Appointment and Removal of Trustees, and

*Charity Commissioners Jurisdiction.**Poor Removal.*

‘ the Sale, Exchange, Leasing, and Improvement of the Property
 ‘ of Charities : And whereas in various Private Acts of Parlia-
 ‘ ment and Decrees and Orders of the High Court of Chancery
 ‘ relating to Charities such Powers and Authorities are often
 ‘ given or reserved, with Directions that the same shall be exer-
 ‘ cised by the said Court, or with its Sanction or Approbation,
 ‘ and Doubts are entertained whether in such Cases the Authority
 ‘ given to the Charity Commissioners can be validly exercised :’
 Be it therefore enacted and declared 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 :

No Provision
 in any Act of
 Parliament, or
 Decree in Chan-
 cery, to exclude
 any Jurisdic-
 tion which
 might other-
 wise be exer-
 cised by the
 Commissioners.

L. No Provision contained in any such Act of Parliament or
 Decree or Order as aforesaid for the Appointment or Removal
 of Trustees of any Charity, or for or relating to the Sale, Ex-
 change, Leasing, Disposal, or Improvement of any Property, by
 or under the Order or with the Approval of the Court of Chancery,
 shall (in the Absence of any express Direction to the contrary,
 to be contained in any future Act of Parliament, Order, or
 Decree,) exclude or impair any Jurisdiction or Authority which
 might otherwise be properly exercised for the like Purposes by
 the Charity Commissioners for *England* and *Wales*.

C A P. CXIII.

An Act to amend the Law relating to the Removal of poor
 Persons from *England* to *Scotland*, and from *Scotland* to
England and *Ireland*. [7th August 1862.]

‘ **W**HEREAS it is expedient that better Means should be
 ‘ provided for the safe Conveyance to the Place of their
 ‘ Destination in *England*, *Ireland*, or *Scotland*, of poor Persons
 ‘ who may be removed in pursuance of the Acts passed in the
 ‘ Eighth and Ninth Years of the Reign of Her present Majesty,
 ‘ Chapter Eighty-three, and Chapter One hundred and seven-
 ‘ teen, and in the Tenth and Eleventh Years of the Reign of
 ‘ Her present Majesty, Chapter Thirty-three :’ 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 :

Warrant of
 Removal to
 Scotland to
 be signed by
 Two Justices
 or a Magistrate,
 and to *England*
 or *Ireland* by
 the Sheriff or
 Two Justices.

L. No Application for a Warrant ordering the Removal from
 any Place in *England* to *Scotland*, or in *Scotland* to *England*
 or *Ireland*, of any poor Person who shall have become chargeable
 in such Place shall be heard and determined in *England*, except
 by Two or more Justices in Petty Sessions assembled, or by a
 Stipendiary Magistrate or Metropolitan Police Magistrate sitting
 in his Court ; and in *Scotland*, except by the Sheriff or any Two
 Justices of the Peace of the County in which the Parish is
 situated to which such poor Person may have become chargeable,
 which Justices or Magistrate, and Sheriff or Justices (as the Case
 may be) shall see such poor Person, or the Person who is the
 Head of the Family proposed to be removed, and shall be satisfied
 that

Poor Removal.

that every Person who is proposed to be removed by the Warrant is in such a State of Health as not to be liable to suffer bodily or mental Injury by the Removal.

2. Such Warrant of Removal shall be granted in *England* only on the Application of the Relieving Officer, or other Officer of the Guardians of the Union or Parish, and in *Scotland* only on the Application of the Inspector of the Poor of the Parish or Combination, or other Officer appointed by the Parochial Board of such Parish or Combination, where such poor Person shall have become chargeable, and shall contain the Name and reputed Age of every Person ordered to be removed by virtue of the same, and the Name of the Place in *Scotland* or *England* or *Ireland*, (as the Case may be) where the Justices or Magistrate, or Sheriff or Justices, shall find such Person to have been born, or to have last resided for the Space of Five Years in the Case of a poor Person to be removed to *Scotland*, and Three Years in the Case of a poor Person to be removed to *England* or *Ireland*, and a Statement of such Examination having been made as to the State of Health of every Person ordered to be removed as aforesaid; and such Warrant shall be addressed to the Party applying for the same, and in the Case of a Removal to *Scotland*, to the Parochial Board or Inspector of the Poor of the Parish or Combination to which such poor Person is to be removed, and in the Case of a Removal to *England* or *Ireland* (as the Case may be), to the Guardians of the Union or Parish to which such Person is to be removed, and a Copy shall be given by and at the Cost of the Person applying for such Warrant to the Person or the Head of the Family about to be removed by virtue of it: Provided that in the Case of any Native of *England*, *Ireland*, or *Scotland* where the Justices or Magistrate, or Sheriff or Justices, (as the Case may be,) shall not be able to ascertain, upon the Evidence before them, the Place of Birth or of such continued Residence as aforesaid, they shall order the Pauper to be removed to the Port or Union or Parish in *England* or *Ireland* (as the Case may be), or Port or Parish in *Scotland*, which shall, in the Judgment of such Justices or Magistrate, or Sheriff or Justices, (as the Case may be,) under the Circumstances of the Case be most expedient.

3. The Person obtaining the Warrant shall, at least Twelve Hours before the Removal, send a Copy of it by Post to the Inspector of the Poor of the Parish or Combination in *Scotland*, and to the Clerk of the Board of Guardians of the Union or Parish in *England* or *Ireland* (as the Case may be), to which such poor Person shall be ordered to be removed, and also a Copy of the Depositions taken in the Case, if the same shall, at any Time within Three Months from the Date of the Warrant, be required by any such Board of Guardians or Parochial Board.

4. Such Warrant shall order the Removal of the poor Person to be made to the Place mentioned therein as aforesaid, and shall order the Persons charged with the Execution thereof to cause such poor Person with his Family (if any) to be safely conveyed to such Place in *England*, *Ireland*, or *Scotland* (as the Case may be,) to be delivered, in the Case of a Removal to *Scotland*, to

Warrant to contain Name and Age of every Person to be removed, and other Particulars.

Provido.

Copy of Warrant to be sent to Parochial Board, &c. of Parish to which Removal is to be made.

Warrants shall order poor Persons to be conveyed to the Place mentioned in the Warrant.

*Poor Removal.**Poaching Prevention.*

the Inspector of the Poor of the Parish or Combination, and in the Case of a Removal to *England or Ireland*, at the Workhouse of such Place or of the Union or Parish containing the Port or Place nearest to the Place mentioned in the Warrant as the Place of the Pauper's ultimate Destination.

Relieving Officers and Inspectors of Poor to receive poor Persons named in Warrant under Penalty of 10*l*.

5. The Master of the Workhouse of the Union or Parish in *England or Ireland*, and the Inspector of the Poor of the Parish or Combination in *Scotland*, to which (as the Case may be) such Warrant is addressed, shall be bound to receive Delivery of the poor Person named in such Warrant, under a Penalty of Ten Pounds for each Case of Refusal, which Penalty may be recovered by the Person applying for such Warrant by an Action in any County Court in *England*, or Court of Quarter Sessions in *Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place where such Master or Inspector is resident at the Time when such Action is brought.

Parochial Boards and Guardians may forward the Pauper to the Place of Destination and recover the Costs.

6. If by reason of Default of the Guardians, Inspector of the Poor, or other Person having charge of such Warrant, or otherwise, the poor Person named therein shall not be removed to the Place of ultimate Destination, the Guardians of the Union or Parish in *England or Ireland*, or Parochial Board of the Parish or Combination in *Scotland*, (as the Case may be,) to which he has been removed, may if they think fit, cause the Pauper to be removed forthwith to the Place mentioned in the Warrant, and shall be entitled to be reimbursed the Costs incurred in such Removal by the Guardians or Parochial Board (as the Case may be), or other Person on whose Application the Warrant was obtained, such Costs being the actual Expense incurred in and about the Conveyance and Maintenance of each Person so removed, which Costs may, if not paid on Demand, be recovered by an Action in any County Court in *England or Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place from whence the Removal shall have taken place.

Women and Children not to be removed as Deck Passengers during the Winter.

7. It shall be unlawful to remove any Woman, or any Child under the Age of Fourteen, as a Deck Passenger in any Vessel from *England to Scotland*, or from *Scotland to England or Ireland*, during the Period from the First of *October* to the *Thirty-first of March* following, and no Regulation of any Sheriff, Magistrate, or Justices authorizing such Removal shall be henceforth legal.

Part of 8 & 9 Vict. c. 83. s. 77. repealed.

8. Section Seventy-seven of the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, in so far as inconsistent with the Provisions of this Act, is hereby repealed.

Construction of this Act.

9. Except so far as this Act shall alter the Provisions of the said Acts, this Act shall be construed as Part of the same.

C A P. CXIV.

An Act for the Prevention of Poaching.

[7th August 1862.]

‘ WHEREAS it is expedient that the Laws now in force for the better Detection and Prevention of Poaching should be amended:’ Be it enacted by the Queen’s most Excellent Majesty,

Poaching Prevention.

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 Word "Game" in this Act shall for all the Purposes of this Act be deemed to include any One or more Hares, Pheasants, Partridges, Eggs of Pheasants and Partridges, Woodcocks, Snipes, Rabbits, Grouse, Black or Moor Game, and Eggs of Grouse, Black or Moor Game ; and the Words "Justice" and "Justices" in this Act shall, unless otherwise provided for, mean respectively a Justice and Justices of the Peace respectively of or for the County, Riding, Division, Liberty, City, Borough, or Place in which any Game, Gun, Part of Gun, Net, Snare, or Engine after mentioned shall be found.

Interpretation
of Terms.

2. It shall be lawful for any Constable or Peace Officer in any County, Borough, or Place in *Great Britain* and *Ireland*, in any Highway, Street, or public Place, to search any Person whom he may have good Cause to suspect of coming from any Land where he shall have been unlawfully in search or pursuit of Game, or any Person aiding or abetting such Person, and having in his Possession any Game unlawfully obtained, or any Gun, Part of Gun, or Nets or Engines used for the killing or taking Game, and also to stop and search any Cart or other Conveyance in or upon which such Constable or Peace Officer shall have good Cause to suspect that any such Game or any such Article or Thing is being carried by any such Person, and should there be found any Game or any such Article or Thing as aforesaid upon such Person, Cart or other Conveyance, to seize and detain such Game, Article, or Thing ; and such Constable or Peace Officer shall in such Case apply to some Justice of the Peace for a Summons citing such Person to appear before Two Justices of the Peace assembled in Petty Sessions, as provided in the Eighteenth and Nineteenth of Her present Majesty, Chapter One hundred and twenty-six, Section Nine, as far as regards *England* and *Ireland*, and before a Sheriff or any Two Justices of the Peace in *Scotland* ; and if such Person shall have obtained such Game by unlawfully going on any Land in search or pursuit of Game, or shall have used any such Article or Thing as aforesaid for unlawfully killing or taking Game, or shall have been accessory thereto, such Person shall, on being convicted thereof, forfeit and pay any Sum not exceeding Five Pounds, and shall forfeit such Game, Guns, Parts of Guns, Nets, and Engines, and the Justices shall direct the same to be sold or destroyed, and the Proceeds of such Sale, with the Amount of the Penalty, to be paid to the Treasurer of the County or Borough where the Conviction takes place ; and no Person who, by Direction of a Justice in Writing, shall sell any Game so seized shall be liable to any Penalty for such Sale ; and if no Conviction takes place, the Game or any such Article or Thing as aforesaid, or the Value thereof, shall be restored to the Person from whom it had been seized.

Power to Con-
stables to search
Persons with-
out Warrant,
in certain
Cases.

3. Any Penalty under this Act shall be recovered and enforced in *England* in the same Manner as Penalties under the Act First and Second *William* the Fourth, Chapter Thirty-two, and in

Recovery of
Penalties.

Poaching Prevention.

Scotland under the Act Second and Third *William* the Fourth, Chapter Sixty-eight, and in *Ireland* under the Petty Sessions, *Ireland*, Act, 1851, when not otherwise directed in this Act.

Provisions of
11 & 12 Vict.
c. 43. extended
to this Act.

4. The Powers and Provisions of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, shall extend and apply to this Act, and to all Proceedings, Matters, and Things to be taken, had, and done, and to all Persons to be proceeded against or taking Proceedings under this Act.

No Conviction
shall be
quashed for
Want of Form
or removed by
Certiorari.

5. No Conviction or Order made under this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Power of Ap-
peal.

6. Any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, Division, or Borough wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall, within Three Days, enter into a Recognizance, or Bond of Caution in *Scotland*, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem fit, and shall, if necessary, issue Process for enforcing such Judgment.

LOCAL ACTS.

[For the full Titles, see Table of Titles at the Commencement of the Volume.]

Cap. i.

“The Great Northern Railway Amendment Act, 1862.”

Recites that it is expedient to enable the Great Northern Railway Company to acquire additional Land near Doncaster, and to extend the Time for the Sale of their superfluous Lands.

Two Years for compulsory Purchase of Lands, § 8.

Extending Period for Sale of superfluous Lands for 10 Years, § 4.

Cap. ii.

“The Woolwich, Plumstead, and Charlton Consumers Gas Act Amendment Act, 1862.”

Recites Incorporation of Company in 1855 for the Purpose of making and supplying Gas within the Town and Parish of Woolwich and the Parishes of Plumstead and Charlton, in the County of Kent, with Power to raise 24,000*l.* by Shares and 6,000*l.* by borrowing; that they have raised and expended upon their Undertaking the whole of the said 24,000*l.*, and the Sum of 4,000*l.*, Part of the said 6,000*l.*; proposes to raise further Monies.

Incorporation of Parts of Companies Clauses Act, § 1.

Power to Company to raise additional Capital of 24,000*l.* in 5*l.* Shares, §§ 2 to 8.

Limiting the Amount of Dividend on new Capital to 7*l.* 10*s.* per Annum, § 9.

Power to borrow 6,000*l.*, §§ 10 to 12.

Cap. iii.

“The Norwich Corporation Markets Act, 1862.”

Recites that by “The Norwich Corporation Markets Act, 1860,” the Corporation of the City of Norwich are empowered to enlarge and improve the Cattle Market, to establish, hold, and regulate Markets and Fairs in the City, to make new Streets in the City, and to purchase Lands compulsorily for the Purposes of that Act; that they have proceeded to put the recited Act into execution, and have acquired Parts of the Lands by the recited Act authorized to be purchased for Markets and new Streets; that the Lands which the Corporation are by the recited Act authorized to purchase compulsorily are insufficient for improving the Cattle Market and for the other Purposes of the recited Act, and it is expedient that the Corporation be empowered

to purchase additional Lands, and be empowered to sell and exchange, with the Consent of the Lords of the Treasury, Parts of the Estates and Lands of the Corporation in and near the City ; and that additional Provisions be enacted with respect to the Markets, and that the recited Act be amended in manner herein-after provided.

Act to be executed by Corporation, § 2.

Incorporation of Lands Clauses Act, §§ 3, 4.

Compulsory Power to purchase Lands, § 5.

Four Years for compulsory Purchase of Lands under this Act, § 8.

Lateral Deviations of new Streets, § 9.

Section 17 of recited Act to apply to Roads, &c. over Lands purchased compulsorily under this Act, § 10.

Power to sell and exchange Lands, § 11.

Consent of Treasury to Sales and Exchanges of Lands, § 12.

Discontinuance of Markets when other Markets provided, § 13.

Penalty on Sales of Cattle, &c. elsewhere than in Markets, § 14.

Penalty on Sale of Fish by Auction or wholesale elsewhere than in Markets, § 15.

Penalty on Sale, &c. of Meat, &c. unfit for Food of Man, § 16.

Penalties to be paid to Corporation, § 17.

Application of Sale, Exchange, and other Monies to Credit of Borough Fund, and Expenses of executing Act to be paid out of Borough Fund, § 18.

Repeals of Incorporation of Section 50 of Markets and Fairs Clauses Act with recited Act, § 19.

Saving Rights of Corporation and Norwich Corn Exchange Company (Limited), and Lessees of Corporation, § 20.

Cap. iv.

“The Ross Turnpike Roads Act, 1862.”

Recites 55 Geo. 3, intituled “An Act for more effectually repairing the Roads leading into and through the Town of Ross, in the County of Hereford, and several Roads communicating therewith ;” that considerable Sums of Money, as specified in the Schedule to the Act, and amounting together to the Sum of 8,100*l.*, have been borrowed and are now due and are secured upon the Credit of the Tolls which the Trustees are authorized to collect, and such Sums cannot be repaid nor the Roads maintained in sufficient Repair unless a further Term and additional Powers are granted. Repeals recited Act, and continues the Trust for 21 Years. Schedule (Sums due on Mortgage of Tolls).

Cap. v.

“The Wycombe Railway Amendment Act, 1862.”

Preamble recites 9 & 10 Vict. c. ccxxxvi., 15 & 16 Vict. c. cxlvii., 20 & 21 Vict. c. clviii., and 24 & 25 Vict. c. lxxxvii., relating to the Company ; that the Railway authorized by the Acts of 1846 and 1852 has been long since made and completed,

the Extension to Thame, authorized by the Act of 1857, is in the course of Construction, and the Extensions to Oxford and Aylesbury have not yet been commenced ; that by the Act of 1846 they were authorized to raise 150,000*l.* by the Issue of 10,000 Shares of 15*l.* each, and to borrow 50,000*l.*, but by the Act of 1852 the said Share Capital was reduced to 100,000*l.*, divided into 10,000 Shares of 10*l.* each, and the borrowing Powers were reduced to 33,600*l.* ; that by the Act of 1857, the Company were, for the Purposes of the Extension to Thame, authorized to apply any Monies which they were theretofore authorized to raise, and which were not required for the Purposes of the original Undertaking, and also to raise a further Capital, namely, 60,000*l.* by Shares, and 20,000*l.* by borrowing, but these Amounts were respectively increased by the Act of 1861 to 80,000*l.* and 26,000*l.* ; that by the Act of 1861, the Company were, for the Purposes of the Extensions to Oxford and Aylesbury, authorized to raise 240,000*l.* by Shares, and 80,000*l.* by borrowing ; that their present Capital Account under the Acts of 1846 and 1852 is as follows : Of their Share Capital, which is divided into 10,000 Shares of 10*l.* each, 6,056 Shares are held by various Shareholders in respect of the original Undertaking, and have been fully paid up, 1,000 Shares are forfeited Shares, and 2,944 Shares are now vested in certain Persons as Trustees for the Company, and upon these Shares nothing has been paid ; and they have borrowed for the Purposes of the original Undertaking, and now owe, 24,400*l.*, Part of the 33,600*l.*, and they have granted Rentcharges in respect of the original Undertaking to the Extent of 184*l.* 6*s.* 9*d.* ; that the Cost of the Extension to Thame was estimated at 108,000*l.*, but it will greatly exceed this Sum, and the Company will require the whole of the Capital not yet raised under the Act of 1852, and it is necessary and expedient that the Powers herein-after contained should be conferred upon the Company with reference to such Capital ; that under an Agreement with the Great Western Railway Company, bearing Date the 22d April 1852, and confirmed by Parliament, the original Undertaking is leased to that Company at a yearly Rent of 3,600*l.*, which Rent is, after certain Deductions, reserved to and divided amongst the Holders of the before-mentioned 6,056 Shares, in terms of the Agreement of the 11th August 1859, herein-after referred to ; that by the Act of 1852 Power is given to the Company to attach to any unissued Shares a preferential Dividend not exceeding 4*l.* per Centum per Annum, and also to create and issue new Shares with a similar Preference in the Stead of any Shares cancelled or forfeited, and the Company are also by the said Acts of 1857 and 1861 authorized to attach a Preference or Priority of Dividend not exceeding 5*l.* per Centum per Annum to the respective Shares by those Acts authorized to be created, but they have not exercised any of these Powers ; that the Extension to Thame when made will be worked by the Great Western Railway Company, under an Agreement

bearing Date the 11th August 1859, and (subject to the Approval of the Board of Trade) confirmed by the Act of 1861, in which Agreement it is, amongst other things, provided that the said yearly Rent of 3,600*l.* shall, subject to the Payment of Rentcharges payable in respect of Lands purchased for the original Undertaking, and of Interest on the Mortgages, Bonds, or other Securities affecting the original Undertaking, be applied in paying a preferential Dividend upon the original Share Capital of 60,560*l.*; that by the Act of 1861 the Company are authorized to borrow 86,000*l.*, but not until the whole of the additional Share Capital by that Act authorized has been subscribed for; that the total Amount of such additional Share Capital is 260,000*l.*, whereof 20,000*l.* was for the Thame Extension, 60,000*l.* for the Aylesbury Extension, and 180,000*l.* for the Oxford Extension; proposes to authorize the Company to borrow when and as the before-mentioned Sums are subscribed, and to amend the recited Acts.

Certain Sections of 15 & 16 Vict. c. cxlvii. and 24 & 25 Vict. c. lxxxvii. repealed.

1. Sections 5, 6, 7, 8, 9, and 10 of the Act of 1852, relating to unissued, cancelled, and forfeited Shares, and the Proviso to Section 27 of the Act of 1861, restricting the Payment of Dividends until the Railways thereby authorized have been opened for Six Months, Section 25 of that Act as to Extent of preferential Dividend, and Section 29 of that Act, giving Power to borrow, shall be and are hereby repealed.

Company may cancel forfeited Shares, § 2.

Merger of such Shares, and cancelling of the 2,944 Shares in the Company, and Power to issue new Shares instead of those cancelled, § 3.

Privileges not exceeding 5*l.* per Cent. Dividend may be attached to new Shares, §§ 4, 5.

No Dividend on Shares created for particular Extensions until same opened Six Months, § 6.

Limit of Amount and Number of Calls, § 7.

Dividends of new Shareholders, § 8.

As to Votes of Proprietors of new Shares, § 9.

Original Capital to be deemed ordinary Capital notwithstanding Reservation of Rent, § 10.

Power to borrow the several Sums of 6,000*l.*, 20,000*l.*, and 60,000*l.* according as each Share Capital is paid up, §§ 11 to 13.

Company may borrow Money on Rentcharge from William Terry.

14. And whereas William Terry, of Fulham, Middlesex, Esquire, has, in consideration of an annual Rentcharge of 800*l.*, payable by the Company, advanced to the Company 20,000*l.*, and is willing to advance to them on similar Terms a further Sum of 20,000*l.*, being at a less Rate of Interest than the Company would have to pay were they to borrow the said Monies on Mortgage: Therefore the Company may accept from the said William Terry a further Sum of Money not exceeding 20,000*l.*; and the Monies already or to be hereafter advanced to the Company by the said William Terry shall, subject to the Provisions of this Act, be a Charge on the Tolls of the Company, and may be recovered in manner provided by Clause 11 of "The Lands Clauses Consolidation Act, 1845," with respect

respect to the Rents therein referred to : Provided always, that the Powers by this Act and the other Acts of the Company conferred upon the Company with respect to the borrowing on Mortgage shall, to the Extent of the Monies so advanced to the Company on any such Rentcharge, be reduced; and all Mortgages and Bonds granted by the Company before the making of any such Advance, and all other Rentcharges shall respectively have Priority over any Rentcharge to be created under the Powers of this Act.

17. The Company may, with the Consent of Three Fifths of the Votes of their Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with due Notice of the Object, exercise the following Powers :

Power to appropriate particular Rents in Payment of preferential Dividends.

Firstly, they may appropriate to the Payment of the preferential Dividend which may be attached to any Shares created for the Purposes of the Thame Extension so much of the annual Rent or Payment to be received from the Great Western Railway Company under the before-mentioned Agreement of the 11th Day of August 1859, as may be sufficient or required for that Purpose, and the Company may from Time to Time, out of such annual Rent or Payment, pay such preferential Dividends as the same may accrue and become payable :

Secondly, they may appropriate to the Payment of the preferential Dividend which may be attached to any Shares created for the Purposes of the Aylesbury Extension so much of the annual Rent or Payment to be received from the Great Western Railway Company in respect of such Extension under the Agreement with respect to such Extension and the Oxford Extension, bearing Date the 29th Day of April 1861, as may be sufficient or required for that Purpose, and the Company may from Time to Time out of such annual Rent or Payment pay such preferential Dividends as the same may accrue and become payable :

Thirdly, the Company may appropriate to the Payment of the preferential Dividend which may be attached to any of the Shares to be created for the Purposes of the Oxford Extension so much of the annual Rent or Payment to be received by the Company from the Great Western Railway Company in respect of such Extension under the said Agreement of the 29th Day of April 1861, as may be sufficient or required for that Purpose, and the Company may from Time to Time out of such annual Rent or Payment pay such preferential Dividends as the same may accrue and become payable :

Provided always, that any such Appropriation and Payment in respect of the said respective Preference Shares shall be made after and subject to the Payment of all Rentcharges granted by the Company, and Interest on Monies from Time to Time borrowed and owing by them.

18. It shall be lawful for the Company, with the Consent of Three Fifths of the Votes of their Shareholders (other than the Holders of the 6,056 Shares in the original Undertaking of

Power to agree with original Shareholders

as to Rent of
3,600*l.*

the Company) present, personally or by Proxy, at any Extraordinary Meeting convened with due Notice of the Object, to agree with all or any of the said Holders as to the Terms and Conditions upon which their Rights in respect of the before-mentioned yearly Rent of 3,600*l.* shall be surrendered in favour of any of the Preference Shareholders of the Company. Company may have Four Registers of Shareholders, § 19.

Cap. vi.

“ The Folkestone to Barham Downs Turnpike Road Act, 1862.”

Recites 32 Geo. 3. c. cxvii. and 54 Geo. 3. c. xiv. ; that those Acts were continued by the Annual Turnpike Acts Continuance Acts which have been subsequently passed, but will not continue in force beyond the 1st November 1862 ; that the several Debts specified in the Schedule to this Act annexed, and amounting together to 4,475*l.*, are now secured by Mortgage of the Tolls by the said recited Acts granted ; that by an Act passed in 1855, intituled “ An Act to confirm certain Provisional Orders made under an Act of the 15th Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts,” a certain Provisional Order bearing Date the 6th November 1854 was confirmed, whereby the Interest upon the before-mentioned Debt, which theretofore had been at the Rate of 4*l.* per Centum per Annum, was reduced to 2*l.* per Centum per Annum, and all Arrears of Interest to the 31st December 1854 were extinguished.

Repeals recited Acts and continues the Term for 21 Years.

Cap. vii.

“ London and Blackwall Railway Act, 1862.”

Recites several Acts relating to the London and Blackwall Railway Company ; that by virtue of “ The London and Blackwall Railway Act, 1860,” the Company were authorized to afford additional Accommodation for Goods Traffic, and for such Purpose they were enabled further to widen their Railway and to acquire additional Lands, and to erect Stations and other Buildings, and they were also authorized to construct a Branch Railway from the London and Blackwall Railway to the London Docks, and those Works are in process of Construction ; proposes to authorize the Company to acquire certain additional Lands for the Works connected with their Railway ; recites that by the Act of 1860 the Company were authorized to raise by Shares, to form Part of their ordinary Share Capital, a further Sum of 300,000*l.*, and to borrow the Sum of 100,000*l.* ; that they accordingly created such Shares, but the same were only partially issued ; that it is expedient that the Company should be authorized to attach a Preference or Priority in Payment of Dividend over the ordinary Stock or Shares of

the Company to the Shares for raising the said Sum of 300,000*l.*; that the Company have not hitherto created any Preference Shares; that such of the Shares forming Part of the Sum of 300,000*l.* as were issued were taken upon the Terms set forth in the Resolutions creating such Shares, and inasmuch as it was intended to issue the whole Sum of 300,000*l.* upon the same Terms, it is reasonable that the Persons holding the Shares so taken should have the Option of converting the same into Preference Shares; and proposes to amend recited Acts.

Incorporation of Lands Clauses Acts and Railways Clauses Act, §§ 3, 4.

Power to widen, &c. Railway, § 5.

Describing Works, § 6.

Three Years for Completion of Works, § 7.

Two Years for compulsory Purchase of Lands, § 8.

Widenings and Enlargements to be deemed Part of Works authorized by Act of 1860, § 9.

Saving Rights of the Metropolitan and other Boards, § 10.

Certain Sections of Act of 1860 extended to this Act, § 11.

Power to create Shares to the Amount of 300,000*l.* with or without a Preference not exceeding 5*l.* per Cent., §§ 12 to 20.

21. Upon the Issue of any Shares as Preference Shares under the Powers of this Act, any Person who may be the Holder of any Share or Shares created or issued by the Company previous to the passing of this Act for raising the said Sum of 300,000*l.* or any Part thereof, under the Powers of the Act of 1860, shall be entitled to require the Company to convert such ordinary Share or Shares so created and issued into a Preference Share or Shares, entitled to a Preference Dividend not exceeding 4*l.* 10*s.* per Centum per Annum, upon Payment by such Person, his Executors, Administrators, or Assigns, either in One Sum or by such Instalments as the Directors may require, of the Difference between the Price at which such Share or Shares was or were issued and the nominal Value of such Preference Share or Shares: Provided always, that Notice of the Intention to exercise such Right of Conversion shall be given in Writing delivered or sent by Post to the Secretary of the Company, within Two Months after the Day of holding the Meeting of the Company at which the Creation of the Preference Shares was sanctioned; and the Holders of any Shares issued under the Powers of "The London and Blackwall Railway Act, 1860," in respect of which no such Notice shall be given within that Period, shall be deemed to have elected to retain the same as ordinary Shares of the Company.

22. The Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of the Shares into Stock, are incorporated with this Act, and shall extend to the Shares by this Act authorized to be raised.

23. Inasmuch as the Company have converted 138,221 Shares in the Capital of the Company (in respect whereof the whole Money subscribed has been paid up) into 1,382,210*l.* of Stock, and have distributed the same Stock amongst the Shareholders

For Surrender and Conversion of certain Shares.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

As to Qualification and Rights conferred by the Stock of the Company.

holders entitled thereto at the Rate of 10*l.* for each Share, and it is expedient to define the Rights and Privileges of Stockholders: Therefore, for the Purposes of voting and for computing the Qualification of a Director, 10*l.* of Stock in the Capital of the Company shall be deemed to represent One Share, and all Rights of voting and Qualifications shall be estimated accordingly.

Cap. viii.

“The London, Tilbury, and Southend Railway Act, 1862.”

Preamble recites that by “The London, Tilbury, and Southend Extension Railway Act, 1852,” the Eastern Counties Railway Company and London and Blackwall Railway Company were authorized to make a Railway with Branches from the Eastern Counties Railway, in the Parishes of West Ham and East Ham, or One of them, in the County of Essex, to Tilbury, and thence to Southend, and to establish a Steam Communication between Tilbury and Gravesend, with Piers and other Works connected therewith; that by such Act it was enacted that all Lands purchased for the Purposes of the Extension Railway should be conveyed to the Two Companies jointly, and be held by them jointly upon trust; that the Two Companies were authorized to raise a Share Capital of 400,000*l.* for the Purposes of the Extension Railway, such Shares to be called “London, Tilbury, and Southend Extension Shares,” and to borrow the Sum of 100,000*l.* for the like Purposes; and it was enacted that those Shares shall not confer any Rights other than those given by the Act, and that the Holders of existing Shares in the Two Companies should not acquire, except as expressly enacted, any Right or Privilege in or with respect to the Undertaking by that Act authorized; that by the same Act the Boards of Directors of the Two Companies were respectively authorized to appoint Four Members of their respective Boards as a Joint Committee, and in such Joint Committee were vested all the Powers of the Two Companies with reference to the Extension Railway, and the Two Companies were each of them authorized to use the Extension Railway and Works for the Conveyance of Traffic, subject to the Control and Management of the Joint Committee; that by “The London, Tilbury, and Southend Railway Deviation and Amendment Act, 1854,” the Two Companies were authorized to alter a Part of the Line of the Extension Railway, and to purchase the Railway and certain Part of the Works of the Thames Haven Dock and Railway Company, and to raise by the further Issue of Extension Shares the Sum of 52,000*l.*, and the Two Companies were authorized to lease the Extension Railway to Sir Samuel Morton Peto, Baronet, Edward Ladd Betts, and Thomas Brassey for a Term of 21 Years from the passing of that Act, but determinable by the Board of Trade on 12 Months Notice at any Time at or after the Expira-

tion of 10 Years from the Commencement thereof, if in the Opinion of such Board the further Continuance of such Lease would be injurious to the Public; that by "The London, Tilbury, and Southend Railway (Amendment) Act, 1856," the Two Companies were authorized to raise by a further Issue of Extension Shares, 60,000*l.*, and to borrow a further Sum of 40,000*l.* for the Purposes of the Extension Railway; that by "The London, Tilbury, and Southend Railway (Extension and Branches) Act, 1856," the Two Companies were authorized to construct a Railway and Two Branch Railways, such Railway to extend from the London and Blackwall Extension Railway to the London, Tilbury, and Southend Extension Railway, near Barking, and such Railway and Branches form Part of the Undertaking of the London, Tilbury, and Southend Extension Railway, and the Capital for the Construction thereof was authorized to be raised, and was raised by the further Issue of Extension Shares to the aggregate Amount of 150,000*l.*, and by borrowing 50,000*l.*; and the same Railway and Branches were required to be included in the Lease of the Extension Railway; that the whole of the Extensions, Railways, and Works have been completed, and a Contract for the Lease thereof has been entered into with the Lessees; that the aggregate Amount authorized to be raised by London, Tilbury, and Southend Extension Shares is 662,000*l.*, and the Amount authorized to be borrowed on that Undertaking is 190,000*l.*; that on the 1st December 1861 there had been raised by Extension Shares 650,700*l.*, and by Mortgage 143,846*l.* 9*s.* 9*d.*; that the Proprietors of the Extension Shares, although the Parties mainly interested in the Extension Railway, have no Voice or Control in the Management of the Affairs of that Railway, or in the Appointment of the Directors in whom such Management is vested; that it is expedient that the Proprietors of London, Tilbury, and Southend Extension Shares should be incorporated as a separate Company, and that the Undertaking of the London, Tilbury, and Southend Extension Railway should be transferred to and vested in such Company, and that they should be authorized to appoint Directors; and also to alter, amend, and enlarge the Provisions of the recited Acts.

Incorporation of Companies Clauses Act, § 3.

Repeal of Parts of Acts specified in Schedule, § 5.

Incorporation of Company, § 6.

Transfer of Undertaking of London, Tilbury, and Southend

Extension Railway to the Company, § 7.

General Saving of Rights under recited Acts, §§ 9 to 18.

Debts on Mortgage or Bond to be a Charge on the Company, § 19.

Defining Capital of Company, § 20.

Proprietors of Tilbury Extension Shares to become Proprietors of Shares in Company, § 21.

First and other Meetings; Directors, &c., §§ 22, 23.

Appointment of Directors by Eastern Counties and London and Blackwall Railway Companies, § 26.

- Disqualification of Director appointed by Boards, § 27.
 Power to Boards to remove Directors, §§ 28, 29.
 Powers of Directors, &c., § 31.
 Saving Rights of Eastern Counties and London and Blackwall
 Railway Companies, § 32.
 Division of Profits between Two Companies to remain during
 Continuance of Lease, § 33.
 Lease and Contract not to be prejudiced, § 34.

Cap. ix.

"The Wareham Turnpike Roads Act, 1862."

Recites 11 Geo. 4. & 1 W. 4., intituled "An Act for more effectually repairing and improving several Roads leading from the Market Cross in the Town of Wareham, and in Purbeck, in the County of Dorset," whereby certain former Acts relating to the said Roads were repealed, and Provision was made for the Improvement, Maintenance, and Management of the Roads therein mentioned, and for other Purposes; that the Trustees appointed by the said Act have proceeded to put the same into execution, and have borrowed on the Credit of the Tolls authorized by such Act considerable Sums of Money; that the Term granted by the said Act will shortly expire; that the Roads to which the recited Act applies are divided into Three Branches, known respectively and herein-after referred to as "the South Branch," "the West Branch," and "the North Branch;" that there is now due and owing, on the Credit of the Tolls authorized by the said recited Act to be collected on the whole of the Roads therein mentioned the Sum of 3,250*l.*; and there is also now due and owing on the Credit of the Tolls so authorized to be collected on the said North Branch and on the said South Branch the Sum of 1,600*l.*, and the Particulars of which Sums are set forth in the Schedule to this Act; proposes that the Mortgages now due and owing upon the Credit of the Tolls arising upon all the said Roads, and upon the North Branch and the South Branch respectively, and any further Sums hereafter to be borrowed, should hereafter be charged upon the Tolls arising upon the whole of the Roads comprised in the Trust, and that the Revenues arising upon the said Branches respectively and the Application of the same should be amalgamated; and to abandon certain of the said Roads.

Repeals recited Act; takes Power to abandon certain Roads; and continues the Trust for 13 Years.

Cap. x.

"The Faringdon Railway (Amendment) Act, 1862."

Recites that in 1860 the Faringdon Railway Company were incorporated for the Purpose of constructing their Railway, and were authorized to raise 22,500*l.* by Shares of 10*l.* each, and 7,500*l.* by borrowing upon Mortgage or Bond; that they have raised 10,000*l.* by Calls on their Share Capital,

and there is also due on Calls a further Sum of 160*l.*; that they have expended in the Construction of their Railway, and otherwise in relation thereto, a Sum exceeding 10,000*l.*, but they are unable to raise the Remainder of their Share Capital unless by assigning to the Persons who may subscribe for the same a Priority in the Payment of Dividend; that there are no Preference Shares in the Capital of the Company; that the Time limited by the recited Act for the Completion of the Railway thereby authorized will expire on the 13th August 1863, and it is expedient that the Time so limited should be extended.

Power to attach Preference not exceeding 5*l.* 10*s.* per Cent. to certain Shares or Stock, §§ 3, 4.

Power to Directors of Company to agree with Holders of certain Shares or Stock for a Surrender thereof instead of forfeiting the same, § 5.

Forfeited Shares or Stock which cannot be sold to merge in the Company, § 6.

How preferential Dividends to be paid, § 7.

Extending Time for Completion of Line for One Year, § 8.

Cap. xi.

“Coventry Poor Act, 1862.”

Recites that by 41 Geo. 3. c. lxii. the Ratepayers of the Parishes of Saint Michael and Holy Trinity in the City of Coventry, qualified as provided by the reciting Act, were incorporated by the Name of “The Guardians of the Poor of the several Parishes of Saint Michael and the Holy Trinity in the City of Coventry and County of the same City,” and such of the Guardians as resided in the Parish of Saint Michael were required to appoint 10 of themselves to be Directors, and such of the Guardians as resided in the Parish of the Holy Trinity were required to appoint Eight of themselves to be Directors, which 18 Persons so appointed should be called “Directors of the Poor of the United Parishes of Saint Michael and the Holy Trinity in the City and County of the City of Coventry,” and Provision was made for the Retirement of the Directors in rotation, and for the Election of other Directors in their Place, and a Director who served Four Years was disqualified for being a Director during One Year after his Service, and Provision was made for the levying from Time to Time on the Two Parishes of Monies for the Purposes of the Act, and it was provided that the Quota of each Parish for the Relief and Support of the Poor in the Parishes should be Two Third Parts for the Parish of Saint Michael, and One Third Part for the Parish of the Holy Trinity; that the Population of Coventry has much increased, and the Amount expended for the Relief and Support of the Poor of the Parish of the Holy Trinity is nearly as much as the Amount expended for the Relief and Support of the Poor of the Parish of Saint Michael, and the Proportions in which the Two Parishes now contribute to the Relief and Support of the Poor thereof are inequitable;

that it is expedient that the Monies required for the Purposes of the recited Act should be raised by an equal Pound Rate on all the assessable Property in the Two Parishes ; that the Number of Directors to be elected by the Parish of the Holy Trinity be increased to 10 ; that a Director who has served Four Years be immediately re-eligible ; and that the recited Act be in other respects amended.

Number of Directors increased to 20, § 2.

Annual Meetings of Guardians, § 3.

First Appointment of Two additional Directors for Parish of Holy Trinity, § 4.

Retirement from Office of Directors for Parish of Holy Trinity, § 5.

Yearly Election of Five Directors for Parish of Holy Trinity, § 6.

Recited Act to have effect as if 10 Directors for Parish of Holy Trinity was thereby authorized, § 7.

Retiring Directors immediately re-eligible, § 8.

Repeal of Section 31 of recited Act, § 9.

Costs of Relief of Poor in the Two Parishes to be borne by One Common Fund, § 10.

Directors to order Churchwardens and Overseers of Poor of both Parishes to levy Monies required for recited Act, § 11.

Provisions of recited Act as to Rates on each Parish apply to Rates on both Parishes, § 12.

Saving Powers, &c. of recited Act, § 13.

Recited Act and this Act to have effect as One Act, § 14.

Saving Powers of Poor Law Board, § 15.

Cap. xii.

“The Winchester Road Act, 1862.”

Recites 1 & 2 Will. 4., intituled “An Act for more effectually repairing and improving the Road from Lower Saint Cross Mill Lane, on the Road from the City of Winchester to Southampton, to Park Gate on the Road from Southampton to Gosport, in the County of Southampton;” that the Term granted by that Act will expire at the End of the Session of Parliament next after the 15th March 1862 ; that the several Sums specified in the Schedule, amounting together to 5,200*l.*, are now secured by Mortgages of the Tolls by the recited Act authorized, and bear Interest at the Rate of 5*l.* per Centum per Annum, but no Interest thereon has ever been paid, and the Principal Money so secured and the Interest to accrue due thereon cannot be paid, and the Road cannot be repaired and maintained, unless the Term by that Act granted be extended and further Provisions in that Behalf be made.

Repeals recited Act, and continues the Trust for 21 Years.

Schedule (Sums due on Mortgage of Tolls).

Cap. xiii.

“The Cirencester Roads Act, 1862.”

Recites 6 Geo. 4. c. cxliii., intituled “An Act for maintaining and improving certain Roads leading to and from the

“ Town of Cirencester, in the County of Gloucester ;” that the Term granted by the said Act would have expired in the Year 1847, but the same has been continued from Year to Year by the Annual Turnpike Acts Continuance Act, and the said Term will now expire on the 1st November 1862, unless Parliament shall in the meantime continue the same ; that 14,722*l.* have been advanced or secured on the Credit of the Tolls authorized to be taken upon the said Roads, Part of which Sums still remains owing, and such Principal Monies cannot be paid off unless further Powers are granted, and the Term of the said Act further continued.

Repeals recited Act, and continues the Trust for 21 Years.

Cap. xiv.

“ Much Wenlock and Severn Junction Railway Act, 1862.”

Recites that in 1859 the Much Wenlock and Severn Junction Railway Company was incorporated and authorized to make a Railway from Much Wenlock, in the County of Salop, to the Severn Valley Railway and River Severn ; that they have completed the Railway with a single Line of Rails, and the same is open for public Traffic ; that they were authorized to raise by Shares 24,000*l.*, and by borrowing on Mortgage or Bond 8,000*l.* ; that they have raised the whole of the said Sum of 24,000*l.*, and have borrowed the Sum of 5,600*l.* ; that the Expense of the Railway and Works has exceeded the Sums which by the Act of 1859 the Company were authorized to raise ; that by “ The Wenlock Railway Act, 1861,” the Wenlock Railway Company thereby incorporated were authorized to make a Railway in extension of the Railway of the Company into Coalbrookdale, and also a Railway in continuation of the Railway of the Company from Much Wenlock to the Shrewsbury and Hereford Railway in the Parish of Wistanstow, in the County of Salop, and the Company were authorized to subscribe 10,000*l.* towards the Capital of the Wenlock Railway Company, and to raise Money by creating new Shares for such Purpose, and to agree with the Wenlock Railway Company for the Application of that Subscription to the Construction of the Coalbrookdale Extension, and Provision is made in such Act for the Construction of such Extension by the joint Subscriptions of the Company, the Wenlock Railway Company, the Great Western Railway Company, and West Midland Railway Company ; that the Company have subscribed the said Sum of 10,000*l.* to the Wenlock Railway Company upon the Condition of its Application to the Coalbrookdale Extension, and such Extension is in progress of Construction ; that it is expedient that the Company should be authorized to subscribe a further Sum towards the Capital of the Wenlock Railway Company ; that the Coalbrookdale Extension is an Extension of the Railway of the Company, and its Construction will greatly facilitate the Traffic from the Railway of the Company into Coalbrookdale ; that Arrange-

ments have been made with the Great Western Railway Company and West Midland Railway Company for the Construction of the Coalbrookdale Extension, and the Company and the Wenlock Railway Company will be entitled to a Portion of the Profits arising on that Extension, or to a Payment by way of Commutation for their Interest in such Profits; that it may become desirable to lay down an additional Line of Rails on the Railway of the Company; proposes to raise further Monies and amend Acts.

Power to Company to subscribe to Wenlock Railway.

4. It shall be lawful for the Company, with the Consent of the Wenlock Railway Company, to contribute towards the Coalbrookdale Extension of the Wenlock Railway Company to any further Extent, not exceeding the Sum of 10,000*l.*; and the Company may, with the Authority of Three Fifths of their Shareholders present, personally or by Proxy, at a General Meeting specially convened for the Purpose, contribute and apply in Payment of such Subscription any Monies which they are by this Act authorized to raise.

Application of additional Contribution to Coalbrookdale Extension.

5. If the Company and the Wenlock Railway Company agree as to the additional Contribution by the Company to the Coalbrookdale Extension, the same shall be in lieu of the Contribution to be made, under the Provisions of the Act of 1861, by the Wenlock Railway Company to that Extension out of their own proper Funds; and the Company shall raise the Sum of 10,000*l.* authorized to be contributed by them towards that Extension by the Act of 1861, and the Sum of 10,000*l.* authorized to be contributed by this Act, as a separate Capital, and shall charge the same upon the Profits payable or commuted Payments to be made in respect of the Coalbrookdale Extension; and Dividend not exceeding the Rate of 4*l.* 10*s.* per Centum per Annum upon the Amount from Time to Time paid up shall be payable to the Holders of the Shares or Stock issued for raising the said Sums of 10,000*l.* and 10,000*l.* out of the said Profits or commuted Payments, and such Dividend shall be a permanent and First Charge upon the Profits or commuted Payments in respect of Profits to which the Company become entitled by reason of such Contributions.

Power to Company to raise additional Capital.

6. The Company may from Time to Time raise (in addition to the Sum of 24,000*l.* authorized to be raised by Shares under the Powers of the Act of 1859, and the Sum of 10,000*l.* authorized to be raised by the Company under the Powers of "The Wenlock Railway Act, 1861,") any further Sums not exceeding in the whole 34,000*l.*, making the aggregate Share Capital of the Company 68,000*l.*; and such Sum of 34,000*l.* may be raised by the Creation of new Shares in the Undertaking of the Company, of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; and the Company may from Time to Time, but subject to the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and

and Conditions and to such Persons as the Company think fit, not being less than the nominal Amount thereof.

New Shares to be Shares of general Capital, § 7.

8. If the Money for Payment of the Contributions of the Company to the Coalbrookdale Extension be raised by means of a separate Capital charged on the Proportion of the Profits or commuted Payments in respect of Profits of the Coalbrookdale Extension to which the Company become entitled, the Shares or Stock issued for raising such Money shall not confer any Rights of voting or other Qualifications, nor any Right to participate in the Profits of the Undertaking of the Company further or otherwise than is in this Act provided.

As to Rights of Holders of Coalbrookdale Shares.

9. The Company, on Payment by any Person of the nominal Value, may issue any Shares authorized by "The Wenlock Railway Act, 1861," to be raised by them, and which have not yet been issued, or any Shares authorized to be created by this Act, as fully paid-up Shares.

Company may issue Shares as fully paid up Shares.

Power to cancel forfeited Shares, and to re-issue, §§ 10 to 17.
Power to borrow 8,000*l.* more, §§ 18 to 21.

Cap. xv.

"Bridport (Second District) Turnpike Trust Act, 1862.

Recites 11 Geo. 4., intituled "An Act for better repairing the "Second District of Turnpike Roads leading to and from "the Town of Bridport in the County of Dorset, and for "making and maintaining several Branch Roads to communicate with the same;" that the Term granted by the said Act will shortly expire; that 17,244*l.* have been advanced or are now due upon the Credit of the Tolls authorized to be taken by the said Act, as specified in the Schedule, and such Sums cannot be paid off, or the Interest thereof discharged, unless further Powers are granted, and the Term of the said Act be further continued.

Repeals the recited Act and continues the Trust for 21 Years. Schedule (Sums due on Mortgage of Tolls).

Cap. xvi.

An Act to amend some of the Provisions of the Deed of Settlement of "The British Plate Glass Company," and to confirm a Lease granted by, and to confer further Powers upon that Company.

Recites 13 Geo. 3. c. xxxviii.

Confirmation of Lease of 31st December 1860, § 1.

Power to grant other Leases of Property, § 2.

General Saving, § 3.

Cap. xvii.

An Act for rendering valid certain Letters Patent granted to Thomas Webb, of Tutbury in the County of Derby, Cotton Spinner, and James Craig, of the same Place, Manager.

Power to Commissioners of Patents to stamp Letters Patent, § 1.
Letters Patent confirmed, § 2.

Saving Rights, § 3.

Cap. xviii.

"Bradford Waterworks Act, 1862."

Recites Sale and Transfer of the Bradford Waterworks to the Corporation pursuant to Two Acts of 1854; that the Corporation by their Act of 1854 are authorized to levy a "public Water Rate" and by their Act of 1855 a "separate Water Rate;" proposes to substitute One Rate for the Two above mentioned, and of the same Amount as the aggregate of both, to extend the Limits, to abandon the making of Part of the Aqueduct from the Stubden Reservoir, to extend the Time for the Completion of Works, to borrow further Monies, levy Rates, to remove certain Doubts as to Powers of re-borrowing, and make further Provision with respect to the Supply of Water by the Corporation beyond the Limits of the Borough; and after reciting that the whole of the Borough of Bradford is watched, proposes that instead of the Borough Rate and the Watch Rate for the Borough being both levied, the Watch Rate be no longer levied, but the Amount requisite for the Purposes of the Watch Rate be levied by means of the Borough Rate, and in addition to the other Monies thereby levied.

Repeal of Section 4 of Act of 1858 (*i.e.*, Limits), § 2.

Extension of Limits, § 3.

Extension of Time for Completion (*i.e.*, Five Years more), and Compensation, §§ 4 to 7.

Power to borrow 100,000*l.*, § 8.

Power to borrow Money to pay off Mortgages when called in, § 9.

Provisions of recited Acts as to borrowing apply to Monies borrowed under this Act, § 10.

Sinking Fund.

11. From and after the Expiration of Five Years after the passing of this Act the Amount which the Corporation are by Section 50 of the Act of 1858 required to appropriate and set apart as a Sinking Fund shall be increased by a Sum equal to One Fiftieth Part of the Sums borrowed under this Act, and the Sinking Fund shall be applicable for paying off the Principal Monies borrowed under the recited Acts or any of them and this Act.

General Water Rate to be levied.

12. So long as the Authority conferred by the Acts of 1855 and 1858 respectively to levy a separate Water Rate continues, instead of the public Water Rate by the Corporation's Act of 1854 authorized and the separate Water Rate being both levied, the aggregate Amount from Time to Time required to be levied by both the public Water Rate and the separate Water Rate shall be levied by One general Water Rate, in like Manner as, if this Act were not passed and the separate Water Rate were levied, that Rate would be levied: Provided that the Amount of the general Water Rate so from Time to Time levied shall not exceed by more than Threepence in the Pound what would be the Amount of the separate Water Rate, if that Rate continued to be levied.

Limit of Amount for public Water Rate Purposes.

Application of levied

13. The Corporation from Time to Time shall apply, for the several Purposes for which by the Corporation's Act of

1854 the public Water Rate thereby authorized is made applicable, so much of the Monies levied by the general Water Rate as is levied thereby instead of by the public Water Rate; and shall apply, for the several Purposes for which by the recited Acts of 1855 and 1858 and this Act respectively the separate Water Rate is made applicable, so much of the Monies levied by the general Water Rate as is levied thereby instead of by the separate Water Rate.

by general Water Rate.

14. All Monies from Time to Time levied by the general Water Rate instead of by the separate Water Rate, or, as the Case may be, the public Water Rate, shall for the Purposes of the recited Acts and this Act respectively, with respect to the Application from Time to Time of Monies levied by the separate Water Rate, or, as the Case may be, the public Water Rate, and Securities from Time to Time affecting the respective Rate, be deemed to have been levied by the separate Water Rate, or, as the Case may be, the public Water Rate; and for those Purposes respectively, and to the Extent of the Money so raised by the general Water Rate, that Rate shall be deemed to be the separate Water Rate, or, as the Case may be, the public Water Rate.

Monies to be deemed levied as if by public or separate Water Rate.

15. The Watch Rate within the Borough shall no longer be levied, but from Time to Time, as Occasion requires, there shall be levied by means of the Borough Rate of the Borough, and in addition to the other Sums thereby authorized to be levied, such Sums as are from Time to Time required for the several Purposes for which the Watch Rate within the Borough is, or, if that Rate continued leviable, would be applicable, and in like Manner in all respects as if the Amount so raised by the Borough Rate instead of by the Watch Rate were Expenses necessarily and properly incurred in carrying into effect, within the Borough, the Provisions of the Act of the Session of the Fifth and Sixth Years of the Reign of King William the Fourth for the Regulation of Municipal Corporations in England and Wales: Provided that the Amount of the Borough Rate so from Time to Time levied shall not exceed by more than Eightpence in the Pound in any One Year, or by more than such other Sum as is from Time to Time limited by Law for Watch Rate Purposes, what would be the Amount of the Borough Rate, if the Money thereby levied for the Purposes for which by Law the Watch Rate is made applicable were levied by the Watch Rate instead of by the Borough Rate.

Watch Rate not to be levied, but Amount required for Purposes thereof to be levied by Borough Rate.

Limit to Eightpence in the Pound of Amount added to Borough Rate for Watch Rate Purposes.

16. The Corporation from Time to Time shall apply, for the Purposes for which it is so levied, and for no other Purpose, the Amount so levied by means of the Borough Rate for the Purposes of the Watch Rate.

Corporation to apply for Purposes of Watch Rate Monies so levied.

17. Section 52 of the Act of 1858, with respect to a Supply of Water in Bulk, is by this Act repealed: Provided that the Repeal thereof shall not annul, prejudice, or affect any Contract or Agreement already entered into in pursuance of that Section, or any Right, Liability, Claim, or Demand under or with respect to any such Contract or Agreement.

Repeal of Section 52 of Act of 1858.

Corporation
may sell Water
in Bulk, &c.

18. The Corporation, if and when they think fit, may agree with any Corporation, local Authority, public or private Company, Body of Persons, or Person within the Limits of this Act for a Supply of Water in Bulk or otherwise, at such Rate or Price, and on such Terms and Conditions, as are from Time to Time mutually agreed on; and the Corporation shall not be bound to supply any Water beyond the Borough except in pursuance of such an Agreement, or of a Deed, Contract, or Agreement executed or entered into by the said Bradford Waterworks Company or the Corporation before the passing of this Act.

Corporation
may require
Payment in ad-
vance for Water
supplied beyond
Borough.

19. Where the Corporation agree for a Supply of Water beyond the Borough, they may require that Payment for the Water to be so supplied be made quarterly in advance; and in default of Payment, and so long as the Default continues, may stop the Supply so agreed for.

Provisions of
recited Acts ap-
plicable to Pur-
poses of this
Act.

20. Such of the Powers and Provisions of the recited Acts as are from Time to Time in force, and applicable to any of the Purposes of this Act, shall extend and apply to and may be put in execution for the Purposes of this Act.

Cesser of Sec-
tions of Com-
pany's Act of
1854 for Pro-
tection of Mr.
Ferrand.

21. If William Ferrand, in the Company's Act of 1854 called William Busfeild Ferrand, his Heirs or Assigns, being the Owners in Fee Simple of the Estates mentioned in that Act, by Writing under his or their Hand or Hands delivered to the Corporation consent thereto, then Sections 124 to 127, both inclusive, of that Act, for his and their Protection, shall thereupon and thenceforth wholly cease to have any Operation.

Cap. xix.

“The Heckmondwike Gas Act, 1862.”

Recites that in 1844 a Company or Copartnership called “The Heckmondwike Gas Company” was formed for supplying the Township of Heckmondwike and the Neighbourhood thereof with Gas, and constructed Gasworks on certain Land in the Township of Heckmondwike, and supplied Gas therefrom; that in 1850 they purchased other Land in the Township of Liversedge, near the Township of Heckmondwike, and constructed thereon new and larger Gasworks in lieu of their previously existing Gasworks in the Township of Heckmondwike, and by a Deed dated the 28th October 1850 the Rules of the said Company were consolidated, and their Capital was fixed at 3,500*l.*, with Power to increase the same to 7,000*l.*; that since then the Population, Mills, Manufactories, and other Buildings in the Township and Neighbourhood of Heckmondwike have considerably increased, and the Company have not only expended upon their said Undertaking the whole of the said Sum of 7,000*l.*, but have from Time to Time invested large Sums of Money in extending their Works to meet the increased Wants of the said Township and Neighbourhood, and the whole of the Monies expended in the Construction and Extension of the said Works amount to 10,500*l.*, or thereabouts, and the Balance between the said Sum of 10,500*l.* and 7,000*l.*,

amounting to 3,500*l.*, has been supplied from the Profits of the Undertaking divisible among the Shareholders ; that the Township of Liversedge, or Part thereof adjoining or near to the Township of Heckmondwike, requires to be lighted with Gas, and the Company have partially lighted the same, and are willing to extend their Supply, but require more Capital and further Powers to enable them effectually to carry out their original Undertaking, and to light the said Township of Liversedge ; and it is expedient that they should be incorporated and fully empowered to make and supply Gas within the said Townships.

Incorporation of Consolidation Acts, §§ 1 to 4.

Incorporation of Company and Saving of Rights and Liabilities, §§ 5 to 19.

Capital, 7,000*l.* (subject to Augmentation), §§ 20, 21.

Company shall call in and cancel existing Share Certificates, and issue new Certificates in lieu thereof, § 22.

Power to create 700 paid-up Shares limited to Four per Cent. Dividends, to be distributed amongst the old Shareholders, § 23.

24. In further Addition to the said Capital of 7,000*l.*, it shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting or Meetings convened with special Notice of the Purpose, from Time to Time to raise by the Creation of new Shares such further Sum or Sums as they may think proper, not exceeding in the whole 10,500*l.*, but the Amount of Profits which the Company may divide in respect of any such new Shares shall not exceed the Rate of 7*l.* 10*s.* per Centum per Annum upon the Amount for the Time being paid thereon, and no Deficiency in the Profits of the Company for any Year to pay that Amount of Dividend in full shall be made good out of subsequently accruing Profits, except such as shall have accrued within Three Years thereafter.

Power to raise additional Capital by new Shares.

Disposal of additional Capital, §§ 25 to 29.

Powers to borrow 3,000*l.* altogether, §§ 30, 31.

Meetings ; Directors, &c., §§ 32 to 43.

Company empowered to lay down Pipes, &c., § 44.

Power to lay Pipes against Buildings, § 45.

Compelling Company to supply Consumers, § 46.

Limiting the Price of Gas to 4*s.* 6*d.* per 1,000 Cubic Feet, § 47.

Meters ; Penalties ; testing of Quality of Gas, §§ 48 to 69.

Cup. xx.

“ The Queenstown Improvement Act, 1862.”

Recites that by the Public Act 6 & 7 Will. 4., intituled “ An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland,” the Grand Jury of the County of Cork at each Assizes are authorized to make Presentment for the making and maintaining of the Roads and Bridges within the several Baronies, including the Barony of Barrymore in

the said County, within which Barony the Town of Queenstown is situate ; and that "The Towns Improvement (Ireland) Act, 1854," has been duly adopted by the Inhabitants of the said Town ; proposes to transfer to the Commissioners elected and acting in pursuance of the Act of 1854 the Powers of the Grand Jury for making, maintaining, and managing the Roads and other Public Works within the said Town, to enable the said Commissioners to make the necessary Rate for that Purpose, and to confer Powers on the Commissioners for the better watching of the said Town, and for carrying out certain needful sanitary Improvements.

This Act and Act of 1854 to be One Act, § 3.

Jurisdiction of Grand Jury over Roads transferred to Commissioners, § 5.

Power of Grand Jury for levying Rates, &c. abolished as regards Town, § 6.

Grand Jury not to present for any Road, &c. within the Town of Queenstown, § 7.

Power to Commissioners to levy Road Rate, § 8.

Road Rate to be levied in same Manner as Rate under Act of 1854, § 9.

Amount of Road Rate, § 10.

Road Rate vested in Commissioners, § 11.

Act not to deprive the Grand Jury of presenting and levying Rates in the Town for its Proportion of Charges leviabie for the Purposes of the County at large, § 12.

Application of Road Rate, § 13.

Grand Jury Warrants not to be prejudiced, § 14.

Power to provide Dead House, § 15.

Power to provide public Conveniences, § 16.

Power to appoint Watchmen, § 17.

Cap. xxi.

"Bristol and Exeter and Chard and Taunton Railways Act, 1862."

Recites that in 1861 the Chard and Taunton Railway Company were incorporated and authorized to raise a Share Capital of 120,000*l.* ; that the Bristol and Exeter Railway Company were authorized to subscribe 18,000*l.*, and to take and hold Shares in the Capital of the Chard and Taunton Railway Company, and to guarantee the Principal and Interest of the Money borrowed by the Chard and Taunton Railway Company, and to guarantee Interest or Dividend on all or any of the Shares of that Company, so that the total Sum payable in respect of the Shares so guaranteed should not exceed 4,750*l.* in any One Year, and the Bristol and Exeter Railway Company are by the said Act also authorized (subject to Agreement with the Chard and Taunton Railway Company) to work and maintain the Railway of that Company ; that the Railway authorized by the said Act is about to be constructed ; that the Bristol and Exeter and Chard and Taunton Railway Companies are desirous that certain Alterations

should be made in the Terms of the Financial Arrangements between the Two Companies authorized in the said Act, and that the Bristol and Exeter Railway Company should be enabled to subscribe an additional Sum to the Capital of the Chard and Taunton Railway Company.

2. It shall be lawful for the Bristol and Exeter Railway Company, with the Authority of Three Fifths of the Votes of Shareholders present, personally or by Proxy, at a General Meeting of such Company specially convened for the Purpose (in addition to the Sum of 18,000*l.* authorized to be subscribed by them by the said Act), to subscribe towards and become Shareholders in the Undertaking of the Chard and Taunton Railway Company to such further Extent as may be arranged between the Chard and Taunton Railway Company and Bristol and Exeter Railway Company, but such additional Subscription shall not exceed Three Fourths of the Capital of the Chard and Taunton Railway Company not subscribed for at the Time of such Arrangement.

Bristol and Exeter Company may agree to subscribe a further Sum to the Chard and Taunton Railway.

Existing Provisions to extend to additional Subscription, § 3.
Shares not to be sold, § 4.

Powers of Guarantee under recited Act extinguished, § 5.

Cap. xxii.

“East London Waterworks Act, 1862.”

Recites several Acts relating to the Company ; that by their Act of 1853 their Capital was declared to be the aggregate of the Sum of 675,000*l.* General Stock, and of such further Sums as were from Time to Time raised by the Creation of the additional Shares in that Act mentioned, but not exceeding in the whole 975,000*l.* ; that in exercise of the Powers conferred on them by their Acts of 1852 and 1853 respectively they created and issued additional Shares of the aggregate Amount of 300,000*l.*, being the full Amount by those Acts authorized to be created ; that the Shares so created have been converted into Stock, and are now represented by 1,025*l.* Stock entitled to a perpetual preferential Dividend at the Rate of 4*l.* per Centum per Annum, and 298,975*l.* General Stock ; that the 298,975*l.* General Stock so created, and the 675,000*l.* General Stock referred to in the Act of 1853, constitute together 973,975*l.* General Stock of the Company, the whole of which bears ordinary Dividends ; that by the Act of 1853 the Company were authorized to borrow on Mortgage any Sums not exceeding 50,000*l.*, and they have borrowed 50,000*l.* accordingly, and have expended the Sum of 350,000*l.* so raised by them under the Acts of 1852 and 1853, by Shares and by borrowing, in and about the Execution of the Works by the Act of 1853 authorized, and other Works for the Improvement of their Supply of Water, and in and about the Extension of the Mains, Pipes, and Apparatus for the Supply ; that the Company are desirous of making under their existing Powers further Works for the Improvement of their Supply of Water, and to raise further Monies.

Powers of Company for raising Money under their former Acts extinguished.

5. On the passing of this Act, and except only as is by this Act otherwise provided, the Powers of the Company under the recited Acts for raising Money by Shares or Stock or by borrowing are by this Act extinguished, and the Company's preferential Stock and General Stock, and the additional Sums which together are by this Act declared to be the Capital of the Company under this Act, shall, without respect to the original Creation or Issue thereof, constitute the then Capital of the Company.

Company's Capital under Act declared.

6. The Capital of the Company under this Act is declared to be 1,200,000*l.*, consisting of the following Particulars ; (that is to say,)

The Company's present preferential Stock, bearing 4 <i>l.</i> per Centum per Annum perpetual preferential Dividend	£	
The Company's present General Stock or ordinary Capital	-	1,025
	-	973,975
	-	<u>£975,000</u>

The Sums which the Company are by this Act authorized to raise by the Creation and Issue of Shares or Stock	-	225,000
	-	<u>£1,200,000</u>

Increase of Company's Capital.

7. The Company's Capital of 1,200,000*l.* shall from Time to Time be increased by the Amount of the Shares (if any) from Time to Time after the passing of this Act created by the Company for raising Money by Shares instead of by borrowing, or for the Conversion of borrowed Money into Capital.

Power to raise additional Capital by new Shares.

8. The Company from Time to Time may raise by the Creation and Issue of Shares or Stock any Sums not exceeding 225,000*l.*

Power to create ordinary Stock for Redemption of preferential Stock, § 9.

Company may issue ordinary Stock in substitution for preferential Stock, § 10.

Sanction of Shareholders for Substitution, § 11.

Extinguishment of preferential Stock, § 12.

Ordinary Stock so issued to be held on same Trusts as preferential Stock, § 13.

Certificates of ordinary Stock so issued, § 14.

Certificates of preferential Stock to be cancelled, § 15.

Power to cancel unissued Shares and Stock, § 16.

Power to cancel Shares liable to Forfeiture, § 17.

Power to create Shares or Stock instead of cancelled Shares or Stock, § 18.

Power for Company to issue Shares or Stock as preferential, &c., § 19.

Limit of Dividend on Shares and Stock to 5*l.* per Cent., § 20.

Saving existing preferential Shares, § 21.

Limit of Profits applicable to preferential Dividend, § 22.

If existing ordinary Stock at a Premium, Shares or Stock to be offered to existing ordinary Stockholders, (§§ 23 to 31.

32. The

32. The Company from Time to Time may borrow on Mortgage for the Purposes of their Undertaking any Sums not exceeding in the whole (inclusive of the Sums already borrowed by them) 200,000*l.*: Provided that the Company may raise all or any Part of that Sum not already borrowed by the Creation and Issue under this Act of Shares or Stock, or both, instead of by borrowing: Provided also, that the Company may raise all or any Part of that Sum, whether already or hereafter borrowed, by the Creation and Issue under this Act of Shares or Stock, or both, instead of by re-borrowing.

Power to borrow or to raise the Money by Shares.

Priority of existing Mortgages, § 33.

Receiver for Mortgagees, § 34.

Power to raise Money by Shares or Stock to pay off Money borrowed, § 35.

36. Provided, That the whole Amount to be raised under this and the recited Acts, including the Amount of the Company's present Capital and Mortgage Debt, shall not exceed 1,400,000*l.*

Limit of Amount raiseable under Act.

37. The Company from Time to Time, by Agreement with any Mortgagee of the Company, may issue to him any Shares or Stock created under this Act, in satisfaction of all or such Part as is mutually agreed on of his Mortgage Debt, and the Shares or Stock so issued shall be deemed fully paid up, and the Mortgages in respect of which the same are so issued shall thereupon be extinguished: Provided that the Company shall not issue to any Mortgagee any Shares or Stock, or both, of a nominal Amount exceeding the Amount of the Principal Money secured by his Mortgages in respect of which the same are so issued to him.

Appropriation of Shares or Stock in satisfaction of Mortgage Debts.

38. No Person shall be allowed to hold or to transfer any portion of any Stock of the Company being in nominal Amount other than *l.* or a Multiple thereof.

Not less than *l.* of Stock to be held or transferred.

Restriction as to Votes and Qualifications for preferential Shares and preferential Stock, § 39.

Votes and Qualifications for Stock and Shares, §§ 40 to 42.

Cap. xxiii.

"The Limerick Markets Act, 1862."

Recites that in 1852 the Limerick Market Trustees were incorporated for the Purpose of providing and governing Markets and Market Places in the Borough of Limerick, and were authorized to borrow any Sum not exceeding 30,000*l.*; that the whole of that Sum has been borrowed by the said Trustees, and is still outstanding on Mortgage; proposes to borrow 10,000*l.*, to alter and amend the recited Act, and to make new or further Provisions with respect to Meetings of Trustees, and with respect to supplying occasional Vacancies in the Class of Trustees appointed by the Grand Jury of the County of Limerick, and with respect to Tolls and Portage Charges, and enabling the said Trustees to remove to the Markets Cattle or other Live Stock or Commodities which may be illegally exposed for Sale in the Streets of the said Borough.

- Power to borrow further Sums not exceeding 10,000*l.* §§ 3, and 5 to 7.
- Interest on Money borrowed under Act of 1852 and this Act to be a First Charge on Tolls levied thereunder, and Trustees to pay One Third of their gross Income to Corporation of Limerick, § 4.
- Application of 10 & 11 Vict. c. 16. to Mortgages, § 8.
- Addresses of Creditors, § 9.
- Former Mortgages to have Priority, § 10.
- Quorum of Trustees altered to Seven, § 11.
- Notices of Meetings of Trustees altered to Three clear Days, § 12.
- Mode of supplying occasional Vacancies of Trustees appointed by the Grand Jury altered, § 13.
- Repeal of Sections 45 and 47 of Act of 1852, § 14.
- Trustees may appoint Persons to measure Corn, &c., § 15.
- Corn, &c. to be weighed, § 16.
- Weighing and Metage Tolls on Corn brought by Water, § 17.
- Standing Tolls on Cattle, Sheep, and Pigs, § 18.
- Trustees may make Agreements as to Toll on Pigs, § 19.
- Porterage Charges, § 20.
- Charges for Weighing Machines, § 21.
- Tolls and Charges under this Act to be taken and recovered in same Manner as Tolls under Act of 1852, § 22.
- In every Case in which Sellers are liable to Penalties under Section 46 of Act of 1852, Purchasers to be liable to same Penalty, § 23.
- Power to remove Cattle, &c. illegally exposed for Sale in Streets, § 24.
- This Act not to prejudice the Rights of the Town Council under any Agreement with the Trustees, § 25.
- Except as by this Act expressly provided, Act of 1852 not to be altered, § 26.
- Schedules (Forms and Tolls).

Cap. xxiv.

“The North Devon Railway and Dock Act, 1862.”

- Recites 10 & 11 Vict. c. cclxxiii. and 14 & 15 Vict. c. lxxxiii.
- Admiralty may direct Repayment to North Devon Railway and Dock Company of certain Money deposited by them, § 2.
- Company to erect Beacon on Allen's Rock, § 3.

Cap. xxv.

“Rathmines and Rathgar Improvement Act, 1862.”

- Recites that by “The Rathmines Improvement Act, 1847,” the Parts therein specified of the Barony of Upper Cross, in the Parish of St. Peter and County of Dublin, were formed into a District, and Commissioners were appointed for putting the Act in force within the District for the Improvement thereof; that the Townland of Rathgar, in the Parish of Rathfarnham and Barony of Rathdown, and the Townland of Sallymount, in the Parish of Donnybrook and Barony of Upper Cross, both in the County of Dublin, are

- adjacent to the old District, and it is expedient that the additional District be added to the old District, to form therewith One District, and that further Provision be made for the Improvement of the District ; that the Commissioners have expended large Sums on the Sewerage and Paving of the old District, and large Sums will be required to be expended on the Sewerage and Paving of the additional District ; and it is expedient that special Rates be levied on the additional District for the Purposes in that Behalf provided by this Act, and that the recited Act be amended. Recited Act and this Act to be executed as One Act, § 2.
- Limits of Act ; Rathmines and Rathgar Improvement District, § 3.
- District to be in Two Wards, § 4.
- Rathmines and Rathgar Improvement Commissioners, § 5.
- Property continued vested in Commissioners, §§ 6 to 14.
- Number and Rotation of Commissioners, §§ 15 to 20.
- Inspector of Nuisances, &c. may seize unwholesome Food, &c., § 21.
- Width of Streets, § 22.
- Roads, &c. in the District exempted from Jurisdiction of Grand Jury and placed under Commissioners, § 23.
- Commissioners to have same Powers as Grand Jury for making Roads, &c., § 24.
- Grand Jury not to present for repairing Roads, &c. within the District, § 25.
- No Part of the Salary of County Surveyor to be levied on the District, § 26.
- Warrants in force at Commencement of Act to continue, § 27.
- Rathmines and Rathgar Improvement Rate, § 28.
- Limit of Rathmines and Rathgar Improvement Rate, § 29.
- Rathgar Five Years Rate, § 30.
- Rathgar Five Years Rate additional, § 31.
- Application of Rathgar Five Years Rate, § 32.
- Expenses of Act to be borne by additional District, § 33.
- Tenants may deduct same from their Rent, § 34.
- Rates vested in Commissioners, § 35.
- Distress for Rates, § 36.
- Application of Rates, § 37.
- Power to borrow 20,000*l.*, §§ 38, 39.
- Sinking Fund, § 40.
- Paying off Mortgages, § 41.
- Compensation to Edward Love Alma, Collector of County Rate, § 42.
- Byelaws, § 43.
- Justice not disqualified as to Rates by being Commissioner, § 44.
- Saving Rights of Corporation of Dublin, § 45.

Cap. xxvi.

“The Tranmere Improvement Act, 1862.”

Recites that a Local Board for the District of Tranmere, in the County of Chester, has been constituted under “The Local Government Act, 1858,” and the Powers of the said

Act have, since the Constitution of such Local Board, been put in force within the said District; that it is expedient to authorize the Local Board to make and maintain the new Streets and Sewers herein-after mentioned, and that the further Powers herein-after contained should be granted to them in relation to the Roads, Streets, Sewers, and Drains within the said District, and that the Local Board should be authorized to purchase and acquire the Ferry across the River Mersey known as the Tranmere Ferry, situate within the District of Tranmere and County of Chester, and the Slip, Quays, Wharfs, and other Works and Property connected with the said Ferry, and also to purchase, provide, or hire Steam or other Boats for working the said Ferry; that by an Act of 3 & 4 Will. 4., intituled "An Act for improving certain Roads within the County of Palatine of Chester, called 'The Chester, Neston, and Woodside Ferry District of Roads,'" the Trustees were authorized to make and maintain and to levy Tolls upon a certain Road which passes through the Township of Tranmere and also through the District of Higher Bebington, and also a Branch Road leading from and out thereof to the Rock Ferry House in the said District of Higher Bebington; and it is expedient that the said Trustees should be authorized to relinquish so much of the said Roads as aforesaid, and that the same should be vested in the Local Boards of Tranmere and Higher Bebington respectively as herein-after provided; that by the 39th Section of "The Wirral Waterworks Act, 1859," it was enacted that, "if 'The Local Government Act, 1858,' shall be adopted within the Township of Tranmere within Nine Months after the passing of this Act, and within the following Six Months the Local Board of Health for such Township shall have determined to construct Waterworks for the Supply of such Township, the Company" (by the said Act incorporated) "shall be bound within One Year after such Determination of such Local Board, on being requested in Writing so to do, to sell and transfer to such Local Board all such of their Mains and Pipes within the said Township of Tranmere as shall not be required for the Supply of Water for the other Parts of the District within the Limits of this Act, on receiving from such Local Board, in Payment for the same, such Value as shall, in case of Difference, be ascertained in manner provided by 'The Lands Clauses Consolidation Act, 1845,' in respect of the Settlement of Disputes by Arbitration; and if such Local Board shall establish Waterworks for the Supply of the Township of Tranmere as herein-before provided, and shall purchase such Mains and Pipes as aforesaid, if the same shall have been previously laid down in the said Township, the Powers of the Company to supply Water within the said Township shall cease and determine;" that "The Local Government Act, 1858," was adopted within the Township of Tranmere, within Nine Months of the passing of "The Wirral Waterworks Act

1859," and the Local Board within the following Six Months, and upon the 26th March 1860, determined to construct Waterworks for the Supply of such Township ; and on the 28th March, gave Notice of such Determination to the Wirral Waterworks Company, and they subsequently required the said Company to sell and transfer to them all such of the said Company's Mains and Pipes within the said Township of Tranmere as should not be required for the Supply of Water for the other Parts of the District within the Limits of the said Act, upon Payment of the Value thereof, such Value, in case of Difference, to be ascertained in manner prescribed by the said Act as aforesaid ; that the Local Board have also, in pursuance of the Power to that Effect contained in "The Public Health Act, 1848," and "The Local Government Act, 1858," constructed Waterworks for the Supply of Water within the District of Tranmere, and it is proper and expedient that the Powers of the Wirral Waterworks Company to supply Water within the District of Tranmere should be repealed, and that the Powers herein-after expressed should be granted to the Local Board for the Supply of Water within the said District, and also to and for the Use of Vessels anchoring in the Mersey ; and that further Powers should be vested in the Local Board.

Limits of Act, § 3.

Act to be executed by Local Board, § 4.

Incorporation of Lands and Waterworks Clauses Acts, §§ 5, 6.

Power to construct new Roads or Streets and Sewers, §§ 7 to 9.

Local Board may agree with Birkenhead Improvement Commissioners as to Outlet of Sewers, § 10.

Local Board may agree with Owners, Lessees, and Occupiers as to Cost of new Streets or Sewers, § 11.

Local Board to ascertain Expenses of new Roads, and to make Assessment thereof according to Benefits conferred, § 12.

Appeal against Scheme of Assessment, § 13.

Parties may appeal to Local Board, § 14.

Parties may appeal to the Quarter Sessions against the Assessment, §§ 15 to 17.

Assessment to be filed when settled, § 18.

Application of annual Rates, § 19.

Authorizing Agreements as to new Roads or Streets with the Birkenhead Improvement Commissioners, § 20.

Local Board may declare new Roads or Streets to be Highways, § 21.

Five Years for compulsory Purchase of Lands, § 22.

Power to purchase Tranmere Ferry, § 23.

No Agreement for Purchase of Ferry to be valid unless approved of by Ratepayers at a Special Meeting, § 24.

Local Board may provide Steamboats, &c., § 25.

Tolls, Penalties, Byelaws, §§ 26 to 46.

Part of Turnpike Roads in the Chester, Neston, and Woodside District vested in Local Boards of Tranmere and Higher Bebington respectively, § 47.

Incorporation of "Town Police Clauses Act, 1847," § 48.

- County Police may exercise Power of District Constables, § 49.
 Declaring Cessor of Powers of Wirral Waterworks Company to supply Water in Tranmere, § 50.
 Reviving and continuing Arbitration between Local Board and Wirral Waterworks Company, § 51.
 Supply of Water, and Rates, §§ 52 to 58.
 Incorporation of "Towns Improvement Clauses Act, 1847," § 59.
 Purchase of Lands for opening new Streets, § 60.
 Board may declare Costs of Sewers and Drains to be wholly or partly private Improvement Expenses, § 61.
 Local Board may agree with Owners of projecting Buildings, and of Houses at Corners of Streets to alter and round off the same, § 62.
 Vaults under Streets to be repaired by Owner, § 63.
 Courts and Passages to be flagged and channelled, § 64.
 Incorporating certain Clauses of "The Gasworks Clauses Act, 1847," § 65.
 Local Board to put in Branch Drains at the Expense of Owners of Houses, § 66.
 Local Board may order Removal and Construction of Urinals by Innkeepers and Beer Sellers, § 67.
 Power to enforce Conversion of Privies into Waterclosets, trapping Drains, &c., § 68.
 Power to lay down Street Tramways, § 69.
 Board may levy District Rate for general Purposes of Act, § 70.
 Board may borrow 18,500*l.* for general Purposes of Act, § 71.
 Power to borrow Money for Purposes of Tranmere Ferry, § 72.
 Reserving Powers of Board to borrow Money under General Act, § 73.
 Provisions of "Public Health Act, 1848," to apply to Mortgages to be granted under this Act, § 74.
 Saving Priority of existing Mortgages and future Mortgages under Public Health Act, § 75.
 Rates for more or less than a Year, § 76.
 Borrowed Money shall be paid off within 50 Years, § 77.
 Mortgagees in Possession may recover Monies paid by them for sewerage, &c. in the same Way as their Principal and Interest, § 78.
 Application of Tranmere Ferry Account, § 79.
 Proof of Debts in Bankruptcy, § 80.
 Authentication of Notices, § 81.
 Interest in Contract or Liability to Rates not to disqualify Justices, § 82.
 Recovery of Penalties, § 83.
 Application of Penalties, § 84.
 Saving Rights of Local Board, § 85.
 Schedules (Rates).

Cap. xxvii.

"South Molton Markets and Improvement Act, 1862."
 Recites that the Borough of South Molton is regulated in part by a Charter granted by Queen Elizabeth and another Charter granted by King Charles the Second; that the

Corporation hold in the Borough divers Markets, being respectively the Pannier Market, and the Meat Market, and the Cattle Market, and the Cattle, Sheep, and Pigs Market, and the Corn and Grain Market, and Two Fairs yearly, and are entitled to the Tolls and Payments arising from the Markets and Fairs; that the Meat and Pannier Market, and the Corn and Grain Markets respectively are held in a Square or open Space in the Borough, in which Market Place is an ancient and inconvenient Market House; that the Corporation are desirous, and it is expedient that they be authorized, to build a new Market House, and to remove thereto the Meat and Pannier Market and the Corn and Grain Market; that with a view to the building of the intended new Market House, the Corporation lately purchased the Land specified in the First Schedule to this Act annexed, which adjoins to the present Market Place, and that Land would be a proper Site for the intended Market House; but a Doubt has been raised with respect to the Competency of the Corporation to make that Purchase, and to appropriate and hold that Land for the Purposes of the intended new Market House, and it is expedient that the Doubt be removed; that it is expedient that a Market for Wool and other marketable Commodities be established in the Borough; that further Provision be made with respect to the Regulation of Markets and Fairs in the Borough, and the hawking of marketable Commodities within the Borough, and with respect to the Tolls and other Payments arising from the Markets and Fairs; and with respect to the Improvement of the Borough, and the Preservation of the Health of the Inhabitants thereof, and in order thereto, that the several Acts relating to the Public Health and Local Government be incorporated with this Act, and be carried into effect within the Borough by the Corporation as if they were the Local Board of Health for the District of the Borough; that the Lands specified in the Second Schedule to this Act annexed are Parts of the ancient Corporate Estates of the Corporation, and the legal Estate in Fee Simple therein is vested in Trustees thereof for the Corporation, and the Rents, Issues, and Profits of those Lands are Part of the Corporate Revenues of the Corporation; proposes to dispose of Part of those Lands for the Purposes of this Act, and to raise further Monies.

Incorporation of Lands Clauses Acts, of Markets, Public Health, and Local Government Acts, and of Parts of Towns Improvement Clauses Act, and of Commissioners Clauses Act, §§ 2 to 6.

Execution of Act by Corporation by Council of Borough, § 8.

Power to purchase and rent Lands by Agreement, § 9.

Validity of Purchase by Corporation of Lands specified in First Schedule, § 10.

Lands specified in Second Schedule to be conveyed to Corporation, § 11.

Lands, &c. acquired by Corporation to be Part of their Corporate Estates, § 12.

- Power to sell Lands specified in Second Schedule and apply Proceeds for Purposes of Act, § 13.
- Act not to prejudice Powers of Corporation for selling, &c. their Corporate Estates, § 14.
- Power to make Market House, § 16.
- Power to improve Market Houses and Market Places, § 17.
- General Power to provide Market Places, § 18.
- Discontinuance of Market Houses and Market Places when others provided, § 19.
- Power to appoint Streets for Markets and Fairs, § 20.
- Removal of Pannier Market to new Market Place, § 21.
- Removal of Meat Market to new Market Place, § 22.
- Removal of Cattle Market and Cattle, Sheep, and Pig Market to new Market Place, § 23.
- Removal of Corn and Grain Market to new Market Place, § 24.
- Power to hold Market for Wool, Hay, &c., § 25.
- Power to maintain Market Houses and Market Places, § 26.
- Offices for Market Officers, § 27.
- Weights and Measures, &c., § 28.
- Penalty and Damages for Injury to Market House, &c., § 29.
- Corporation to maintain and regulate Markets and Fairs, § 30.
- Market and Fair Days, § 31.
- Days for present Markets and Fairs, § 32.
- Public Notice of Removal of Markets, &c., § 33.
- Leases of Shops, Stalls, &c. in Market Houses and Market Places, § 34.
- Assignment of same, § 35.
- Cattle Markets and Fairs Tolls, § 36.
- General Market Tolls and Fair Tolls, § 37.
- Tolls payable by successive Occupiers of Shops, &c., § 38.
- Weighing and Measuring Tolls, § 39.
- Weighbridge Tolls, § 40.
- Tolls vested in Corporation, § 41.
- Toll Collectors, § 42.
- Power for Corporation to lease Market, &c. for Seven Years, § 43.
- Application of Income from Markets and Fairs, § 44.
- Power to borrow 3,000*l.* for Markets and Fairs, and 2,000*l.* for other Improvements, §§ 45 to 49.
- Period of Sinking Fund, § 50.
- Sinking Fund to be provided, § 51.
- Investment and Application of Sinking Fund, § 52.
- Application of Monies produced by Lands specified in Second Schedule, § 53.
- Application of Monies received by Corporation under Act, § 54.
- Expenditure of Corporation under Act, § 55.
- Accounts ; Penalties, &c., §§ 56 to 65.
- Saving Rights of Corporation, § 66.
- Schedules (Lands ; Forms ; Rates and Tolls).

Cap. xxviii.

"The Leeds New Gas Company's Act, 1862."

Recites that in 1854 the then existing Acts relating to the Leeds New Gas Company were repealed, and the Shareholders in the said Company were re-incorporated by the same Name of "The Leeds New Gas Company," and authorized to light with Gas the District of the Borough of Leeds in the West Riding of the County of York; that the authorized Share Capital of the Company consists of the following Stocks and Shares, viz. :—

	£
The original Stock, paid up in full, on which 10 <i>l.</i> per Cent. Dividend may be paid	- 45,000
The new Stock, paid up in full, on which 6 <i>l.</i> per Cent. may be paid	- 35,000
8,000 Shares of 6 <i>l.</i> 5 <i>s.</i> each, all called up, on which 6 <i>l.</i> per Cent. may be paid, herein- after called "A. Shares"	- 50,000
Total	- £130,000

that they are authorized to raise by Loans One Third Part of the paid-up Capital of the Company for the Time being, of which Sum so authorized to be raised, the Sum of 32,905*l.* has been raised; that the Demand for Gas within the existing District is greatly increasing, and the Company are desirous of being empowered to create and raise an additional Share Capital, and to raise an additional Sum of Money on Loan; proposes to convert their Loan Capital for the Time being into Debenture Stock, and to raise by the Creation of Debenture Stock, instead of by borrowing, any Sum which they may for the Time being be authorized to borrow, and to confer on such Debenture Stock such Rate of Dividend and such Priority in the Payment thereof as herein-after provided; and that the Limits of the Company for supplying Gas should be extended to and include the adjoining Township of Roundhay, in the Parish of Barwick-in-Elmet in the West Riding of the County of York; and to amend recited Act.

Certain Provisions of "The Companies Clauses Consolidation Act" extended to this Act, § 2.

Limits of recited Act extended, § 3.

Sections 3, 4, 7, 31, 32, 46, 49, 50, 51, 52, and 55 of recited Act, and "The Gasworks Clauses Act, 1847," incorporated with this Act, § 4.

Shares created under recited Act to be called "Class A. Shares," § 5.

Power to raise 65,000*l.* by "Class B. Shares," § 6.

"Class B. Shares" to be of such Amount as Meeting may direct, § 7.

Sale and Distribution of "Class B. Shares," § 8.

Sales by Auction to be advertised, and Premiums on such Sales not to be entitled to Dividend, § 9.

- Power to attach Preference not exceeding 5*l.* per Cent. to "Class B. Shares," § 10.
 As to Dividend on preferential "Class B. Shares," § 11.
 Calls on "Class B. Shares," § 12.
 As to Dividends on "Class B. Shares," § 13.
 Limiting Rates of Dividend on "Class B. Shares" to 6*l.* per Cent., § 14.
 Receipts on behalf of incapacitated Persons, § 15.
 Power to borrow 16,000*l.*, § 16.
 Application of Money, § 17.
 Power to convert Loan Capital into Debenture Stock bearing a fixed Interest, §§ 18 to 29.
 Altering Scale of voting, § 30.
 To prevent fraudulent Consumption of Gas, § 31.
 Removal of Meters, &c. from unoccupied Houses, § 32.
 Illuminating Power of Gas, § 33.
 Company to provide testing Meter for testing illuminating Power of Gas, § 34.
 Power of Corporation of Leeds to test illuminating Power of Gas, § 35.
 Penalty for supplying Gas of inferior illuminating Power, § 36.

Cap. xxix.

"Brean Down Harbour Act, 1862."

- Proposes to make a Pier and Harbour at Brean Down on the Bristol Channel.
 Incorporation of Consolidation Acts, §§ 2 to 4.
 Subscribers incorporated, with a Capital of 75,000*l.* in Shares of 10*l.*, and with Power to borrow 25,000*l.*, §§ 5 to 12.
 Meetings; Directors, §§ 13 to 19.
 Power to make Pier according to Plans as submitted to the Admiralty, §§ 20 to 26.
 Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c., § 27.
 Three Years for compulsory Purchase of Land, § 28.
 Seven Years for Completion of Works, § 29.
 Ten Years for Sale of superfluous Land, § 30.
 Company to give Notice before applying for Certificate of Completion, § 31.
 Dredge Boats, &c., § 32.
 Steam Tugs, &c., § 33.
 Company may make Byelaws as to Ballast, § 34.
 Company may dispose of Ballast, § 35.
 Dredged Stuff, Ballast, &c. not to be cast into the Harbour or Sea within specified Limits, § 36.
 Company to be a Pilotage, Local, and Harbour Authority, § 37.
 Lights and Beacons, § 38.
 Appointment of Harbour-master and other Officers, § 39.
 Power of Constables to go on board Vessels, § 40.
 Appointment of Pilots, &c., § 41.
 Penalty on Persons acting as Pilots without Licence, § 42.
 Company not responsible for Damage to Vessels in charge of their Pilots, § 43.

So much of Sect. 9 of 47 Geo. 3. sess. 2. c. 33. as relates to
 Pilots in Bristol Channel not to apply, § 44.
 Clauses of this Act as to Pilotage not to come into operation
 without Consent of Board of Trade, § 45.
 Rates on Vessels, § 46.
 Harbour Dues, § 47.
 Exemption from Rates and Dues, § 48.
 Rates for Steam Tugs, § 49.
 Pier Tolls, §§ 51, 52.
 Officers of Customs to pass free, § 53.
 Pilotage Rates, § 54.
 Payment of Pilotage Rates, § 55.
 Ballast Rates, § 56.
 Saving Rights of Burnham Tidal Harbour Company, § 57.
 Company not exempt from Provisions of General Acts relating
 to Harbours and Shipping, § 58.
 Provision as to the Rights of the Crown, § 59.
 Schedules (Rates and Dues).

Cap. xxx.

“The Bristol Waterworks Act, 1862.”

Recites that in 1846 “The Bristol Waterworks Company” were incorporated, with Power to purchase and take on Lease certain Lands and Streams, and thereon to construct and maintain such Reservoirs, Pipes, and other Works as they should think proper for supplying with Water the Inhabitants of the City and County of Bristol and the Parishes of Bedminster, in the County of Somerset, and St. George and Westbury-upon-Trym, in the County of Gloucester, and for compensating the Owners of Mills and Lands upon the Course of the Streams, the Waters of which were thereby authorized to be taken, and to raise the Sum of 200,000*l.* by the Issue of 8,000 Shares of 25*l.* each, and to borrow on Mortgage or Bond a Sum of 65,000*l.*; that by their Act of 1850 they were empowered to raise the further Sum of 100,000*l.* by the Creation of new Shares of 12*l.* 10*s.* each, bearing Interest at the Rate of Five per Centum per Annum, in preference to any Payment of Dividend on the original Shares of the Company, and such further Interest in certain Events as in the said Act is mentioned; and it was by the said Act provided that the said Preference Shares should, so soon as all the Calls thereon should have been paid up, be consolidated into Stock; that by their Act of 1853 they were empowered to borrow the further Sum of 34,000*l.*, the Interest whereon was to rank after the Interest or Dividend payable on the Preference Shares created under the Act of 1850, and also, with certain Consents therein mentioned, to create a permanent Stock in lieu of any Part of the Mortgage and Bond Debt of the Company, to be called “The Debenture Stock of the Bristol Waterworks Company,” with a Dividend not exceeding Four per Centum per Annum, payable in priority of the Interest on the Preference Shares; that they have raised the various Sums aforesaid, and the

Share and borrowed Capital of the Company is now constituted as follows ; that is to say,

8,000 ordinary Shares of 25 <i>l.</i> each fully paid	£
up - - - - -	200,000
Bond and Mortgage Debt under the Act of 1846	63,660
Debenture Stock	2,340
Preference Stock under the Act of 1850	100,000
Bond and Mortgage Debts under the Act of 1853	34,000
	<hr/>
	£400,000
	<hr/>

that they have constructed a main Reservoir in the Parish of Barrow, and also Three Compensation Reservoirs on the River Chew, and Two Reservoirs for the Supply of Clifton and its Neighbourhood, and also a Reservoir at Bedminster, and Works for the Supply with Water of the Tenants of the late Lord Waldegrave, and have sunk Wells and erected Engines and made Conduits and laid down the necessary Mains and other Pipes for the Supply of Water to the City of Bristol and the District described in the first-recited Act, and the said District has been supplied by them accordingly, and the said Reservoirs, Aqueducts, Wells, Engines, Mains, Pipes, and other Works and Apparatus, and the Land, Buildings, Streams, Easements, and Rights acquired by the Company under the Powers of the recited Acts constitute the present Undertaking of the Company ; that it is expedient that the Limits for the Supply of Water by the Company should be extended into the Parishes of Brislington, Ashton (otherwise Long Ashton), and Abbots Leigh, in Somersetshire, and the Parishes of Stapleton and Horfield in Gloucestershire, and that the Company should be authorized to raise further Capital for that Purpose and for their general Purposes, and that further Powers should be conferred on the Company, and that the Provisions of the recited Acts should be consolidated and amended.

Repeal of recited Acts, § 2.

Company to continue incorporated, § 3.

Incorporation of Acts, § 4.

Company to continue seised of their Undertaking, &c., and saving of Rights and Liabilities, §§ 5 to 13.

Limits of the Act, § 14.

Power to Company to raise additional Capital of 80,000*l.* by Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 15 to 20.

Power to borrow 20,000*l.*, §§ 21 to 23.

Consolidation of Preference Shares, § 24.

Authorizing Creation of Debenture Stock, with Interest not exceeding 4*l.* 10*s.* per Cent., § 25 and §§ 27 to 30.

Saving Mortgages and Bonds and Preference Shares of 1850, § 26.

General Meetings, &c., §§ 32 to 38.

Power to execute Works, § 39.

Company empowered to take certain Springs, &c., § 40.

As to Reservoirs for Supply of Mills, &c. on the River Chew, § 41.

For the Protection of the River Chew, § 42.

The Company may draw off the Water to enable them to repair Reservoirs, § 43.

Supply of Water to be continued to Mills, &c. during Repairs, § 44.

Penalty for withholding Supply from Mills, § 45.

Continuing certain Provisions of the Act of 1846, § 46.

Company to preserve Tanks for Cattle, § 47.

Supply at Barrow, § 48.

Compensation for Elwall and Dundry Streams, § 49.

Providing for certain additional Compensation, § 50.

The Owners to have Access to Works, § 51.

For preventing Accidents from Reservoirs, §§ 52 to 62.

Power to purchase or lease Lands, &c., § 63.

Incorporation of Railways Clauses Act as to temporary Occupation of Land, § 64.

Works to be completed within Five Years, § 65.

Company empowered to maintain and construct and to alter Works, § 66.

Land for additional Purposes, § 67.

Rates at which the Company are to supply Water, § 68.

Increased Rate for High Level, § 69.

Plan to be deposited, § 70.

Definition of domestic Purposes, § 71.

Supply of Water to Shipping, § 72.

Water for other than domestic Purposes to be supplied by Agreement, § 73.

Notices to discontinue Supply, § 74.

Company authorized to fix Meters, §§ 75 to 81.

Justices may grant Warrant to enter Premises of Persons suspected of stealing Water, § 82.

As to Execution of Warrant, § 83.

Recovery of Water Rent, §§ 84 to 87.

Extending Powers of 10 Vict. c. 17. s. 74.,—§ 88.

Regulations may be made by the Company for preventing Waste of Water, § 89.

Persons using Company's Water to provide Ballcocks, &c., § 90.

Company not bound to supply Water except where Apparatus is approved, § 91.

Penalty for Misuse of Water, § 92.

Company may stop Supplies where Injury is committed, § 93.

Penalty for suffering Pipes, &c. to be out of repair, § 94.

Company may repair Pipes, &c., and recover Expenses, § 95.

Surveyor may enter Premises and inspect Apparatus, § 96.

Company not required to supply Water on the Constant Service System excepting for stated Hours, § 97.

For Prevention of Fire, §§ 98 to 100.

Water Pipes to be distinguished from Gas Pipes, § 102.

Preserving Space between Gas and Water Pipes, § 103.

Water Company to give Notice to Gas Companies of their Intention to open Streets, and vice versâ, § 104.

Pipes of the Company not to be moved or injured, § 105.

Engines to burn their own Smoke, § 106.

Recovery of Penalties, § 107.

Saving Rights of Her Majesty and the Duke of Cornwall in right of the Duchy, § 108.

Saving Rights of Corporation of Bristol, § 109.

SCHEDULES :

1. Form of Warrant.

2. 9 & 10 Vict. c. cxxii. ss. 51, 53, 54, and 55.

Cap. xxxi.

“The Berwick-upon-Tweed Harbour Act, 1862.”

Recites that by 48 Geo. 4. c. civ. Commissioners were appointed for executing the said Act, and certain Powers were conferred upon them for erecting a Pier, and for the Improvement of the Harbour, and for borrowing Money for such Purposes, and certain Rates and Duties on Goods and Ballast imported into or exported from the said Harbour, and also certain Rates or Duties of Tonnage, were authorized to be taken ; that the Pier therein mentioned has been long since erected, and is now kept in repair, and a Lighthouse, with a Dwelling House attached, and Quays, Wharves, Jetties, and Offices have been erected, and Steam Tugs, Buoys, Moorings, Anchors, and Dolphins have been provided, and the Quays and Wharves already existing have been enlarged and kept in repair, and various Sand Banks and other Obstructions and Annoyances to the Navigation within the Harbour have been removed ; that the Resort of Shipping to the Harbour would be increased and the Trade of the Port benefited if the several Rates and Duties on Goods and on Ballast, and the several Rates and Duties on Tonnage, respectively granted and imposed by the said Act were altered, modified, and adjusted ; that it is expedient that the Constitution and Mode of Appointment of the Commissioners for executing the said Act should be changed, and that the Commissioners should be incorporated ; and that the said Act should be repealed, and that better Provisions should be made for the Management and Improvement of the Harbour.

Repeal of 48 Geo. 3. c. civ.,—§ 4.

Property of Commissioners acting under repealed Act vested in the Commissioners incorporated by this Act, § 5.

Saving of Rights and Liabilities, §§ 6 to 12.

Works, &c. required by the repealed Act to be made or maintained shall be made or maintained by the Commissioners, § 13.

Commissioners to construct and maintain all Works not effected, and may purchase Lands as already authorized, § 14.

Five Years for the compulsory Purchase of Land, § 15.

Approval of Admiralty, §§ 16 to 18.

Incorporation of "The Lands Clauses Consolidation Act,"
 "The Lands Clauses Consolidation Acts Amendment Act,"
 "The Commissioners Clauses Act," and "The Harbours,
 Works, and Piers Clauses Act," § 19.

Admiralty may require Lifeboats, &c., § 20.

The Limits of the Harbour, § 21.

Commissioners incorporated ; and their Qualification, §§ 22 to 26.

List of the Names of the Owners of Vessels registered at Berwick, and to be made out annually, § 27.

Collector of Tonnage Rates to have Facilities for making out the Register of Shipowners, § 28.

Election and Rotation of Commissioners, §§ 29 to 47.

Bankments, Landing Places, &c. may be constructed by Commissioners, § 48.

Removal of Sand, Gravel, &c., § 49.

Removal of Obstructions, § 50.

Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c., § 51.

Unserviceable Vessels may be sold at the End of Four Months, § 52.

Powers to remove Wrecks, &c., § 53.

Power to license Ferries and Ferry Boats, § 54.

Pilots to continue, § 55.

Commissioners to be a "Pilotage Authority" and a "Local Authority" for Purposes of Act, § 56.

Commissioners to examine and grant Licences to Pilots, § 57.

Pilots to pay for their Licences, § 58.

Rates of Pilotage, § 59.

Reward for Pilots assisting Ships in Distress to be settled by the Commissioners, § 60.

Commissioners may determine Compensation for extra Attendance or Labour, § 61.

No Claim to be made by any Pilot for Salvage Services without the Consent of the Commissioners, § 62.

Distance to which Outward-bound Vessels are to be piloted, § 63.

Masters of Vessels to give Pilots a true Account of the Draught of Water of their Vessel, and Pilot authorized to admeasure, § 64.

The Commissioners not responsible for Damage done by Pilot, § 65.

Commissioners may take Rates, &c. set forth in Schedules A. and B., § 66.

Commissioners may borrow 10,000*l.*, § 67.

Sinking Fund to be established for paying off Money borrowed, § 68.

Application of Money, § 69.

Persons injured by carrying out Power of Commissioners to be recompensed, § 70.

Saving Rights of the Crown, § 71.

Schedules (Rates).

Cap. xxxii.

"The Barnsley Local Board Act, 1862."

Recites that the Local Board of Health of the Township of Barnsley, in the Parish of Silkstone and West Riding of the County of York, under the Powers of "The Public Health Act, 1848," and of "The Local Government Act, 1858," purchased the Waterworks Undertaking of the Barnsley Waterworks Company, authorized by "The Barnsley Waterworks Act, 1853," and from such Waterworks the Inhabitants of the said Township (in this Act called the District) are supplied with Water; that the Source from which the existing Water Supply to the District is now derived has become polluted, and the Supply is inadequate for the Wants of the Inhabitants, and it is expedient that the Local Board should be enabled to provide a better Supply of Water, and to construct further and other Waterworks in pursuance of the Powers herein-after contained, and to abandon such Portion of their existing Waterworks as will be rendered unnecessary by the Construction of the proposed new Works, and to sell and dispose of the same; that the several Townships and Places herein-after described as "Places without the District" are situate on or near to the Line of the proposed Main Pipes and other Waterworks of the Local Board, and could be supplied with Water therefrom with great Advantage to the Inhabitants of those Places and also to the Local Board; that it is expedient that the Local Board should be authorized to make Byelaws for the several Purposes herein-after mentioned, and that additional Powers should be conferred on the County Police, and on Keepers of Public Parks nominated by the Local Board, and acting within the District, and that the other Powers herein-after contained should be vested in the Local Board.

Incorporation of Acts, §§ 4, 5.

Limits of Act, § 6.

Act to be executed by Local Board, § 7.

Local Board may appoint Water Committee, § 8.

Minute Books of Water Committee to be open to Inspection, § 10.

Streets, &c. under the Control of the Local Board may be broken up without Notice, § 11.

Power for Local Board to supply Water, § 12.

Power to make new Waterworks according to deposited Plans, § 13.

Local Board to purchase Ingbirchworth Mill, § 14.

Limiting compulsory Power to purchase Lands or Easements, § 15.

Protection of Manchester, Sheffield, and Lincolnshire Railway, the Lancashire and Yorkshire Railway, and Barnsley Canal Tramway, §§ 16 to 18.

Certain Persons may grant Leases of Lands, § 19.

Power to take Water and purchase Lands, § 20.

Reserving Power to Local Boards of Dewsbury, &c. to empty and cleanse their Reservoir on the Broadstone Dyke, § 21.

- Saving Rights of the Dewsbury, Batley, and Heckmondwike Boards, § 22.
- Limits of Deviation, § 23.
- Regulations of Railways Clauses Consolidation Act applied to Roads, &c., § 24.
- Additional Lands for Waterworks, § 25.
- Works to be completed within Four Years, § 26.
- Power to lay down Pipes for Water, § 27.
- Rates at which Water is to be supplied for domestic Purposes, § 28.
- Rates ; Supply of Water ; Meters, §§ 29 to 41.
- Power to abandon Part of present Works, § 42.
- Reservoir Provisions, §§ 43 to 53.
- Lands and Houses acquired under this Act, &c. to be vested in Local Board as a Body Corporate, § 54.
- Improvement Rates for Expenses of executing Act by Local Board, § 55.
- Improvement Rates may be collected with General District Rates, § 56.
- Incorporation of Sections of the Commissioners Clauses Act respecting Mortgages, § 57.
- Power to borrow 49,900*l.*, §§ 58 to 60.
- Income of Local Board under Act, § 61.
- General District Rates and Estimates to include Sums payable on Mortgage under this Act, § 62.
- Expenditure by Local Board under Act, § 63.
- Application of Revenue, § 64.
- Amount of Rate to include Expenses of recovering it, § 65.
- Not to affect Powers of Local Board under Public Health Act, § 66.
- Recovery of Monies ; Penalties ; Byelaws, §§ 67 to 73.
- Provision for Diversion of Pipes near Noblethorpe, § 74.
- Public Park Keepers may be sworn as Constables, § 75.
- County Police may exercise Power of District Constables, § 76.
- For Protection of the Millowners on the Ingbirchworth Dyke and River Dun, § 79.
- Gauge to be constructed and maintained by Local Board for measuring the Supply of Water to Mills, § 80.
- Compensation in Water for Supply of Streams, § 81.
- Meter to be fixed limiting Quantity of Water to be taken by Local Board, § 82.
- Millowners and their Officers may inspect Gauge and Meter, § 83.
- Millowners may repair Gauge and Meter if Local Board fail to do so, § 84.
- Penalty in case the Local Board fail to supply the stipulated Quantities of Water, § 85.
- Until Gauge completed Local Board not to take any Water which they were not authorized to take before the passing of this Act, § 86.
- Superintendence of Gauge and Meter, § 87.
- Saving Rights of Millowners and of Local Board, §§ 88, 89.

Cap. xxxiii.

“Falmouth Waterworks Act, 1862.”

Recites that by their Act of 1847 the Falmouth Waterworks Company were incorporated and authorized to construct Waterworks for supplying the Inhabitants of the Town of Falmouth and the Parishes of Falmouth and Budock, in the County of Cornwall, with Water; that they have constructed the Reservoirs and Aqueducts authorized, and have supplied Water to the Town of Falmouth and the Parishes of Falmouth and Budock; that the Water which the Company can impound and make available for the Purposes of such Supply is insufficient for the increasing Wants of the Inhabitants of the District, and it is expedient that they should be authorized to construct additional Reservoirs and other Works and increase their Supply; that the additional Quantity of Water procurable by such Means would enable the Company to supply with Water not only the Limits within which they are now authorized to supply Water, but also the Parish of Saint Gluvas, including the Borough of Penryn and the Parish of Mylor, and it is expedient that the Company be authorized to supply Water within those Parishes; that the Company was authorized to raise 10,000*l.* by the Creation of Shares, and 3,300*l.* by Mortgage or Bond; and they have raised the 10,000*l.* by the Creation and Issue of 2,000 Shares of 5*l.* each, and exercised their Powers of borrowing to the Extent of 3,300*l.* or thereabouts; that they have expended upon their Undertaking the full Amount of Money which they have raised under the recited Act, and have incurred Liabilities chargeable to Capital Account; and it is expedient that they should be authorized to raise more Money, as well for paying off such Liabilities as for the other Purposes by this Act authorized, and to create Debenture Stock, and that the Provisions of the recited Act should be repealed, and further Powers granted instead thereof.

Incorporation of Consolidation Acts, §§ 2, 3.

Repeal of Act, § 4.

Company to continue incorporated; and Saving of Rights and Liabilities, §§ 5 to 15.

Capital 10,000*l.*, and Power to create new Shares to the Extent of 10,000*l.* more, and to attach Preference of 6*l.* per Cent., §§ 16 to 20.

Power to borrow 5,000*l.* in all, §§ 21 to 24.

Power to raise Money by Debenture Stock, with a 4*l.* per Cent. Preference, §§ 25 to 31.

Meetings; Directors, &c., §§ 32 to 37.

Power for Company to make new Works and take Lands for the Purpose, § 38.

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall, § 39.

New Works authorized, § 40.

Pipe to be laid down as approved by the Admiralty, §§ 41 to 43.

Power to stop up Roads, &c., §§ 44 to 46.

Limits of Deviation, § 47.

Grants of Easements, § 48.

Three Years for compulsory Purchase of Lands, § 49.

Five Years for Completion of Works, § 50.

Provisions for the Protection of Millowners on College River, § 51.

Reservoir Provisions, §§ 52 to 61.

Limits of Act for Water Supply, § 62.

Company need not supply Water to Top of Houses, or under Pressure in certain Parts of Limits, § 63.

Company may suspend Supply of Water under Pressure for Two Hours daily, § 64.

Rates and Penalties, §§ 65 to 74.

Saving the Rights of the Duchy of Cornwall and of Corporation of Falmouth, §§ 75, 76.

Cap. xxxiv.

“The Tendring Hundred Railway Act, 1862.”

Recites that the Tendring Hundred Railway Company were incorporated in 1859 by “An Act to authorize the Construction of a Railway from the Hythe in the Neighbourhood of Colchester to Wivenhoe, in Essex, to be called “the Tendring Hundred Railway;” that it is expedient that the Company should have Power to extend their Railway within the Borough of Colchester, and also to make a Tramway to the Camp at Colchester, and that they should also have Power to enter into Contracts with Her Majesty’s Principal Secretary of State for War and with the Eastern Counties Railway Company with respect to the Undertaking by this Act authorized.

Incorporation of Consolidation Acts with this Act, § 1.

Power to construct new Lines of Railway, §§ 2, 3.

Lands to be bought by Compulsion in Two Years, § 4.

Three Years for Completion of Works, §§ 5, 15.

Land for additional Stations, § 6.

Admiralty Provisions as to Bridge over Colne, §§ 7 to 10.

Junctions with Colchester, Stour Valley, Sudbury, and Halstead Railway, §§ 11 to 14.

Tolls upon new Railways, § 16.

Application of Monies, § 17.

Power to Company to raise additional Capital of 25,000*l.*, §§ 18 to 20.

Power to borrow 8,300*l.*, §§ 21, 22.

Incorporation of Part of Companies Clauses Act, § 24.

Power to enter into Traffic Arrangements, § 25.

Company may contract with Secretary for War, § 26.

Saving Rights of Secretary for War, § 27.

Cap. xxxv.

“The Dundee and Perth and Aberdeen Railway Junction Act, 1862.”

Recites that by “The Dundee and Perth and Aberdeen Railway Junction (Consolidation) Act, 1855,” the Acts therein

recited relating to the Company were repealed ; and it was enacted, that the Company should by that Name continue to be a Body Corporate, and that the Share Capital of the Company should be 650,000*l.*, of which Share Capital Shares to the Amount of 150,000*l.* had been issued, under Powers to that Effect, with Right to preferential Interest or Dividend at the Rate of 5*l.* per Centum per Annum, in priority to the Dividend on the ordinary Stock or Shares of the Company, and are known and herein-after designated as the Second-class Preference or Quarter Shares of the Company, and of which Share Capital the Directors of the Company were by the said Act authorized to issue Shares to the further Amount of 120,000*l.*, with Right to a preferential or guaranteed Rate of Interest, not exceeding 5*l.* per Centum per Annum, in priority to the Interest or Dividend on all other Stock or Shares in the Company, preferential or ordinary, excepting Mortgage Stock, which were appointed to be called "Dundee and Perth and Aberdeen Railway Junction First-class Preference Shares," and such Shares to the Amount before mentioned have been issued accordingly ; that it was by the said Act enacted, that the Amount which the Company might borrow or be owing at any One Time on Mortgage or Bond should not exceed 216,599*l.*, and that it should be lawful for the Company to convert any Portion of their borrowed Capital into Mortgage Stock, bearing a fixed and preferential irredeemable yearly Dividend or Interest at any Rate not exceeding 5*l.* per Centum per Annum, or into Mortgage irredeemable Annuities at the like Rate, which should be termed respectively "Dundee and Perth and Aberdeen Railway Junction Mortgage Stock," and "Dundee and Perth and Aberdeen Railway Junction Mortgage Annuities ;" and the said Sum of 216,599*l.* has been borrowed, but no Part thereof has been converted into Mortgage Stock or Mortgage irredeemable Annuities ; that by a Lease dated the 14th October 1846, made in virtue of Powers contained in "The Dundee and Perth Railway (Amendment) Act, 1846," the Dundee and Newtyle Railway was leased to and became vested in the Company for 999 Years from and after the 1st November 1846, subject to the Rent therein mentioned, and on Condition that the Company should, at their own Expense, execute the Works necessary for widening, altering, and improving the said Dundee and Newtyle Railway, and should regularly work the same ; that by "The Dundee and Newtyle Railway Improvement Act, 1859," the Company were authorized for the Purpose of improving the said Dundee and Newtyle Railway, to raise the Sum of 70,000*l.*, by the Creation of new Shares or Stock having Right to Dividend out of the Revenues arising from that Railway ; that that Sum has proved insufficient ; proposes to raise further Monies.

Power to raise 60,000*l.* by Creation of 5*l.* per Cent. Preference Shares, § 2.

Dividend on new Shares how to be paid, § 3.

Reserving Priority of existing Preference Shares, § 4.

- Power to borrow 20,000*l.*, §§ 6, 7.
 Power to convert Mortgages into Mortgage Stock or Mortgage Annuities, § 8.
 Power to raise 15,000*l.* by Creation of Shares for Purposes of Dundee and Newtyle Railway, § 9.
 Power to borrow 4,900*l.* for Purposes of Dundee and Newtyle Railway, § 10.
 Monies raised under this Act to be applied only to Purposes hereby authorized, § 11.
 Alteration of Periods for holding ordinary General Meetings, § 12.
 Incorporation of Portions of Companies Clauses Act, § 13.

Cap. xxxvi.

“The Uxbridge and Rickmansworth Railway Act, 1862.”

An Act to enable the Uxbridge and Rickmansworth Railway Company to make a Deviation of their authorized Line of Railway.

Cap. xxxvii.

“Bollington Improvement and Lighting Act, 1862.”

Proposes the Improvement and Lighting of a Portion of the Township of Bollington, in the Parish of Prestbury, in the County Palatine of Chester; and that “The Public Health Act, 1848,” and “The Local Government Act, 1858,” and the Acts amending the same, should (with such Modifications and Alterations as by this Act provided) be applied to such Portion of the said Township.

- Act to be executed by Local Board, § 3.
 Incorporation of Lands Clauses and Gasworks Clauses Acts, §§ 4, 5.
 Defining District, § 6.
 Plan of Boundaries to be lodged with Clerk of the Peace for Chester, § 7.
 Limits of Act, § 8.
 Variations of Public Health Acts, § 9.
 Provision for Failure of Elections, § 10.
 Power to purchase Lands, § 11.
 Powers as to Construction of Gasworks, &c., § 12.
 Restriction on Erection of new Works, § 13.
 Gas to be consumed by Meter on Request, § 14.
 Provision of Service Pipes, § 15.
 Local Board may remove Pipes from unoccupied Premises on giving Notice to Owner, § 16.
 Maximum Price of Gas 6*s.* per 1,000 Cubic Feet, § 17.
 Quality of Gas, §§ 19 to 22.
 Lighting Rate, § 23.
 Gasworks Account, § 24.
 Power for Local Board to borrow 15,000*l.* on Security of Gas Rents, &c., § 25.
 General District Rates and Estimates to include Sums payable thereout under this Act, § 26.

Gas Rents to be primarily, and Lighting Rate secondly, liable, § 27.

Rates not to be reduced under certain Circumstances, § 28.

Application of Receipts of Board, § 32.

Recovery of Rates, Penalties, &c., §§ 34 to 41.

Schedules.

Cap. xxxviii.

“The Dublin Corporation Fire Brigade Act, 1862.”

Recites that by “The Dublin Corporation Waterworks Act, 1861,” the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin are authorized and required for the Purpose of providing a Supply of Water for better Security against Fire, and other the Purposes therein mentioned, in the Month of December in every Year, by Precept under their Common Seal, to order and direct the Collector General to applot, collect, and levy upon and from the Owners of all rateable Property within the City or Borough of Dublin a Rate called “the Public Water Rate ;” that other Powers and Provisions in reference to an efficient Water Supply, and to the Maintenance and Repair of Fire-plugs, are granted to and imposed on the Corporation by the said Act ; that the Corporation have for some Time past at considerable Expense established and maintained a Fire Brigade, Fire Engines, and other Appliances in the said City, but on too limited a Scale to afford sufficient Protection to the Lives and Property of the Citizens ; and Doubts are entertained whether the Funds under the Control of the Corporation are legally applicable to such Purposes ; that it is expedient that such Doubts should be removed, and that, in addition to the Powers already conferred on the Corporation, Provision should be made for the Formation and Maintenance by them of an efficient Fire Brigade, and the Supply of all proper Steam and other Engines, Machinery, and Appliances for the Protection of Life and Property from Fire.

Recited Act and this Act to form One Act, § 2.

Corporation may erect and provide Accommodation for Fire Brigade, Fire Engines, &c.

3. It shall be lawful for the Corporation to erect and provide, in some convenient Situations in the Borough, such Houses, Lands, and Buildings for the Accommodation of Firemen, and for the Reception and Custody of Fire Engines, Fire Escapes, Water Carts and other Apparatus and Appliances, as the Corporation shall think necessary, and from Time to Time to alter the Situations of the present and all future Fire Engine Stations ; and for those Purposes the Provisions of “The Lands Clauses Consolidation Act, 1845,” with respect to the Purchase of Lands by Agreement, shall be incorporated with and form Part of this Act.

And provide Fire Engines, Fire Escapes, &c., and employ Officers and Firemen.

4. It shall be lawful for the Corporation to purchase or provide Steam and other Engines and Machines, Water Carts, Water Buckets, Pipes, Hose, Fire Escapes, and other Implements and Apparatus for extinguishing Fire, and to purchase, keep, or hire Horses, and generally to employ a Superintendent

tendent and Officers to instruct, train, organize, and control a Fire Brigade, and regulate their Operations, and also to employ a proper Number of Persons to act as Firemen, for directing and working the said Engines and Fire Escapes, and as Drivers of the said Engines and Water Carts, and out of the Income arising or to arise from "the Public Water Rate" authorized to be levied by "The Dublin Corporation Waterworks Act, 1861," to take on Lease or purchase all such Houses, Lands, and Buildings, and purchase and provide such Fire Engines, Machines, Water Carts, Water Buckets, Pipes, Hose, Fire Escapes, Horses, and other necessary Apparatus and Appliances, and allow and pay all such Superintendents, Officers, Firemen, and other Persons who may be so employed such Salaries or Wages as the Corporation may think proper, with full Power and Authority to displace and remove such Superintendents, Officers, Firemen, and other Servants from Time to Time, and to appoint others in their Stead, and also to regulate the Expenditure of the said Establishment, and from Time to Time to frame such Rules and Regulations for the Government of the Fire Brigade and for the Government and Control of such Members of other separate or associated Company or Companies, Parish Officers, or other Party or Parties who may be disposed to assist in the Extinction of Fires, and the Preservation of Life and Property therefrom, and attend for that Purpose; and also to frame Rules and Regulations for the more effectual Prevention of Disorder, Neglect, or Abuse, and the rendering such Superintendents, Officers, Firemen, and other Persons employed in the said Fire Brigade efficient in the Discharge of their Duties, and to impose and recover Fines or Penalties for any Breach or Non-observance of such Rules and Regulations, and generally to do all other Matters and Things which they may deem expedient and necessary to do with a view to the good Government and Utility of the Fire Brigade: Provided always, that any such Rules and Regulations as aforesaid shall be subject, as to Publication, Confirmation, and Evidence, to the Provisions, with respect to Byelaws contained in the 18th, 19th, 20th, 21st, and 22d Sections of "The Dublin Improvement Act, 1849."

5. In all Cases where any Superintendent, Officer, Fireman, or other Person who shall have been employed by the Corporation in any Capacity in the Fire Brigade Establishment, and shall have been discharged therefrom, continues to occupy any of the Houses or Buildings so to be provided as aforesaid, or any Part thereof, after One Week's Notice in Writing from the Corporation signed by the Town Clerk to quit and deliver up the Possession thereof, it shall be lawful for any Divisional Justice, on the Oath of One Witness of such Notice having been so given, by Warrant under his Hand to order and direct any Constable or other authorized Bailiff, or Officer usually employed to execute the Orders of such Justice, to enter into and upon the House or Building occupied by such discharged Superintendent, Officer, Fireman, or other Person as aforesaid, and to remove him and his Family and Servants therefrom,

Costs and Expenses to be paid out of "the Public Water Rate."

Discharged Firemen or Servants may be turned out of Possession of Holdings, &c.

therefrom, and afterwards to deliver the Possession thereof to the Corporation as effectually to all Intents and Purposes as the Sheriff of the County of the City of Dublin could or might lawfully do under and by virtue of a Writ of Possession or a Judgment at Law.

Corporation may grant reasonable Compensation to Persons injured by Casualties happening at Fires.

6. If any Superintendent, Officer, Fireman, or other Person who may from Time to Time be employed by the Corporation, either temporarily or permanently, in extinguishing any Fire, shall happen to suffer or sustain any material Damage or Injury in the Discharge of such Duty, it shall be lawful for the Corporation, if they think fit, to grant him or his Representatives reasonable Compensation, either by a Sum in gross or by Annuity, for such Damage or Injury, out of the said "Public Water Rate;" but no such Superintendent, Officer, Fireman, or other Person, or his Representative, shall be entitled to claim Compensation as a Matter of Right in case the Corporation shall not deem it expedient to grant the same.

Powers of Fire Brigade on Occasions of Fire.

7. The Fire Brigade constituted under this Act may, under the special Order and Direction of the Superintendent or other superior Officer present in charge thereof, on the Occasion of a Fire take any Measures that appear expedient for the Protection of Life and Property, and may on any such Occasion shut the Water off from the Mains and Pipes of any District in order to give a greater Supply and Pressure of Water in the District in which the Fire has occurred.

Corporation may establish Telegraph Communication.

8. It shall be lawful for the Corporation, if they think fit, by or out of the said Public Water Rate, to make and establish, and from Time to Time extend, by means of Telegraphic Wires or other approved Means, such rapid Communication between the Houses and Buildings in which their Fire Engines, Fire Escapes, and Fire Brigade may be stationed and maintained and the more distant Parts or Quarters of the City or Borough, and do all other necessary Acts and Things for the furtherance and facilitating of such Communication as to them may seem expedient.

Expense of extinguishing Fires beyond the City.

9. It shall be lawful for the Corporation, as Occasion may require, to permit such Engines, Escapes, Implements, and Apparatus, and every or any Part of the Fire Brigade Establishment, to proceed beyond the Limits of the City or Borough for the Purpose of extinguishing Fire happening to Property in the Neighbourhood thereof; and the Owners of such Property shall in such Case defray the actual Expense that may be thereby incurred, and shall also pay to the Corporation a reasonable Charge for the Use of such Escape or Engines, Implements, and Apparatus, and for the Attendance of such Fire Brigade; and in case of Difference between the Corporation and the Owners of such Property the Amount of the Expenses and Charges, as well as the Propriety of the said Engines, Escapes, Implements, Apparatus, and Fire Brigade having so proceeded as aforesaid for the Purpose of extinguishing such Fire (if the Propriety thereof be disputed), shall be summarily determined by any Divisional Justice, whose Decision shall be final and conclusive on all Parties, and the Amount of the said Expenses and Charges in dispute

may be fixed by such Justice, and may be recovered in like Manner as any Penalty imposed by the recited Act is or may be recoverable, and the Amount of all such Expenses and Charges paid or recovered shall be applied in Payment or in aid of the Costs of maintaining such Fire Brigade Establishment.

10. The Owner and Occupier of any House, Building, or Premises, Ship, Goods, or other Property within the Limits of the City or Borough in which a Fire breaks out shall be jointly and severally liable to pay and shall pay to the Corporation, as a Contribution towards the Expenses incurred or to be incurred in extinguishing such Fire, the Sum of Fifteen Pounds Sterling, or whatever lesser Sum is equal to One Half of the said Expenses; and the Amount of such Contribution or Proportion of Expenses shall in case of Difference be determined, and be recoverable and applied in manner provided by the immediately preceding Section of this Act with respect to the Expense of extinguishing Fires beyond the Limits of the City or Borough.

Expense of extinguishing Fires within the City.

11. The Corporation may receive any Sum or Sums of Money, either by way of Donation or annual Subscription, which Insurance or other Companies, Societies, or Individuals may agree to allocate or contribute towards the Expense of the Establishment and Maintenance of the Fire Brigade, Engines, Implements, and Appliances requisite for the Prevention and Suppression of Fire and the Protection of Life and Property; and the Corporation may, if they think fit, purchase and acquire from any such Company or Society now existing in Dublin any Fire Escapes or other Implements or Machinery they may be possessed of for the Extinction of Fire or the Protection of Life and Property from Fire, for such Consideration as may be mutually agreed on.

Contributions may be received towards Expense of Brigade;

and Implements now possessed by any Company or Society may be purchased.

12. Provided always, That the Proportion of "the Public Water Rate," which the Corporation may appropriate and apply for the Purposes of this Act, shall not exceed in Amount Three Halfpence in the Pound of the annual Value of the Property in respect of which "the Public Water Rate" shall from Time to Time be apportioned and levied for each and every of the First Ten Years, and One Penny in the Pound for each and every succeeding Year.

Proportion of "Public Water Rate" to be applied to Purposes of Act.

Cap. xxxix.

"The Dublin and Meath Railway Act, 1862."

Recites their Act of 1858, and proposes to raise further Monies, and to attach a Preference to certain Shares.

Incorporating certain Provisions of Companies Clauses Consolidation Act, § 2.

Power to cancel unissued and forfeited Shares, §§ 3 to 7.

Power to raise additional Capital of 45,000*l.*, and also to create new Shares in lieu of Shares cancelled, § 8.

Dividends of preferential Shares restricted to 6*l.* per Cent., §§ 9 to 11.

Disposition of new Shares, § 12.

Power to cancel unissued new Shares, § 13.

Voting, § 14.

Power to borrow 15,000*l.*, §§ 15 to 17.

Cap. xl.

“The Frosterly and Stanhope Railway Act, 1862.”

Proposes to authorize a Deviation of Part of the authorized Line of the Frosterly and Stanhope Railway, to construct a new Branch and other Works, to abandon Portions of authorized Line and Approach to Stanhope, to raise additional Capital of 5,000*l.*, and to borrow 1,000*l.*, and to amend Act of 1861.

Cap. xli.

“The Halifax Improvement Act, 1862.”

Recites that “The Halifax Improvement Act, 1853” was passed for the Improvement of the Borough of Halifax, and to be executed by the Mayor, Aldermen, and Burgesses of the Borough, they being the Local Board of Health for the District of the Municipal Borough of Halifax, acting by the Council of the Borough, and to be so executed by them in their respective Capacities of a Municipal Corporation and a Local Board of Health; that by “The Halifax Park and Improvement Act, 1858,” further Powers were conferred on them for the Improvement of the Borough, and they are the Burial Board for the Borough; proposes that further Provision be made with respect to the Improvement of Streets in the Borough; recites that under “The Customs Inland Bonding Act, 1860,” Halifax has been appointed an Inland Bonding Town, and it is expedient that the Mayor, Aldermen, and Burgesses be authorized to provide and regulate Inland Bonding Warehouses under that Act, and make Communications between their Inland Bonding Warehouses and their Gasworks respectively and the Lancashire and Yorkshire Railway, and to acquire Lands for the Purposes of this Act; that it is expedient that further Provisions be made with respect to the Disposal of Lands by the Mayor, Aldermen, and Burgesses, and that the Mayor, Aldermen, and Burgesses be authorized to raise further Monies.

Incorporation of Consolidation Acts and of Part of Commissioners Clauses Act, §§ 2 to 5.

Acts of 1853 and 1858 and this Act to be executed as One Act, § 6.

Those Acts to apply to the annual Pleasure Fair, &c., § 7.

Acts to be put into execution by Mayor, &c. of the Borough, § 8.

Execution of Acts by Corporation to be pursuant to 5 & 6 Will. 4. c. 76.,—§ 9.

Execution of Acts by Local Board to be pursuant to Public Health Acts, § 10.

Power to take Lands for Purposes of Act, §§ 11 to 13.

Three Years for compulsory Purchase of Land, § 14.

Grants of Easements, &c. by incapacitated Persons in consideration of Rents, §§ 15, 16.

Lands, &c. purchased by Corporation and Local Board to be Part of Corporate Estates, § 17.

Power for Corporation and Local Board to make Works authorized by Act, § 18.

New Street authorized, §§ 19, 20.

Five Years for Completion of new Street, § 21.

Power to close Thoroughfares, § 22.

Highways vested in Local Board, § 23.

Power for Corporation to provide Inland Bonding Warehouses, § 24.

User of Inland Bonding Warehouses, § 25.

Corporation to make Regulations for Use of Bonding Warehouses, § 26.

Power to effect Junctions, &c. with Lancashire and Yorkshire Railway, § 27.

Power to effect other Communications between Railway and Gasworks, and Railway and Warehouses, § 28.

As to User of Tramway, § 29.

Sale and Exchange of Lands by Corporation, § 30.

31. The several Sums which the Corporation from Time to Time under the Authority of the Act of 1858 may borrow at Interest for the Purposes expressed in Sections 107, 108, 112, 113, and 114 of that Act respectively, shall be any Sums not exceeding in the whole, inclusive of the Sums which they are already authorized to borrow for those Purposes, the following Sums; (that is to say,)

Extension of borrowing Powers of Corporation.

For the Purposes of their Waterworks, 240,000*l.* :

For the Purposes of their Gasworks, 150,000*l.* :

For the Purposes of their Town Hall, Exchange, Court House, Police Station, Prison Cells, Buildings, and Approaches thereto, 40,000*l.* :

For the Purposes of their Markets, 20,000*l.* :

For the Purposes of their Cemetery, 20,000*l.* :

And those Acts shall be read and construed as if those respective Sums had been inserted in those Sections respectively.

32. The Corporation shall, out of the Monies by this Act authorized to be raised for the Purposes of their Waterworks, set apart a Sum of 12,000*l.* for the Construction of the Castle Carr Reservoir authorized to be made by the Acts of 1853 and 1858, and such Reservoir shall be commenced within One Year from the passing of this Act, and shall be completed within Four Years from the passing of this Act.

Corporation to set apart a Sum for the Construction of the Castle Carr Reservoir.

33. Except as is by this Act or otherwise provided, all Monies from Time to Time borrowed by the Corporation under this Act shall be paid to the Treasurer of the Borough, and be carried by him to the Credit of the Borough Fund, and no Money so borrowed shall be applied to any Purposes other than the Purposes for which the Money is by this Act authorized to be borrowed.

Monies borrowed by Corporation to be paid to Borough Fund.

34. The several Sums from Time to Time borrowed by the Corporation for the Purposes of their Gasworks or their Cemetery shall be applicable for the Discharge of the Liabilities of

Application of Monies so borrowed by Corporation.

of the Corporation incurred with respect to any of those Purposes before the Time of borrowing the same respectively, as well as Liabilities thereafter incurred.

Application of Monies received by Corporation from Cemetery.

35. The Monies from Time to Time received by the Corporation in respect of their Cemetery, or of any Lands acquired or contracted for by them or on their Behalf for any Purposes of their Cemetery, and afterwards sold or otherwise disposed of, shall be applied to the Discharge of Liabilities from Time to Time incurred by them in their Capacity of the Burial Board for Halifax.

Expenditure of Corporation under Act charged on Borough Rates.

36. All the Costs, Charges, and Expenses of and incidental to the executing by the Corporation of this Act, and all Principal Monies from Time to Time borrowed by the Corporation on Mortgage of the Borough Fund and the Borough Rates, and the Interest thereon, and all other the Expenses and Liabilities of the Corporation under and with respect to this Act and the Purposes and Execution thereof, are by this Act charged on the Borough Rates, and, except as is by this Act otherwise provided, shall be paid out of the Borough Fund accordingly as if the same were Expenses necessarily incurred in executing, with respect to the Borough, the Provisions of the Act for the Regulation of Municipal Corporations.

Power for Local Board to borrow Money.

37. The Local Board from Time to Time, under the Authority of this Act, and in accordance with the Provisions of Sections 107, and 109 to 114, both inclusive, of "The Public Health Act, 1848," so far as those Provisions are consistent with the Provisions of this Act, may borrow at Interest, on Mortgage of their Special or General District Rates, for the Purposes of the Formation and Improvement of Streets by this Act and by the Act of 1858 authorized, including the Discharge of Liabilities already incurred by them in that Behalf, such Sums as they think requisite, not exceeding in the whole 10,000*l.*, in addition to any Sums already borrowed by them under the Provisions of "The Public Health Act, 1848," and the Acts of 1853 and 1858 respectively.

Monies borrowed, &c. by Local Board to be paid to District Fund.

38. All Monies from Time to Time borrowed by the Local Board under this Act, and all Monies from Time to Time received by or for the Use of the Local Board under this Act, or in carrying it into execution, shall from Time to Time forthwith after the Receipt thereof be paid to the Treasurer of the Local Board, and be carried by him to the Credit of their District Fund Account.

Expenditure of Local Board under Act charged on District Rates.

39. All the Costs, Charges, and Expenses of and incident to the Execution by the Local Board of this Act, and all Monies from Time to Time borrowed by the Local Board under this Act, and the Interest thereon, and all other the Expenses and Liabilities of the Local Board under and with respect to this Act, and the Purposes and Execution thereof, are by this Act charged on and shall be paid out of the General District Rates, or, as the Case may be, the Special District Rates.

Power for Corporation and Local Board to re-borrow, § 40.

42. Provided, That the recited Acts and this Act shall not restrict the respective Powers of the Lords Commissioners of Her Majesty's Treasury, or One of Her Majesty's Principal Secretaries of State, to authorize the Corporation or Local Board to borrow Monies under the Provisions of any General Act.

Act not to restrict Powers for borrowing otherwise than under Act.

Certain Sections of Act of 1853 extended to Act, § 43.

Certain Sections of Act of 1858 extended to Act, § 44.

Corporation may agree for Use of Water for certain Purposes, § 45.

Provisions as to the Conditions of a Supply of Water by the Corporation to the Hamlet of Brighouse, &c., § 46.

Provisions of Act of 1858 for Lancashire and Yorkshire Railway Company and Calder and Hebble Navigation extended to Act, § 47.

Saving Rights of Lancashire and Yorkshire Railway Company; of Company of Proprietors of Calder and Hebble Navigation; of Mortgagees of Waterworks under Public Health Act, 1851; and of Corporation and Local Board, §§ 48 to 51.

Cap. xlii.

“South-western Railway (Additional Powers) Act, 1862.”

Proposes to authorize the London and South-western Railway Company to make and maintain the following Works and to acquire and use Lands for the Purposes thereof:

1st. The widening of the Company's Main Line of Railway at and near to their Vauxhall Station between the Western Side of Vauxhall Walk and the Eastern Side of Archer Street, all in the Parish of Saint Mary Lambeth in the County of Surrey:

2dly. The increasing of Station Accommodation at and near to the Company's Nine Elms Station, all in the Parish of Battersea in the County of Surrey:

3dly. The widening of the Company's Main Line of Railway near to their Southampton Station, and the increasing of Station Accommodation there, and in order thereto the laying down of additional Rails across the Itchen Bridge Road and Marsh Lane there, all in the Parishes of Saint Mary and Saint James, or One of them, in the Town and County of the Town of Southampton:

Recites that in 1857 the Wimbledon and Dorking Railway Company were incorporated, and were authorized to raise by Shares a Capital of 70,000*l.*, and to borrow not exceeding 23,000*l.*, and to make and maintain a Railway commencing by a Junction in the Parishes of Wimbledon and Merton, or One of them, with the Company's Main Line of Railway, and terminating by a Junction in the Parish of Epsom with the Epsom and Leatherhead Railway, and by the reciting Act Provision was made with respect to Traffic Arrangements between the Company and the Wimbledon Company; and recites further as is recited in the Company's Act of 1860,* that by “The Wimbledon and Dorking and Epsom and

* See Abstract of 23 & 24 Vict. c. clxxxv., and the Schedule thereto.

Leatherhead Railways (Epsom Joint Station) Act, 1859," Provision was made with respect to the making and maintaining by the Wimbledon Company and the Epsom and Leatherhead Railway Company of a Joint Station at Epsom, but no such Joint Station has been made; that by "The Wimbledon and Dorking Railway Act, 1860," the Wimbledon Company were authorized to raise by Shares a further Capital of 24,500*l.*, and to borrow further Sums not exceeding, with the Amount which by their recited Act of 1857 they were authorized to borrow, One Third of their Share Capital; that by "The South-western Railway (General) Act, 1860" the therein recited Agreement was confirmed; proposes a Transfer of the Wimbledon Railway to the Company, and that the Wimbledon Company be dissolved; recites that in 1854 the Salisbury and Yeovil Company were incorporated and were authorized to raise by Shares a Capital of 400,000*l.*, and to borrow not exceeding One Third of that Capital; that by "The London and South-western, Exeter Extension, Act, 1856," the South-western Company were authorized to subscribe for and hold Shares of the Capital of the Yeovil Company not exceeding 100,000*l.*; and by "The Salisbury and Yeovil Railway (Deviation) Act, 1857," to guarantee the Mortgage or Bond Debt of the Yeovil Company; that by the Company's Act of 1858 the Yeovil Company were authorized to make and the Company were authorized to accept a Lease of the Salisbury and Yeovil Railway, and for the Commutation of the yearly Rent payable under the Lease, and for the absolute vesting thereupon of the demised Premises in the Company in perpetuity; that by "The Salisbury and Yeovil Railway Act, 1858," Provision was made for the Sale and Transfer of the Salisbury and Yeovil Railway to the Company; that by "The Salisbury and Yeovil Railway (Deviation) Act, 1860," the Yeovil Company were authorized to raise by Shares an additional Capital of 150,000*l.*, and to borrow further Sums not exceeding 49,500*l.*; that the Company are Lessees of the Salisbury and Yeovil Railway at a yearly Rent which has not been commuted, and they hold Shares of the Capital of the Yeovil Company to the Amount of 100,000*l.* of Four per Cent. preferential Capital, created and issued under the Provisions of "The London and South-western, Exeter Extension, Act, 1856," of 132,020*l.* of Five per Cent. preferential Capital created and issued under the Provisions of "The Salisbury and Yeovil Deviation Act, 1860," and of 12,580*l.* of the ordinary Capital of the Yeovil Company created and issued under the Provisions of "The Salisbury and Yeovil Railway Act, 1854," and the Company have guaranteed Mortgage or Bond Debt of the Yeovil Company to the Amount of 130,000*l.*; that by their Act of 1848, Provision was made for the providing and working by the Company of Steam Vessels to navigate between English and French Ports and the Channel Islands, and by the Company's Act of 1860 those Provisions were made perpetual; that the Company are accordingly

Lessees of Steam Vessels which navigate between English and French Ports and the Channel Islands, and the Lease thereof to them expires in the present Year, and they are also Owners of other Steam Vessels so navigating ; that by the Company's Act of 1860, after Recitals setting forth the Declaration by their Act of 1858 that the total Amount which they might raise by Stock and Shares and by borrowing was 11,402,326*l.* 13*s.* 4*d.*, and their Authority to create Annuities or Shares for acquiring Shares of the Capital of the Yeovil Company, and the Creation by them under "The London and South-western Railway (Portsmouth Railway Amalgamation) Act, 1859," of 144,000 South-western Railway Portsmouth Annuities of 2*s.* 6*d.* each, and their being authorized by "The South-western Railway Act, 1859," to raise an additional Capital of 100,000*l.*, and to borrow an additional Capital of 33,000*l.*, and the Creation by them of Debenture Stock to the Amount of 259,730*l.* or thereabouts, and the proportionate Reduction of their Debenture Debt and borrowing Powers, and the Creation by them of 47,550*l.* or thereabouts of preferential 4*l.* per Centum Stock, with an Option for the Exchange thereof for ordinary Consolidated Stock of the Company, it was recited that, except as appeared by the therein preceding Recitals, the Capital of the Company on the 31st December 1859 was the same as their Capital was declared to be by the recited Provisions of their Act of 1858 ; that by "The West London Extension Railway Act, 1859," the Company were authorized and required to contribute towards the Funds of the West London Extension Railway Company 50,000*l.*, and were authorized to raise all or any Part thereof by Shares or Stock, but at the Time of the passing of the Company's Act of 1860 they had not specifically created any Capital for the Purpose ; that on the Amalgamation of the Portsmouth Railway with the South-western Railway the Powers of the Portsmouth Direct Railway Company for borrowing Money for the Purposes of their Undertaking were transferred to the South-western Company, and in exercise of those Powers, and for the Purpose of providing for the Debts of the Portsmouth Company, which the South-western Company were required to and accordingly did assume, the South-western Company have borrowed 92,000*l.* on Mortgages or Bonds, which in this Act are referred to as "Portsmouth Debentures ;" that by "The Company's Act of 1860" they were authorized, for the Purpose of any Substitution by the reciting Act authorized of Stock for Annuities, or for Stock or Shares, to create preferential or ordinary Stock, the preferential Stock to be denominated "South-western Consolidated Preferential Stock," and to accept in exchange for the Stock Surrenders of any Annuities of the Company, and Surrenders of guaranteed or preferential Stock, and they were authorized to raise by Shares for Works by the reciting Act authorized 50,000*l.*, and for their general Purposes 400,000*l.*, and to raise by Shares for the Purposes of any Lease or Sale, or Transfer

to the Company by the reciting Act authorized, the necessary Amount, and to borrow not exceeding for the Works by the reciting Act authorized 16,666*l.*, and for their general Purposes 134,000*l.*, and to borrow for the respective Lease or Sale or Transfer the necessary Amount, and to borrow Monies in advance for the exclusive Purpose of paying off Principal Monies secured by their Mortgages or Bonds, and from Time to Time falling due; that by their Yeovil Station Act, 1860, the Company were authorized, for the Purposes of that Act to raise by Shares 20,000*l.*; that by their South Devon, Exeter, and North Devon Act, 1860, the Company were authorized to raise by Shares 120,000*l.*, and to borrow not exceeding 40,000*l.*; that by "The Epsom and Leatherhead Railway (South-western and Brighton) Act, 1860," the South-western Company were authorized to raise by Shares 30,000*l.*, and to borrow not exceeding 10,000*l.*; that by "The West London Extension Railway Act, 1861," the Company were authorized and required to contribute 17,500*l.* to the additional Capital of the West London Extension Railway Company thereby created, and were authorized to raise all or any Part thereof by Shares or by Stock; that the total Amount which (as appears by preceding Recitals) the Company have been authorized to raise by Shares or Stock and by borrowing is 12,515,826*l.* 13*s.* 4*d.*, exclusive of the Monies of undefined but limited Amount which they are authorized so to raise for the Purposes of Leases or Sales or Transfers to them of the Railways of other Companies, and exclusive also of the Monies which they are authorized so to raise for the Acquisition of Shares of the Capital of the Yeovil Company, and exclusive also of Monies to be borrowed in advance for paying off Principal Monies falling due on their Mortgages or Bonds, and that total Amount consists of the following particulars, that is to say,

Amounts recognized and authorized by	£	s.	d.
the Company's Act of 1858, s. 106.	- 11,402,326	13	4
Amounts since authorized as above recited	1,113,166	0	0
	<u>£12,515,492</u>	<u>13</u>	<u>4</u>

that in pursuance of Provisions in that Behalf of the Company's Act of 1855 and subsequent Acts the Company have from Time to Time created Debenture Stock, and thereby their Debenture Debt and borrowing Powers have been proportionately reduced; that the Capital and Debenture Debt of the Company now stand as follows; (that is to say,)

	Capital.	£	s.	d.
Preferential 5 <i>l.</i> per Cent. Stock	-	14,400	0	0
Preferential 7 <i>l.</i> per Cent. Stock	-	171,276	13	4
Preferential 4 <i>l.</i> per Cent. Stock, with Option	-	15,900	0	0
Preferential 4 <i>l.</i> 10 <i>s.</i> per Cent. Stock	-	1,450,000	0	0
Ordinary Stock	-	7,200,256	0	0
Total Capital	-	<u>£8,851,832</u>	<u>13</u>	<u>4</u>
Debenture Stock	-	<u>£356,084</u>	<u>0</u>	<u>0</u>

Debenture Debt.

	£	s.	d.
Portsmouth Debentures - -	92,000	0	0
South-western Debentures (inclusive of Exeter Extension Railway De- bentures) - - - -	3,379,916	0	0
Total Debenture Debt	£3,471,916	0	0
<hr/>			
	£	s.	d.
Capital - - - -	8,851,832	13	4
Debenture Stock - - - -	356,084	0	0
Debenture Debt - - - -	3,471,916	0	0
Total - - - -	£12,679,832	13	4

Proposes that the Company be authorized to raise further Monies for executing the Works by this Act authorized, and for providing and working Steam Vessels and for affording further Station Accommodation and increasing their Rolling Stock, and for other general Purposes of the Company, and that some of the Provisions of the Acts relating to the Company with respect to Monies authorized to be raised by them be consolidated and amended as is by this Act provided.

Incorporation of Lands and Railways Clauses Acts, §§ 2, 3.

Power to take and use Lands shown on Plans, § 4.

Two Years for compulsory Purchase of Lands, § 5.

Lands for extraordinary Purposes, § 6.

Power to make Railway and Works, §§ 7 to 9.

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall, § 10.

For Protection of Sewers of Metropolitan and other Boards, § 11.

Company to construct Bridges in Parish of Lambeth, &c., § 12.

Company to restore Streets in Parish of Lambeth, § 13.

The Company to restore Sewers, Drains, &c. in the Parish, § 14.

Drainage Works in the Parish subject to Vestry, and their Rights saved, § 15.

Undertaking of Company declared, § 16.

Agreements between Company and Wimbledon Company for Sale or Transfer, §§ 17 to 29.

Powers of Company for raising Money under their former Acts extinguished, § 30.

31. Provided, That the several Powers of the Company for creating and issuing Annuities and Shares and Stock, and for borrowing for the following Purposes are not extinguished by this Act, but the same and all Powers and Provisions incidental and accessory thereto shall be and continue in full Force; (that is to say,)

First, the Company's Powers under "The South-western Railway (Works and Capital) Act, 1858," for creating and issuing Annuities and Shares for the Acquisition

Powers of Company for creating Annuities, Shares, and Stock, and borrowing for Purposes specified, to continue in force.

by the Company of Shares of the Capital of the Yeovil Company :

Secondly, the Company's Powers under "The South-western Railway (General) Act, 1860," for creating and issuing South-western Railway Portsmouth Annuities and Stock or Shares in substitution for those Annuities, or for Annuities created and issued under the Provisions of "The London and South-western (Portsmouth Railway Amalgamation) Act, 1859 :"

Thirdly, the Company's Powers under "The South-western Railway (General) Act, 1860," for raising Monies by Shares and by borrowing for the Purposes of any Lease or Sale or Transfer to the Company under that Act :

Fourthly, the Powers, if any, of the Stokes Bay Railway and Pier Company, and the Lymington Railway Company, and the Exeter and Exmouth Railway Company respectively, for raising Money by Shares and by borrowing, which by or under that Act are already or hereafter transferred to the Company :

Fifthly, the Company's Powers for creating and issuing Shares for the Conversion of Loan into Capital.

Declaration of
Company's
Capital under
this Act.

32. The Capital and Debenture Stock of the Company under this Act are by this Act declared to be together 9,707,916*l.* 13*s.* 4*d.*, consisting of the following Particulars ; (that is to say,)

	£	s.	d.
The Company's present preferential Stock bearing 5 <i>l.</i> per Centum per Annum			
preferential Dividend - - -	14,400	0	0
The Company's present preferential Stock bearing 7 <i>l.</i> per Centum per Annum			
Dividend - - - - -	171,276	13	4
The Company's present preferential Stock bearing 4 <i>l.</i> per Centum per Annum			
Dividend, with an Option for the Holders thereof to exchange it for ordinary Stock of the Company -	15,900	0	0
The Company's present preferential Stock bearing 4 <i>l.</i> 10 <i>s.</i> per Centum per Annum			
Dividend - - - - -	1,450,000	0	0
The Company's present ordinary Stock -	7,200,256	0	0
	<hr/>		
	8,851,832	13	4
The additional Sums which the Company are by this Act authorized to raise by Shares or Stock - - - - -	500,000	0	0
	<hr/>		
Total Capital - - - - -	£9,351,832	13	4
The Company's present Debenture Stock - - - - -	356,084	0	0
	<hr/>		
Total Capital and Debenture Stock - - - - -	£9,707,916	13	4

33. The Company's Capital and Debenture Stock of 9,707,916*l.* 13*s.* 4*d.* shall from Time to Time be increased by the Amount of the Shares or Stock from Time to Time after the passing of this Act created by the Company under their several Powers which by this Act are not extinguished but are continued in force, and the Debenture Stock in excess of 356,084*l.* from Time to Time created by them, and the Shares from Time to Time after the passing of this Act created by them for the Conversion of Loan into Capital, and the other Shares or Stock from Time to Time created by or under any other Act or Acts of the present or any future Session of Parliament by way of additional Capital and Debenture Stock of the Company.

As to Increase of Company's Capital and Debenture Stock.

34. The Preference and Priority of the various Classes of the Company's Capital, other than their Debenture Stock from Time to Time issued, is by this Act declared to be as follows ; (that is to say,)

Priorities of Clauses of Capital.

First, so much of their present preferential 5*l.* per Cent. Stock as from Time to Time is not extinguished :

Secondly, so much of their present preferential 7*l.* per Cent. Stock as from Time to Time is not extinguished :

Thirdly, so much of their present preferential 4*l.* per Cent. Stock with an Option as from Time to Time is not extinguished :

Fourthly, so much of their present preferential 4*l.* 10*s.* per Cent. Stock as from Time to Time is not extinguished, and as if the whole of that Stock had been created and issued at one and the same Time as One Class of Stock :

Fifthly, the South-western Consolidated preferential Stock from Time to Time issued :

Sixthly, their other preferential Stock or preferential Shares, if any, from Time to Time issued, but with the respective Priorities, if any, to which as between themselves the several Classes, if any, of the same Stock or Shares are from Time to Time entitled :

Seventhly, their ordinary Stock or ordinary Shares from Time to Time issued.

Power for Company to create preferential or ordinary Stock for Substitution thereof for Annuities or Stock or Shares, § 35.

36. All the preferential Stock created and issued for the Purpose of any Substitution by this Act authorized shall be of One Class only, and shall be called "South-western Consolidated preferential Stock," and shall bear the same Rate of Dividend, and shall entitle the Holders thereof respectively to like proportionate Privileges, and shall have and be subject to like Restrictions and Incidents, and no Portion thereof shall be entitled to any Preference or Priority to or over any other Portion thereof by reason of any Priority in the Creation or Issue thereof or otherwise.

Incidents of preferential Stock so created.

Incidents of ordinary Stock so created, § 37.

Power for Company to accept Surrender of Annuities and issue preferential or ordinary Stock for same, § 38.

Power for Company to accept Surrender of preferential Stock or Shares and issue preferential or ordinary Stock for same, § 39.

Sanction of Shareholders for Acceptance of Surrenders, and issue of preferential or ordinary Stock, § 40.

Surrendered Annuities, Stock, and Shares extinguished, § 41.

Preferential and ordinary Stock so issued to be held on same Trusts as surrendered Annuities, Stock, and Shares, § 42.

Certificates of preferential and ordinary Stock so issued, § 43.
Certificate of surrendered Annuities, Stock, and Shares to be cancelled, § 44.

Power to Company to raise additional Capital by new Shares, &c.

45. The Company from Time to Time may raise by the Creation and Issue of new Shares or new Stock, and in addition to the several other Sums which by this Act or otherwise they are authorized to raise, and in addition also to any Sums which by any Act or Acts hereafter passed during the present Session of Parliament, they shall be authorized to raise any Sums not exceeding 500,000*l.*, to be applied to the Purposes of this Act.

Power to Company to raise additional Capital for Purposes of Lease, &c. from Wimbledon Company.

46. For the Purposes of any Sale and Conveyance or Transfer by the Wimbledon Company to the Company by this Act authorized, the Company from Time to Time may raise by the Creation and Issue of new Shares or new Stock, and in addition to all other Sums which from Time to Time they are otherwise authorized to raise, all such Sums as, subject to and in accordance with the Provisions of this Act, are necessary for those Purposes, and may apply the Money so raised accordingly, and shall not apply for any other Purpose any Money so raised.

Power to Company to issue new Shares and Stock of different Classes and with Preference.

47. The new Shares or new Stock which the Company from Time to Time issue under this Act may, with the Sanction of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting of the Company specially convened for the Purpose, be issued as the Company from Time to Time think fit, either of One Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, preferential, perpetual, terminable, or other Dividend, and with or without any other special Privileges; and the Company, as they from Time to Time think fit, may fix the Amounts and Times of Payment of Calls on the new Shares: Provided that the South-western Consolidated preferential Stock shall be issued only as One Class of Stock, and with the same Dividend and like proportionate Privileges.

Saving of existing preferential Shares and Stock, § 48.

Power to issue preferential Shares or Stock with Condition of future Shares or Stock being admitted to like Preference, § 49.

Power to issue preferential Shares or Stock with Condition of future Shares or Stock being issued with Priority thereto, § 50.

- Preferential Dividend on new Shares or Stock, § 51.**
Conditions affecting preferential Shares and Stock to be stated on Certificates thereof, § 52.
Unissued Shares and Stock may be cancelled and extinguished, § 53.
Company may cancel forfeited Shares, § 54.
Evidence for Cancellation, § 55.
Shareholders liable to pay Calls, &c., notwithstanding Cancellation, § 56.
Value of Share to be deducted, § 57.
Company may cancel forfeited Shares with Consent of Holders, § 58.
Company may issue new Shares or Stock in lieu of cancelled Shares or Stock, § 59.
New Shares and Debenture and other Stock under Act to be Part of general Capital of Company, § 60.
If ordinary Stock or Shares at a Premium, new Shares or Stock to be offered to existing ordinary Shareholders, § 61.
Unless the new Shares or Stock if apportioned would be less than 10*l.* each, § 62.
Offer to be made by Letter, § 63.
New Shares or Stock to vest in accepting Shareholders, § 64.
Disposal of new Shares or Stock to others, § 65.
Power to enlarge Time for accepting new Shares or Stock, § 66.
General Power to dispose of unappropriated new Shares and Stock, § 67.
Votes or Qualification not conferred by Debenture Stock, § 68.
Votes and Qualification for ordinary Stock and ordinary Shares, § 69.
Voting, § 70.
Power for Company to create Debenture Stock, § 71.
Limit of Dividend on Shares and Debenture and other Stock to 5*l.* per Cent., § 72.
Debenture Stock to be applied in reduction of Mortgage and Bond Debt, &c., § 73.
Restriction as to Application of Debenture Stock, § 74.
Account of Application of Debenture Stock, § 75.
Preferential Dividends on Debenture Stock, § 76.
Guarantee and Priority of Dividends on Debenture Stock, § 77.
Holder of Debenture Stock to be Mortgagees in respect of Dividends due, § 78.
Priority and Privileges of Debenture Stock already disposed of, § 79.

80. The Company's present Debenture Debt and their present Debenture Stock of 356,084*l.* are by this Act declared to be the Sum of 3,828,000*l.*, being the aggregate of the following Sums ; (that is to say,)

Company's present Debenture Debt declared.

The Amount now secured by the Portsmouth Debentures - - - - -	£ 92,000
The further Amount now secured by Mortgages or Bonds of the Company, inclusive of Mortgages or Bonds granted for the Purposes of the Exeter Extension Railway - - -	3,379,916
	<hr/>
	£3,471,916
Debenture Stock - - - - -	356,084
	<hr/>
	<u>£3,828,000</u>

Power to borrow on Mortgage.

81. The Company from Time to Time may, for the Purposes of this Act, borrow on Mortgage, and in addition to the Sums which they are now authorized to borrow, any Sums not exceeding 166,000*l.*

Restriction on borrowing, § 82.

Restriction as to Amount to be raised or borrowed.

83. Provided, That the total Amount which the Company may from Time to Time, under the Authority of this or of any other Act or Acts relating to the Company, raise by new Shares and Debenture and other Stock, and by borrowing respectively, and apply for the Purpose of providing and working Steam Vessels or otherwise in connexion therewith, shall not exceed the Sum of 200,000*l.*

Power to Company to borrow on Mortgage for Purposes of Sale, &c. from Wimbledon Company.

84. For the Purposes of any Sale and Conveyance or Transfer by the Wimbledon Company to the Company by this Act authorized, the Company from Time to Time may borrow on Mortgage, and in addition to the other Sums which they from Time to Time are authorized to borrow, any Sums not exceeding in the whole One Third of the Amount which they are by this Act authorized to raise by new Shares or new Stock for those Purposes, and may apply the Money so borrowed accordingly, and shall not apply for any other Purpose any Money so borrowed.

Amount to be raised by Company for Sale or Transfer to them by Wimbledon Company shall not exceed the total Amount of the Capital and Debt of that Company, § 85.

Company to keep separate Accounts of Shares, &c. created, &c. for the Sale or Transfer and Application thereof, § 86.
Power for Company to re-borrow, § 87.

Reduction of Amount which Company may borrow and re-borrow.

88. Provided, That the Amount which the Company from Time to Time may borrow and re-borrow under this Act shall from Time to Time be reduced by the Amount of Debenture Stock after the passing of this Act created by them for the Redemption of Debenture Debt or for raising Money by that Stock, instead of by borrowing, and shall also from Time to Time be reduced by the Amount of Shares after the passing of this Act created by them for the Conversion of Loan into Capital.

Receiver for Mortgagees, § 89.

Priority of now existing Mortgages, § 90.

Saving Rights of Companies and of the Duchy of Cornwall, §§ 93, 94.

Cap. xliii.

“The Dundee Waterworks Act, 1862.”

Recites that in 1845 the Dundee Water Company were incorporated for the Purpose of supplying the Royal Burgh of Dundee and Suburbs thereof with Water, and were authorized to make and maintain Works for that Purpose, and to raise by the Issue of Shares the Sum of 95,000*l.*, and by borrowing on Mortgage or Bond the Sum of 31,666*l.* 13*s.* 4*d.*; and in 1853 to raise by the Issue of additional Shares a further Sum of 21,000*l.*, and by borrowing on Mortgage or Bond a further Sum of 7,000*l.*; proposes to extend the Works and to raise further Monies.

Incorporation of Lands Clauses Acts and Portions of Companies Clauses Act, § 2.

Power to raise 30,000*l.* by Creation of Shares on the same Terms as the Shares issued under their Act of 1853, § 3.

Power to borrow 7,500*l.*, §§ 4 to 6.

Power to lay down additional Main Pipe, § 7.

Owners of Lands may grant Easements, § 8.

Power to deviate, § 9.

Limiting Time for compulsory Purchase to Two Years, § 10.

Limiting Time for Completion of Works to Four Years, § 11.

Cap. xliv.

“Kent Waterworks Act, 1862.”

Recites that in 1809 the Company of Proprietors of the Kent Waterworks were incorporated, and authorized to make and maintain Waterworks and other Works connected therewith in divers Places in the Counties of Kent and Surrey therein specified, and by means thereof to supply Water within those Places, and to raise 100,000*l.* by Shares, and 50,000*l.* in addition by Shares, or all or any Part thereof by Mortgage; that by their Act of 1811 the Company were authorized to extend their Works into divers other Places in the Counties of Kent and Surrey therein specified, and to raise a further Sum of 100,000*l.* by Shares, or partly by Shares and partly by Mortgage; that by their Act of 1850 the Company were authorized to raise by Shares a further Sum of 100,000*l.*, or not exceeding 33,000*l.*, Part thereof, by Mortgage; that the aggregate Amount which by the recited Acts the Company were authorized to raise was 350,000*l.*, and 183,000*l.*, Part thereof, might be raised either by Shares or by Mortgage; that the Shares which the Company issued under the Acts of 1809 and 1811 were Shares to the aggregate nominal Amount of 250,000*l.*, consisting of the following Particulars, and whereby the aggregate Amount of 196,334*l.* 13*s.* 6*d.* was raised as follows; (that is to say,)

1,929 Shares of 100 <i>l.</i> each, which produced	£	<i>s.</i>	<i>d.</i>
- - - -	156,030	0	0
70 Shares of 100 <i>l.</i> each, which produced	-	4,780	2 6
- - - -	-	-	-
312 Shares of 100 <i>l.</i> each, which produced	-	22,294	11 0
- - - -	-	-	-
756 Quarter Shares of 25 <i>l.</i> each, which produced	-	13,230	0 0
- - - -	-	-	-
		<u>£196,334</u>	<u>13 6</u>

and the Shares which the Company issued under their Act of 1850 were Shares to the aggregate nominal Amount of 101,150*l.*, consisting of the following Particulars, and whereby the aggregate Amount of 79,530*l.* 7*s.* 9*d.* was raised as follows; (that is to say,)

1,237 Quarter Shares of 25 <i>l.</i> each, which produced	£	<i>s.</i>	<i>d.</i>
- - - -	21,647	10	0
1,848 Quarter Shares of 25 <i>l.</i> each, which produced	-	34,650	0 0
- - - -	-	-	-
961 Quarter Shares of 25 <i>l.</i> each, which produced	-	23,232	17 9
- - - -	-	-	-
		<u>£79,530</u>	<u>7 9</u>

and the aggregate nominal Amount of the Shares so issued by the Company is 351,150*l.*, being 1,150*l.* in excess of their authorized nominal Capital, and the aggregate Amount thereby raised is 275,865*l.* 1*s.* 3*d.*, being 74,134*l.* 18*s.* 9*d.* less than the Amount of Money which they were authorized to raise, and their Mortgage Debt is 37,000*l.*, being less by 37,134*l.* 18*s.* 9*d.* than that Sum of 74,134*l.* 18*s.* 9*d.*; that the Population of the District supplied with Water by the Company has much increased and is still increasing, and in order to enable the Company to make Extensions of their Works which are now required and to meet the expected Wants of the District it is expedient that they be authorized to raise further Monies, and that the Capital and borrowing Powers of the Company be regulated.

Incorporation of Parts of Companies Clauses Consolidation Act, 1845, as to Capital and borrowing, §§ 2, 3.

Certain Parts
of recited Acts
repealed.

4. The several Powers and Provisions of the recited Acts with respect to the raising of Capital and the borrowing of Money by the Company are by this Act repealed.

General Saving of Rights under recited Acts, § 5.

Shares of present Capital, being 351,150*l.*, to continue vested in Shareholders, § 6.

Company may require present Certificates to be exchanged for new Certificates, § 7.

Present Certificates of Shares to be available till new Certificates issued, § 8.

Company's
Capital under
this Act.

9. From and after the passing of this Act the Share Capital of the Company shall be 420,000*l.*, being the aggregate of the following

following Amounts; (that is to say,) first, the Company's herein-before recited Capital of 351,150*l.*; secondly, the additional Capital of 68,850*l.* created by this Act.

10. All the Capital of the Company shall be ordinary Capital, and the several Shares of their Capital of 351,150*l.*, according to the nominal Amounts of those Shares, and the several Shares of their additional Capital of 68,850*l.*, according to the Amounts from Time to Time paid up on those Shares, shall confer on the several Holders thereof proportionate Qualifications, Rights of voting, and other Privileges.

All Capital
to be ordi-
nary Capital.

Power for Company to issue new Shares, §§ 11 to 19.

Restriction as to Transfers of Stock, § 20.

Votes of joint Holders of Shares and Stock, § 21.

Votes for Shares and Stock, § 22.

Power to borrow 105,000*l.* in all, § 23.

Company's present Mortgage Debt to be Part of Mortgage Debt under the Act, § 24.

Restrictions on borrowing till additional Capital taken, § 25.

Priority of existing Mortgages not affected, § 26.

Cup. xlv.

“The Carlisle and Silloth Bay Railway and Dock Act, 1862.”

Recites that in 1855 the Carlisle and Silloth Bay Railway and Dock Company was incorporated and authorized to construct a Railway from the Port Carlisle Railway, in the Township of Drumburgh, to or near to the Coat Lighthouse in Silloth Bay, in the Parish of Holme Cultram in the County of Cumberland, and also a Dock and Jetty at Silloth Bay, and to raise a Share Capital of 75,000*l.*, and to borrow on Mortgage or Bond a Sum of 25,000*l.* for the Purposes of the Railway Undertaking of the Company, and to raise a Share Capital of 90,000*l.*, and to borrow on Mortgage or Bond the Sum of 30,000*l.*, for the Purposes of the Dock Undertaking of the Company, making a total Share Capital of 165,000*l.*; that the said Railway, Dock, and Jetty have been constructed under the Powers of the said Act, and are now open to the Public; that the Capitals by the recited Act authorized to be raised for the Purposes of the existing Railway and Dock Undertakings of the Company have been raised and have proved insufficient for the Works already executed by the Company, and the Company have incurred large Liabilities on account of each Undertaking, for the Purpose of discharging which, and for the general Purposes of the Company, it is necessary that the Company should be enabled to raise additional Capital as herein-after provided; that there are no existing Shares in the Capital of the Company entitling the Proprietors thereof to any Preference or Priority of Interest or Dividend.

Certain Provisions of the Companies Clauses Consolidation Act extended to this Act, § 3.

Power to raise 75,000*l.* by preferential Shares at not exceeding 6*l.* per Cent., §§ 4 to 7.

Capital not to be increased beyond authorized Amount, § 8.
 Power to borrow 25,000*l.*, § 9.
 Power to purchase Lands for extraordinary Purposes connected with the Dock, § 13.

Cap. xlv.

“The Edgware, Highgate, and London Railway Act, 1862.”

Proposes to authorize the Construction of a Railway in the County of Middlesex, from the Great Northern Railway, through Highgate, Finchley, and Hendon, to Edgware, and to authorize the Great Northern Railway Company to aid in the Promotion of the said Railway, and to subscribe thereto, and to enter into the Arrangements herein-after contained with respect to the Working and Management of the Railway.

Incorporation of Consolidation Acts, §§ 1, 2.

Subscribers incorporated, with a Capital of 220,000*l.*, and Power to borrow 73,300*l.*, §§ 3 to 7.

Power to Great Northern Railway Company to subscribe 73,300*l.*, and to apply their Funds for that Purpose, § 8.

Power to Great Northern Railway Company to raise Money by the Creation of Shares or Stock, with or without a Preference not exceeding 5*l.* per Cent., § 9.

Application of Monies raised by the Great Northern Railway, § 10.

Meetings; Directors, §§ 11 to 18.

Power to make Railway and to alter Engineering Works, §§ 19 to 21.

Works affecting Great Northern Railway to be made under the Direction of the Engineer of that Railway, § 22.

As to Expense of Signals, Watchmen, &c., § 23.

Regulating the crossing under the Marylebone and Finchley Turnpike Roads, § 24.

Notice of Works to be given to General Surveyor, who may require a temporary Road, § 25.

For Protection of the Metropolis Roads, §§ 26 to 31.

Provision as to Payment of Rates in the Parish of Saint Mary Islington, § 32.

For Protection of Sewers of Metropolitan and other Boards, § 33.

Bridges over Roads to be Water-tight, § 34.

As to Construction of Railway through certain Lands in Hornsey and Saint Mary Islington, § 35.

Regulating Interference with Miss Stanton's Property in Hendon, § 36.

For the Protection of Property of Mr. Magniac, and Mr. Matthews, §§ 37, 38.

Lands for additional Stations, § 39.

Lands to be bought by Compulsion in Three Years, § 40.

Five Years for Completion of Railway, § 41.

Tolls, §§ 43 to 50.

Power to enter into Traffic Arrangements with Great Northern Railway Company, §§ 51 to 59.

Company may contract with Burial Boards, § 60.

Cap. xlvii.

“The North British Railway, Silloth Railway and Dock (Lease) Act, 1862.”

Recites that in 1858 the Acts relating to the North British Railway Company were consolidated and amended, and that by several other Acts further Powers were conferred upon the Company; that in 1855 the Carlisle and Silloth Bay Railway and Dock Company were incorporated, and in 1860 further Powers were conferred upon them; that the Capital of the Silloth Company consists of 165,000*l.*, and they have borrowed on Mortgage 55,000*l.*; that the Railway of the Silloth Company and Parts of the Port Carlisle Railway and North British Railway respectively form a continuous Line of Railway Communication between Edinburgh and Silloth Bay, and Application has been made to Parliament in the present Session for an Act to authorize a Lease of the Undertaking of the Port Carlisle Railway and Dock Company to the North British Railway Company; proposes to authorize a Lease of the Undertaking of the Silloth Company to the North British Railway Company.

Silloth Company to lease their Undertaking, § 1.

Personal Property of Silloth Company to vest in North British Company, § 2.

Mortgage Debts of Silloth Company to be Debts of North British Company, § 3.

Rent of 2,000*l.* per Annum, subject to Increase, § 4.

Toll for short Distances in respect of Traffic conveyed on Two Lines, § 5.

Settlement of Disputes by Arbitration, § 6.

Certain Provisions of Silloth Acts to apply to North British Railway Company, § 7.

Cap. xlviii.

“The North British Railway, Port Carlisle Railway and Dock (Lease) Act, 1862.”

Recites that in 1858 the Acts relating to the North British Railway Company were consolidated and amended; that by several Acts since passed further Powers were conferred upon the Company; that in 1853 the Port Carlisle Dock and Railway Company were incorporated, and in 1860 further Powers were conferred upon the Port Carlisle Dock and Railway Company; that the Capital of the Port Carlisle Dock and Railway Company (exclusive of the Five and a Half per Cent. Preference Stock herein-after mentioned) consists of 70,600*l.* ordinary Stock, and 35,000*l.* Five per Cent. Preference Stock, redeemable at Par; that by the Act of 1860 the Port Carlisle Dock and Railway Company were authorized to create 40,000*l.* Five and a Half per Cent.

Preference Shares or Stock, redeemable at Par at the Expiration of Seven Years from the Creation thereof, and they have partially exercised such Power by the Creation and Issue of Stock to the Amount of 7,380*l.*; that they have Power to create Preference Shares or Stock at a lower Rate of Interest than the said existing Preference Stocks for the Redemption thereof respectively; that their Mortgage Debts amount to 73,537*l.* 10*s.* or thereabouts, and the Dividends on the said Preference Stocks have Priority as a Charge upon the Undertaking to the Interest upon the said Mortgage Debts, and there are Arrears of Interest upon the said Mortgage Debts amounting to 44,804*l.* or thereabouts; that the Border Union Line of the North British Railway Company forms a Junction with the Port Carlisle Railway near Carlisle, and the Two Railways, together with other Parts of the North British Railway, form a continuous Line of Railway Communication between Edinburgh and Port Carlisle, and by an Agreement between the Two Companies, confirmed by "The Border Union North British Railway Act, 1859," the North British Railway Company are entitled to the Use of the Carlisle Station of the Port Carlisle Dock and Railway Company, and the Port Carlisle Dock and Railway Company have expended Sums of Money and incurred Liabilities to provide extra Accommodation at the said Station for the Traffic of the North British Railway Company; that the Undertaking of the Port Carlisle Dock and Railway Company might be worked with greater Economy and Convenience to the Public if it were entirely under the Management and Control of the North British Railway Company, and the said Companies have agreed, subject to the Approval of Parliament, that such Undertaking should be leased to the North British Railway Company for a Term of 999 Years, upon certain Terms and Conditions, and it is expedient that Provision should be made for carrying such Agreement into effect, and that the Provisions of the said Acts of 1853 and 1860 respectively should in some respects be amended or repealed; that the Port Carlisle Dock and Railway Company have certain Powers, Rights, and Privileges with respect to Lights and Buoys in the Solway Frith, and also certain Property connected with such Lights and Buoys; that the Carlisle and Silloth Bay Railway and Dock Company are interested in the proper lighting and buoying of the said Frith, and it has been agreed between the last-mentioned Two Companies, subject to the Approval of Parliament, that in the event of the Undertaking of the Port Carlisle Dock and Railway Company being leased to the North British Railway Company, all such Powers, Rights, Privileges, and Property should, during the Lease, be transferred to the Carlisle and Silloth Bay Railway and Dock Company.

Port Carlisle Railway Company to lease their Undertaking,
§ 1.

Personal Property of Port Carlisle Company to vest in North
British Company, § 2.

- Debts and Liabilities of Port Carlisle Company to vest in North British Company, § 3.
- Preference Stocks of Port Carlisle Company to become Preference Stock of North British Company, § 4.
- Certain Powers of the Acts of 1853 and 1860 as to the Preference Stocks repealed, § 5.
- North British Company empowered to call in Preference Stock, § 6.
- Order in which Stock shall be called in, and Notice thereof, § 7.
- Notice to be sent by Post, § 8.
- Company may create Preference Shares bearing a low Rate of Interest to pay off Preference Shares bearing a higher Rate of Interest, § 9.
- New Shares to be offered to the existing Shareholders, § 10.
- Shares to vest in the Parties accepting, otherwise to be disposed of by the Company, § 11.
- As to Division of Preference Shares created to pay off Preference Shares bearing a higher Rate of Interest, § 12.
- Five and a Half per Cent. Shares not to be redeemed till the Expiration of Seven Years from their Creation, except with Consent, § 13.
- Power for Company to raise 40,000*l.* by Preference Shares, and to attach Preference not exceeding 5*l.* per Cent. to Shares created under this Act, § 14.
- Saving Rights of existing Preference Shareholders, § 15.
- If Year's Revenue insufficient for Dividend, subsequent Revenue not charged, § 16.
- Terms of Preference to be stated on Certificate, § 17.
- Amount and issuing of Shares, § 18.
- Shares to form Part of Company's general Capital, § 19.
- Rent, 3,100*l.* per Annum, subject to Increase, § 23.
- Short Distance Toll for Traffic conveyed on both Lines, § 24.
- Settlement of Disputes by Arbitration, § 25.
- Arrears of Interest on Mortgages of Port Carlisle Company extinguished, § 26.
- Mortgage Debt of 73,537*l.* 10*s.* converted into Debenture Stock, § 27.
- Holders of Mortgages to become entitled to a like Amount of Debenture Stock, § 28.
- Debenture Stock to be subject to the same Trusts as Mortgage Debts, § 29.
- Mortgages, &c. to be delivered up, and Stock Certificates obtained in lieu thereof, § 30.
- Transfer of Debenture Stock, § 31.
- Register of Holders of Debenture Stock to be kept, § 32.
- Holders of Debenture Stock not to vote at Meetings of the Company, § 33.
- Certain Provisions of Companies Clauses Act incorporated, § 34.
- Application of Rent, § 35.
- Receiver may be appointed, § 36.
- As to Appointment and Duties of Receiver, § 37.

Receiver not to be appointed except upon the Application of Stockholders whose Dividends in arrear amount to 50*l.*, § 38.

Ordinary Meetings to be held and Dividends declared half-yearly, § 39.

Powers of Port Carlisle Company in reference to Lights and Buoys transferred to Silloth Bay Railway and Dock Company, § 40.

Certain Provisions of Port Carlisle Acts to apply to North British Railway Company, § 41.

Cap. xlix.

“The North British Railway (Branches) Act, 1862.”

Recites that by “The North British Railway Consolidation Act, 1858” the Acts relating to the North British Railway Company were consolidated and amended, and that by various Local Acts since passed further Powers were conferred upon the Company; that a Railway in the Parish of Inveresk from the North British Railway to the Farm Steading of Smeaton, and Two Railways therefrom, One to near Macmerry, in the Parish of Gladsmuir, in the County of Haddington, and the other to the Hawick Line of the North British Railway at Hardengreen, in the Parish of Dalkeith, in the County of Haddington, would be of public Advantage; and the North British Railway Company, are willing, if authorized by Parliament, to make such Railways; proposes to raise more Capital, to increase their Rolling Stock, and for Station Accommodation, and for other general Purposes of their Undertaking.

Incorporation of Consolidation Acts, § 1.

Power to make Works, §§ 2 to 4.

Power to purchase Duke of Buccleuch’s Tramway, and not to deviate through his Property, § 5.

Power to alter Engineering Work, § 6.

Power to cross certain Roads on the Level, § 7 to 10.

Power to alter certain Levels of Roads, § 11.

Certain Road may be stopped up, § 12.

Three Years for compulsory Purchase, § 13.

Four Years for Completion of Works, § 15.

As to Tonnage Duties and Wayleaves of Messrs. Wauchope, § 17.

Railway Tolls, § 18.

Power to raise 220,000*l.* (*i.e.*, 100,000*l.* for Construction of Railway and 120,000*l.* for general Purposes) and to attach a Preference not exceeding 5*l.* per Cent., §§ 19 to 27.

Power to borrow 73,300*l.*, (*i.e.*, 33,300*l.* for the Railway and 40,000*l.* for general Purposes), §§ 28 to 30.

Cap. l.

“The Asylum for the Deaf and Dumb Poor Act, 1862.”

Recites that in or about the Year 1792, an Institution was formed called the Asylum for the Education of the Deaf and Dumb Children of the Poor for the Purpose of pre-

viding an Asylum where Deaf and Dumb Children of poor Persons in Great Britain might be clothed and maintained, and might be educated and instructed in religious and useful Knowledge agreeably to the Formalities of the Church of England, and in particular might be instructed in Articulation, artificial Speaking, Reading, Writing from Dictation by Signs, and in such other special Knowledge as would be beneficial and useful to Deaf and Dumb Persons of both Sexes, and the Objects and Purposes of the said Institution have been subsequently extended to the Education and Instruction in the same Manner of Deaf and Dumb Children whose Friends are able to pay for their Board, and also to providing out of the said Institution Apprentice Fees or Premiums for the Purpose of apprenticing Pupils to some useful Trade upon their leaving the Asylum, and in some Parts of the Country auxiliary Associations have also been formed in connexion with the said Institution ; that the said Institution has been and is supported by the Donations, Legacies, and annual voluntary Subscriptions of benevolent Persons, and since its Establishment upwards of 3,000 Children have been admitted into it ; that by an Indenture of Lease bearing Date the 11th June 1807, a Piece of Ground situate on the West Side of that Part of the Turnpike Road leading from Kent Street to Deptford, which lay in the Parish of Saint George the Martyr in Southwark, in the County of Surrey, containing Five Acres, together with all Rights belonging thereto, free from Land Tax, was leased to certain Trustees, to hold the same from the 25th December 1805 for the Term of 999 Years, at the yearly Rent of 200*l.*, and subject thereto and to a Trust for the raising, paying, and discharging the said yearly Rent thereby reserved, upon trust to permit the said Ground and Premises thereby demised, and every Part thereof, to be held, used, and applied for the charitable Purposes of the said Institution called the "Asylum for the Education of the Deaf and Dumb Children of the Poor," in such Manner as the Committee of Subscribers for the Management of that Institution should from Time to Time in Writing direct, and to permit and suffer the Treasurer of the said Charity for the Time being to receive and take the Rents, Issues, and Profits of the said Trust Premises, and every Part thereof, and after Payment of the yearly Rent thereby reserved to pay and apply the Residue of such Rents and Profits for the general Purposes of the said Institution in such Manner as the Committee should from Time to Time direct, and upon further trust to make and execute such Lease and Leases of the said Trust Ground and Premises, or any Part thereof, unto such Person or Persons for such Term and Terms of Years and at such Rent or Rents as the Committee for the Time being for the Conduct of the said charitable Institution, or any Thirteen of them, at any Meeting thereof to be duly held for that Purpose should direct or appoint ; that the said Indenture was duly enrolled ; that an Asylum was shortly afterwards built out of the Funds of the said Institution

upon Part of the said Piece of Ground, and the same has thenceforth been and still is used for the Reception of the Children educated by the said Institution, and divers other Houses have also been erected on other Parts of the said Piece of Ground, which other Houses are now on Lease at Rentals amounting to the yearly Sum of 242*l.*, or thereabouts; that the several Persons in the Indenture named as Trustees have by reason of Death or from other Causes ceased to be Trustees of the said Institution, and in pursuance of a Provision in that Behalf therein contained new Trustees have from Time to Time been appointed, and the said Premises at Old Kent Road have been from Time to Time vested in such new Trustees; that in addition to the said Premises in the Old Kent Road, and the Household Goods and Furniture and other Personal Property in and about the said Asylum, the Property now belonging to the said Institution consist of the several Sums of 82,985*l.* 10*s.* 1*d.* Bank Three per Centum Consolidated Annuities, 57,330*l.* Bank Three per Centum Reduced Annuities, 27,607*l.* 11*s.* 11*d.* Bank New 3*l.* per Centum Annuities, and 2,000*l.* East India 5*l.* per Centum Stock, all standing in the Name of Trustees, of One Half of the clear Proceeds of a Sale directed (but which has not yet been made) of certain Leasehold Property near the Hampstead Road, Middlesex, and of the Rents and Profits thereof until such Sale, (such Rents and Profits after deducting a Ground Rent amounting to 69*l.* or thereabouts), and of a Sum of Cash; that the Institution has been of great public Advantage, and it would tend greatly to promote the beneficial Designs thereof if the same were more permanently established than it is at present by the President, Vice-Presidents, Treasurer, and Governors of the same being incorporated by the Authority of Parliament, and empowered to hold in Mortmain not only the said Hereditaments and Premises in the Old Kent Road, but other Hereditaments herein-after provided for, with sufficient Power to sell the same respectively, and also to hold, retain, and dispose of their said present Property, and any Monies and Property which the said Institution may hereafter acquire.

Incorporation of Institution, § 2.

Custody of Common Seal, § 3.

President, &c.
may hold Land.

4. The said President, Vice-Presidents, Treasurer, and Governors shall by their Corporate Name be able and capable, without incurring any Penalties or Forfeitures, to hold and retain for the Purposes of the Institution the said Hereditaments and Premises in the Old Kent Road for the Residue of the Term expressed to be created by the said Indenture of the 11th Day of March 1807, and all other the present Property of the Institution, and to purchase, take, or receive, and hold and enjoy other Lands of any Nature or Kind, either in Fee or for Terms for Life or Years or otherwise, for the Purpose of building thereon another Asylum and other Buildings connected therewith, for carrying out the Objects of the said Institution, and so as such Lands as are of Freehold Tenure or for Terms of Years or for Lives be held by them in their Corporate Name,

and so as such Lands as may be of Copyhold Tenure be surrendered to and held by One or more Person or Persons as a Trustee or Trustees for the Institution, and also to obtain, acquire, hold, and retain for the Purposes of the Institution any Monies and other Personal Estate and Property, including Monies secured by Mortgage of or charged upon or to arise from the Sale of any Hereditaments, and also to grant, sell, alien, demise, convey, assign, surrender, and dispose of the said Hereditaments and Premises in the Old Kent Road, and also any other Hereditaments, Monies, and other Estate and Property, as well Real as Personal, for the Time being belonging to the Institution, and to do and execute all such Acts, Deeds, Matters, and Things as may be necessary for the effecting and completing of any such Grant, Sale, Alienation, Demise, Conveyance, Assignment, Surrender, or Disposition : Provided nevertheless, that nothing in this Act contained shall make valid or confer any Validity on any Grant or Purchase which would be void or impeachable under the Enactments contained in an Act of Parliament passed in the 9th Year of the Reign of His late Majesty King George the Second, intituled "An Act to restrain the Dispositions of Lands," whereby the same became inalienable : Provided also, that no Monies for the Time being belonging to the Institution shall be invested in the Purchase of any Hereditaments excepting Lands for a new Asylum and for a Garden thereto, and for the Purposes of Exercise and Recreation for the Inhabitants of the Asylum, such last-mentioned Lands not to exceed in Quantity 15 Acres : Provided always, that such last-mentioned Lands shall be always holden for the Purposes herein-before mentioned.

Copyhold Messuages, &c. held in trust for the Asylum to be surrendered to the President, &c., § 5.

Stock and Dividends when transferred to President, &c. to be held for the Purposes of the Institution, § 6.

Monies may be invested, § 7.

Hereditaments mortgaged to Institution when foreclosed to be held by President, &c. for the Purposes of the Institution until Sale, § 8.

Liabilities continued, § 9.

Receipt of Treasurer a sufficient Discharge, § 10.

Service of Notices, &c. on Secretary, § 11.

President and Vice-Presidents, § 12.

Officers continued, § 13.

Laws, Rules, &c. continued, § 14.

For preserving the Responsibilities of Members of the Corporation as Trustees, § 15.

New Laws, Rules, &c. may be made, § 16.

Cap. li.

"The Leadburn, Linton, and Dolphinton Railway Act, 1862."

Proposes to make a Railway from the Peebles Railway at the Leadburn Station to the Parish of Linton, in the County of Peebles, and to authorize the Company and the North

British Railway Company to enter into Agreements with respect to the Maintenance, Management, and Use of the proposed Railway, the Working of the Traffic thereon, and otherwise in relation thereto.

Incorporation of Consolidation Acts, § 1.

Company incorporated; with Capital of 40,000*l.* in Shares of 10*l.*, and with Power to borrow 13,300*l.*, §§ 2 to 9.

Meetings; Directors, §§ 10 to 17.

Power to make Railway, §§ 18, 19.

Power to alter Engineering Work, § 20.

Level Crossing Provisions, §§ 21 to 24.

Power to alter certain Level of Road, § 25.

Power to make certain Arches of Bridges of specified Dimensions, § 26.

Power to stop up a Footpath, § 27.

As to Junction with Peebles Railway, §§ 28 to 31.

Three Years for compulsory Purchase, § 32.

Four Years for Completion of Works, §§ 34, 35.

Tolls, §§ 36 to 45.

Power for Company and the North British Railway Company to enter into Agreements, §§ 46 to 54.

Cap. lii.

“Leeds Waterworks Act, 1862.”

Proposes to grant a further Supply of Water to the Town and Neighbourhood of Leeds from the River Wharfe, and for other Purposes.

Power to Corporation to take 6,000,000 Gallons of Water daily from River Wharfe.

2. The Corporation from Time to Time, by means of their now existing Waterworks, or other the Waterworks from Time to Time made and maintained by them, under the Authority of the several Acts relating to their Waterworks or any of them, may take from the River Wharfe, for the Purposes of all or any of those Acts with respect to the Supply of the Inhabitants of the Town of Leeds and its Neighbourhood, any Quantity of Water not exceeding 6,000,000 Gallons in any One Day, inclusive of the 2,500,000 Gallons which they are now authorized to take.

Corporation to make Compensation for Water taken in excess of 2,500,000 Gallons a Day.

3. The Corporation shall make to the Owners and Occupiers of and all Parties in any way interested in the Waters of the River Wharfe taken or used under the Authority of this Act full Compensation for all Damage, Injury, or Deterioration whatever (if any) to such Owners, Occupiers, and other Parties or their Property, by reason or in consequence of the Abstraction by the Corporation under the Authority of this Act from the River Wharfe of any Quantity of Water exceeding 2,500,000 Gallons a Day; and the Amount and Nature of the Compensation shall be such as the Corporation and the Parties interested agree upon, or if they do not agree, the Amount of the Compensation shall be ascertained and determined in the Manner provided by “The Lands Clauses Consolidation Act, 1845,” for determining by Arbitration Questions of disputed Compensation, and all the Provisions of that Act shall be applicable to determining the Amount of

the Compensation, and to enforcing the Payment or other Satisfaction thereof.

4. Nothing in this Act contained shall take away, alter, prejudice, or affect any Right to Compensation granted by the recited Acts, or either of them, to the Owners and Occupiers of and other Parties interested in the Waters of the River Wharfe, or any Powers in the same Acts or either of them contained in reference to the ascertaining the Amount of such Compensation, or with respect to the Recovery thereof.

Rights to Compensation under existing Acts not to be prejudiced.

5. Nothing in this Act contained shall in any Case in which the Corporation for any of the Purposes of the several Acts relating to their Waterworks and this Act, or any of them, enter upon any of the Lands in which any of their Pipes or Conduits now exist, and make any Alteration of the same, or exercise any other Right, Liberty, Easement, or Privilege with respect to the repairing, renewing, upholding, or maintaining of the same, or the examining of the State and Condition thereof, take away, lessen, prejudice, or alter any Right of any of the Owners or Occupiers of those Lands to reasonable Compensation, to be made and paid by the Corporation for all Damage and Injury done by the Corporation, their Agents and Servants, to those Lands or any Part thereof.

Saving Rights of Owners and Occupiers of Lands wherein Corporation's Conduits are made to Compensation for Damage or Injury to the Lands.

6. The Corporation shall erect and construct and for ever maintain a suitable measuring Gauge at or near the Extremity of the Main Pipe leading from the Works of the Corporation at or near Arthington Mills to the Stubhouse Conduit, over or through which the Water abstracted by the Corporation from the River Wharfe shall flow or be discharged; and the said Gauge shall be open to the Inspection and Examination of the Owners and Occupiers of Mills on and all Parties in any way interested in the Waters of the said River below Arthington Mills aforesaid.

Corporation to erect and maintain Measuring Gauge.

7. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights and Privileges of the Owners, Lessees, and Occupiers of Lands, Houses, Mills, Mines, and Works in the Valley of Wharfe, or lying within the Watershed of the River above the Works at Arthington, to the User of the River and of the Waters thereof, and of the tributary Springs and Streams flowing into the same, or shall subject any of those Owners, Lessees, and Occupiers to any of the Penalties imposed by "The Waterworks Clauses Act, 1847," nor shall anything in this or in the said recited Acts, or in any Act incorporated therewith respectively contained, in anywise affect the Powers and Privileges of the Mayor, Aldermen, and Burgesses of the Borough of Bradford under "The Bradford Waterworks Act, 1854," "The Bradford Corporation Waterworks Act, 1854," "The Bradford Corporation Waterworks Act, 1858," and "The Bradford Waterworks Act, 1862," and the Acts therewith incorporated; provided that the Corporation may proceed in Equity or by Indictment or Action in the Superior Courts of Law against any Person disturbing or injuring the Waters of the River Wharfe, or of the tributary Springs or Streams flowing into the same, other

Saving Rights of Owners, &c. of Mills, &c. on River Wharfe, &c.

than and except by the User of any of those Rights and Privileges: Provided also, that nothing herein contained shall prejudice or affect the Rights of either of the said Corporations to oppose any Application or Applications which may hereafter be made to Parliament by the other of the said Corporations for any Powers or take or appropriate the Waters of the River Wharfe, or the tributary Springs or Streams flowing into the same, other than those already granted and conferred by this or the herein-before mentioned Acts, some or one of them.

Cap. liii.

“The Edinburgh Roads and Streets Act, 1862.”

Recites 5 & 6 Will. 4. c. lxii. ; 5 & 6 Will. 4. c. lxxviii. ; 9 & 10 Vict. c. cccclxv. ; 17 & 18 Vict. c. cxxxiv., and 19 & 20 Vict. c. xxxii. ; that it is expedient that the first-recited Act should in certain Particulars be amended, and that the other recited Acts, in so far as they relate to the Roads, Streets, and Bridges within the Middle District of the County or the District of the City of Edinburgh, should be repealed, and the Provisions thereof be re-enacted, consolidated, and amended, and that the Assessments and Duties leviable for the Repair and Maintenance of the said Roads, Streets, and Bridges should be altered and re-adjusted, and new Duties imposed, and that Powers should be taken for the Disposal of a Fund set apart and invested under Authority of the third-recited Act, and other Provisions be made in regard to the said Roads, Streets, and Bridges, and in regard to Matters connected therewith.

Repeal of Acts, § 2.

Constitution of Trust ; Trustees to continue, § 4.

Election by Conveners, &c., § 5.

Election by Wards, &c., § 6.

Meetings of Trust, § 7.

Trustees to continue possessed of their Property, and Saving of Rights and Liabilities, §§ 8 to 17.

Separation of Offices of Clerk and Treasurer, § 18.

Security to be taken, § 19.

Officers to account on Demand, § 20.

No Proceeding to discharge Sureties, § 21.

No Officer or Trustee to be a Contractor, § 22.

Definition of
the District.

23. The District shall be called the City of Edinburgh District of Roads, and shall include all Roads and Streets and all Lands and Heritages situated within the Boundaries of the City of Edinburgh, as defined by an Act of the 2d and 3d Year of the Reign of His late Majesty King William the Fourth, intituled “An Act to amend the Representation of the “People of Scotland ;” and also such Roads and Streets and Lands and Heritages as are situated within the Toll Bars next adjacent to the said City, as the said Toll Bars shall be placed for the Time being by Authority of any General Meeting of the Trustees for the Turnpike Roads of the County of Edinburgh, that is to say, within straight Lines drawn from Toll Bar to Toll Bar, but which straight Lines shall not have the

2 & 3 W. 4.
c. 45. (*Pub.*)

Effect of excluding from the District any Portion of the Area described in the Act last mentioned ; and also all such Lands and Heritages as consist of Dwelling Houses or Tenements having a Horse Road or Access to the said City, the Inhabitants of which Dwelling Houses or Tenements in coming into the City may enter the same without passing through or making Payment of Tolls at any Toll Bar or Check Bar erected by Authority of the said Trustees for the County ; and also such Roads and Streets presently upheld by the Trustees of the said Middle District as are situated within the Parliamentary Boundaries of the Burgh of Leith, as defined by the last-mentioned Act, namely, that Portion of Leith Walk from and including Pilrig Street to Constitution Street, the Street called Duke Street, leading thence to the Road called the Easter Road, and the said Easter Road : And for the Purposes of Assessment by the Trustees in respect of Lands and Heritages, the District shall, subject to the Provisions of this Act, mean and include all Lands and Heritages within the said District, with the Exception of Lands and Heritages within the Parliamentary Boundaries of the Burgh of Leith : And for the Purposes of Charge and Superintendence by the Trustees, the District shall mean and include the Carriageway of all Roads and Streets which are situated within the said District, whether maintained and upheld by the Trustees or by Owners of Lands and Heritages within the said District or by others, with the Exception of such of the said Roads and Streets as are or may be maintained by the said Road Trustees for the County : And for the Purposes of Maintenance and Repair by the Trustees, the District shall mean and include only the Carriageway of the Roads and Streets specified in Schedule (A.) hereunto annexed, and of such other Roads and Streets within the District the Maintenance of the Carriageway of which the Trustees may hereafter undertake or assume, and only the Foot Pavements specified in Schedule (B.) hereunto annexed.

For Assessment.

For Charge and Superintendence.

For Maintenance and Repair.

Definition of Carriageway, § 24.

Reservation as to Foot Pavement on Leith Walk and Easter Road, § 25.

Power to erect Toll Bars and levy Statute Service within District not to be applicable, § 26.

Power to Cramond District Trustees, § 27.

Toll Bars on Accesses to public Park to be removed, § 28.

Owners in private Streets exempted may put such Streets under Trust, § 29.

Trustees may compel Repair of exempted Streets, &c., § 30.

Trustees to assume Maintenance of exempted Streets on Expiry of Three Years, § 31.

Trustees to assume other private Streets when made up, § 32.

Power as to causewaying of private Streets, § 33.

Expenses on private Streets, how to be assessed, § 34.

Private Streets when assumed to be open to the Public, § 35.

Streets may be repaired and Levels altered, § 36.

To provide for Repair of Openings and Drains, § 37.

Trustees to maintain and repair only, § 38.

- Regulating Water Cocks, Gas Plugs, and others, § 39.
 Gas and Water Companies to lodge Acts and Plans, § 40.
 Other Operations on Streets, § 41.
 Parties upon Completion of Works to repair Causeway, § 42.
 Power to Gas and Water Companies in Cases of Accident or
 Danger, § 43.
 Gas and Water Companies not to lay Main Pipes without
 Intimation, § 44.
 Power to Magistrates to make Openings, § 45.
 Provisions as to making Openings for Drains, &c., § 46.
 In the event of Neglect, Trustees to causeway, § 47.
 Excavations, &c. not to be made without Consent, § 48.
 Warrants for Operations, § 49.
 Powers of Gas and Water Companies reserved, § 50.
 Trustees may be compelled to repair Streets, &c., § 51.

Assessment.

52. From and after the Term of Whitsunday in the Year 1862 the Trustees shall and may, in place of the Assessment in respect of the Conversion of Statute Labour which was by the recited Acts authorized, assess and levy yearly from the Tenants or Occupiers of Lands and Heritages situated within the District an Assessment for the Maintenance and Repair of Roads and Streets and Side Pavements which are or may be upheld by the Trustees, not exceeding the Sum of *5d.* on each Pound of the yearly Rent or Value of the said Lands and Heritages, as the said yearly Rent or Value shall appear in the Valuation Rolls of the Burgh and County of Edinburgh appointed to be made up under the Act of the 17th and 18th Year of the Reign of Her present Majesty, "for the Valuation of Lands and Heritages in Scotland;" which Assessment shall be calculated from Whitsunday to Whitsunday, and shall be payable at Martinmas yearly, and shall be levied upon and paid by the Persons liable therefor at or after the Term of Martinmas, notwithstanding any Change during the Year in the Occupation of such Lands or Heritages; and no new or amended Assessment shall be required to be made in consequence of any such Changes in the Occupation of such Lands or Heritages: Provided always, that for Five Years from and after the said Term of Whitsunday 1862 the Rate of the said Assessment shall be restricted to *4d.* on each Pound of the yearly Rent or Value aforesaid, and that during the said Five Years the Tenants or Occupiers of such of the said Lands and Heritages as, prior to the passing of this Act, were exempted, shall be entitled to an Abatement of One Half from the said restricted Rate of Assessment; and provided also, that the Tenants or Occupiers of any Lands or Heritages the yearly Rent or Value of which shall not amount to *5l.*, shall be exempt in respect of such Lands or Heritages from Payment of the said Assessment; and provided further, that the said Assessment shall not be assessed and levied in respect of any Building occupied exclusively for the Purposes of Public Worship or Public Charity, or as an Hospital, or of any Building occupied by Scientific or Literary Societies, or for the Purposes of the Fine Arts, which shall have been or may be exempted from Rates, in Terms of an Act passed in the 6th

and 7th Year of the Reign of Her present Majesty, intituled "An Act to exempt from County, Borough, Parochial, and "other Local Rates, Land and Buildings occupied by Scientific or Literary Societies," or of the Royal Palace of Holyrood, or of Houses or Buildings in the Castle of Edinburgh, or of any Buildings used as Government Offices, or of the Courts of Justice, General Register House, City Chambers, and Offices connected therewith, so far as such Offices are occupied exclusively for public Purposes, Police Buildings, County Buildings, Prison of Edinburgh, or of the Public Markets, or of the Public Slaughter-houses, or of the University of Edinburgh, and Buildings connected therewith, except those Parts which are used as Dwelling Houses, or of the Assembly Hall of the Church of Scotland, and Buildings connected therewith, except those Parts which are used as Dwelling Houses, or of the Free Church College and Buildings connected therewith, except those Parts which are used as Dwelling Houses, or of the Buildings in Queen Street belonging to the United Presbyterian Church, except those Parts which are used as Dwelling Houses, or of the Museums of the Royal Colleges of Physicians and Surgeons, so long as they respectively shall remain open gratuitously to Persons pursuing the Study or Practice of Medicine, or of the Veterinary College, or of the High School of Edinburgh, Edinburgh Academy, Sessional, Parochial, or Charity Schools, or Dr. Bell's Schools, or in respect of any Gas or Water Pipes or underground Works of any Gas or Water Company, or in respect of those Portions of any Canal or Railway which are not Stations, Basins, or Buildings, or in respect of any Lands or Heritages within the Parliamentary Boundaries of the Burgh of Leith.

Assessors to furnish necessary Information, § 53.

Assessment, how to be imposed, § 54.

Tenants for less than a Year, § 55.

When Owners to be taken as Occupiers, § 56.

Fractions of a Pound not to be entered in Assessment Books, § 57.

Assessment to be paid at Martinmas to the Collector, § 58.

Assessment, how to be recovered, § 59.

Alternative Mode of Recovery of Assessment, § 60.

Misnomers, &c. not to affect Proceedings, § 61.

Proceedings not to lapse by Death of Collector, § 62.

Summary Warrant to be applied for within Six Months, § 63.

How Penalties, &c. are to be recovered, § 64.

Trustees to levy Causeway Mail, § 65.

Trustees may relieve indigent Persons from Assessment, &c. § 66.

Power to expend Principal and Income of special Fund, § 67.

Power to borrow Money on the Credit of this Act, § 68.

Forms of Assiguation, Transfer, and Register, § 69.

Repayment of Loans, § 70.

Convener appointed to County Road Trust, § 71.

Proceeds of Portion of Assessment to be paid to District Trustees, § 72.

Trustees may agree to retain Assessment and maintain Roads, § 73.

Differences as to Boundaries and Assessment to be referred to Sheriff, § 74.

Trustees and County Trustees may make Arrangements, § 75.

Trustees may arrange with County Trustees for farther Removal of Toll Bars, § 76.

The Trustees and Magistrates of Leith may make Arrangements, § 77.

Turnpike Trustees may adopt Statute Labour Roads, § 78.

Accounts to be kept, § 79.

Proceedings to be entered in Books, and to be Evidence, § 80.

Former Books to be Evidence, § 81.

Accounts to be annually prepared, § 82.

Appointment of Auditor, § 83.

Accounts to be open for Inspection, § 84.

Accounts to be settled and examined annually, § 85.

Abstract of Accounts to be printed and circulated, § 86.

Powers of General Turnpike Act in part extended, § 87.

Exemption from Statute Labour Act, § 88.

Rights of Magistrates, &c. reserved, § 89.

Sheriff's Judgment to be final, § 90.

Schedules,—

(A.) Roads and Streets to be maintained by the Trustees.

(B.) Foot Pavements and Footpaths to be maintained by the Trustees.

(C.) Streets eventually to be maintained by the Trustees.

(D.) Forms.

(E.) Table of Causeway Mail.

(F.) Forms.

(G.) Roads and Streets within the District maintained by County Road Trustees.

Cap. liv.

“The Stockton and Darlington Railway (Towlaw and Crook) Act, 1862.”

Proposes to authorize the Stockton and Darlington Railway Company to make a Railway from their Railway near the Towlaw Passenger Station thereon to their Railway near the Crook Station thereon, with a Branch therefrom to join the West Durham Railway near the Stationary Engine on the Roddymoor Incline Plane of the Company's Railway: to construct Two new Roads in the Township of Whessoe, in the Parish of Haughton-le-Skerne, in substitution for Portions of the existing Highway called Patch's Lane, and the Highway leading from Darlington to Burtree Toll Bar, called Burtree Lane, and to discontinue as Thoroughfares and appropriate the Sites of the Portions of the existing Highways for which such new Roads will be substituted.

Incorporation of Lands and Railways Clauses Acts, §§ 2, 3.

Power to take and use Lands, § 4.

Power to construct Railway and execute other Works, &c., § 5.

Company not to interfere with the West Durham Railway or Works except for Junction, §§ 6 to 9.
 Power to alter Engineering Works, § 10.
 Power to make new Roads in the Township of Whessoe in substitution for Portions of existing Highways, § 11.
 Lands for extraordinary Purposes, § 12.
 Two Years for compulsory Purchase of Lands, § 13.
 Four Years for Completion of Works, §§ 14, 15.
 Company may apply Corporate Funds to Purposes of Act, § 16.
 Power to convert borrowed Money, &c. into Debenture Stock, §§ 17 to 22.
 Provision as to level Crossing of Road leading from Redworth to Eldon, § 23.

Cap. lv.

“The Daventry Railway Act, 1862.”

Proposes to authorize a Railway from Daventry in the County of Northampton to the London and North-western Railway near Weedon in the same County.
 Incorporation of Companies, Lands, and Railways Clauses Acts, §§ 2, 3.
 Daventry Railway Company incorporated, with a Capital of 30,000*l.*, and with Power to borrow 10,000*l.*, §§ 4 to 10.
 Meetings; Directors, §§ 11 to 18.
 Power to make Railway and take Lands for the Purpose, § 19.
 Two Years for compulsory Purchase of Lands, § 20.
 Lands for extraordinary Purposes, § 21.
 Railways authorized, § 22.
 Junction with London and North-western Railway, §§ 23 to 26.
 Three Years for Completion of Works, § 27.
 Tolls, §§ 29 to 38.
 Saving Rights of London and North-western Railway Company, § 39.
 Power to contract with the London and North-western Railway Company, §§ 40 to 45.

Cap. lvi.

“The Tewkesbury and Malvern Railway Act, 1862.”

Recites that by 23 & 24 Vict. c. lxxii. the Company were incorporated; that the Railway by the recited Act authorized to be made is in course of Construction, and in the Execution of the Works of a Portion of the Railway it has been found necessary to deviate from the Levels of the Railway as referred to the common Datum Line described on the Section referred to in the same Act to a greater Extent than is permitted by the Provisions of “The Railways Clauses Consolidation Act, 1845,” incorporated with the said Act, and it is expedient that the Company should be enabled to maintain their Railway according to the deviated Levels herein-after mentioned; that the Company have been authorized to raise by Shares any Sum or Sums of

Money not exceeding the Sum of 145,000*l.*, and to borrow not exceeding 48,000*l.*; that they require further Sums of Money for the Purposes of their Undertaking.
 Company to maintain Railway as constructed, § 3.
 Provision as to Road for Sir E. A. H. Lechmere, § 4.
 Power to raise additional Capital of 120,000*l.*, §§ 5 to 7.
 Power to borrow 40,000*l.*, §§ 8 to 10.

Cap. lvii.

“The London Railway Depôt and Storehouses Act, 1862.”

Recites that in 1860 the London Railway Depôt and Storehouses Company were empowered to form a new Street or Approach, with a Railway or Tramway under the Surface thereof, and to acquire Lands and to enter into certain Arrangements with the Mayor and Commonalty and Citizens of the City of London (in this Act called “the Corporation of London”) and with the Metropolitan Railway Company; that the Object of such Street and Railway was to connect the Metropolitan Railway with the Metropolitan Meat and Poultry Market at Smithfield authorized to be established by the Corporation of London by their Act of 1860, and in such Act the Corporation of London are restricted from opening the Market until a Street should have been formed between the Market House and Victoria Street; that by Two Acts passed in 1861 the Metropolitan Railway Company are authorized to make an improved Railway Communication with the Meat and Poultry Market at Smithfield, and to extend their Railway to Finsbury Circus; that the Corporation of London are desirous of themselves constructing the Street which is to be formed before the opening of the Meat and Poultry Market in a different Manner to the Street authorized to be formed by the Company, and have made Application to Parliament for a Bill for that Purpose under the Short Title of “The Metropolitan Meat and Poultry Market (Western Approach) Bill;” that in that Case the Powers granted to the Company of forming the Street and Railway will become unnecessary, and those Objects of the Act of 1860 will be accomplished by the Construction of the improved Railway Communication by the Metropolitan Railway Company, and by the Formation of the Street under the Bill applied for by the Corporation of London; that the Company have consented to abandon all their Powers which will interfere with the Powers sought or acquired by the Metropolitan Railway Company and the said Corporation, and that the Company have not acquired any Lands or entered into Contracts with reference thereto, and it is expedient that the compulsory Powers of purchasing Lands and constructing the Street and Railway should be repealed, and the Company dissolved, and that Provision should be made for Repayment of any Monies deposited in the Court of Chancery.

2. The Company may and shall abandon the making of the Street and Railway by the Act of 1860 authorized to be made.

Construction of Railway, &c. abandoned.

Compensation to be made where Contracts have been entered into or Notice given, § 3.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c., § 4.

5. The 23d Section of the Act of 1860 is hereby repealed.

Sect. 23 of Act of 1860 repealed.

6. And whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the 9th Year of the Reign of Her present Majesty, Chapter 20, a Sum of 2,800*l.* was deposited in the Court of Chancery in England, and 1,600*l.*, Part thereof, is the Sum referred to in the 23d Section of the Act of 1860, and it is reasonable that the Money so deposited should be transferred and paid to the Company: Therefore, notwithstanding anything in the Act of 1860 or in any other Act, the High Court of Chancery may and shall, on the Application by the Company or on their Behalf, by Petition or Motion in a summary Way, order that the Sum which remains so deposited in the said Court shall be paid to the Company or to such Persons as the Company appoint, and on such Order being made the said Sum shall be paid accordingly.

Stock to be transferred to Company.

7. The Directors of the Company shall apply the Monies so paid in discharging or providing for the Debts and Liabilities of the Company, and when all the Debts and Liabilities of the Company shall have been discharged the Company shall be dissolved, and "The London Railway Depôt and Storehouses Act, 1860," shall be repealed.

Discharge of Liabilities and Dissolution of Company.

Cap. lviii.

"The Metropolitan Railway Act, 1862."

Recites that the Metropolitan Railway Company are, under the Authority of their Act of 1854 and of other Acts subsequently passed, constructing a Railway from the Great Western Railway at Paddington to Victoria Street, and by their Act of 1861 they are authorized to construct a Line of Railway to improve the Means of Communication with the intended Meat and Poultry Market at Smithfield, and by their Finsbury Circus Extension Act, 1861, to extend their Railway to Finsbury Circus, and to raise for such Purpose a separate Capital; that the Company require additional Lands for the Purposes of their Undertaking in the City of London and in Clerkenwell; that by the Amendment Act of 1861 the Company are authorized to raise a further Sum of 300,000*l.* by new Shares and 100,000*l.* by borrowing; that it is expedient for the Purpose of raising such Sum of 300,000*l.* that the Company should be authorized to create Preference Shares; that they have not heretofore created or issued any Preference Shares; and it is expedient to authorize Working Arrangements between the Company and the Great Western Railway Company, and that further Powers should be given for Arrangements with other Companies and with the Corporation of London.

Incorporation of Consolidation Acts, §§ 2, 4.

Power to make Works, §§ 5, 6.

Three Years for compulsory Purchases, § 7.

Certain Sections of the Metropolitan Railway Acts to apply to Works authorized by this Act.

8. The following Sections of the Metropolitan Railway Acts shall extend and apply to this Act in as full and ample a Manner as if they were re-incorporated in this Act; (that is to say,)

Of the Act of 1854, Sections 106, 107, and 108, relating to Gas and Water Pipes :

Of the Act of 1855, Section 16, with respect to Questions of disputed Compensation in the City of London :

Of the Amendment Act of 1861, Section 27, for Protection of Sewers of Metropolitan and other Boards, and Section 28, for Protection of Sewers in the City of London, and Section 29, Company to restore Streets, and Section 24, as to certain Local Rates.

Clerkenwell Workhouse not to be disturbed for a certain Period.

9. The Company shall not be authorized to enter upon the Clerkenwell Workhouse, or to require the Possession thereof to be given up to them until the Expiration of 18 Months (or if an Application to Parliament be needful with reference to the Removal of the Workhouse, then Two Years) from the Time when Notice to treat and agree shall have been given by the Company in respect of such Workhouse, in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," nor shall the Company be at liberty to exercise the compulsory Powers of this Act with regard to the Purchase of the said Workhouse, unless they give such Notice within 12 Months after the passing of this Act.

For preventing Nuisances on Lands purchased by Company in Clerkenwell.

10. The Company shall not build, erect, or make, or cause or permit or suffer to be built, erected, or made, any Factory for the Make or Vend of Articles of a noxious or offensive Nature, or Pigstye, on the Land which they may purchase and take in the said Parish of Saint James and Saint John, Clerkenwell under this Act, but shall lay out and use the said Land so that whatever may be erected thereon shall not be a Nuisance to the Neighbourhood.

Extending Provisions as to Streets in Holborn to Clerkenwell.

11. The Provisions of the Metropolitan Railway Acts with reference to the breaking up of Streets in the Holborn District shall apply to Streets in the Parish of Saint James and Saint John, Clerkenwell.

Certain Streets in Clerkenwell to be kept open.

12. During the Progress of the Works authorized by this Act Cobham Row shall be kept open for Traffic either by leaving the Surface thereof untouched, or by providing a Bridge of sufficient Width to carry the same Traffic as now passes along or over such Street.

Agreements with Corporation of London.

13. The Company and the Corporation of London may enter into and carry into effect Agreements with reference to the Formation of the intended new Street from Victoria Street to the intended Metropolitan Meat and Poultry Market, for Powers to construct which Application is made in the present Session by the said Corporation, and the Use for Railway Purposes of the Under-surface thereof, and with reference to the Sale or Lease of any Lands to the Company by the Corporation

poration of London, and the Payments to be made in respect thereof.

14. And whereas the Company have in the Construction of the Railway been compelled to purchase and pull down various Houses and Buildings, and the Sites thereof have not been wholly used or will not be required for the Purposes of the Railway, and inasmuch as the Railway is wholly within the Metropolis it is expedient that the Company should be enabled to grant Building Leases of Lands which they have purchased but not used for the Purposes of the Railway, but without Prejudice to the Provisions of "The Lands Clauses Consolidation Act, 1845," requiring within the prescribed Period the Sale of superfluous Lands : Therefore the Company may grant Leases of any superfluous Lands for such Terms of Years, at such Rents, and subject to such Covenants, Conditions, and Stipulations, as the said Company shall deem expedient with reference to the special Circumstances of each Demise, but every such Lease shall be granted within the Period prescribed by "The Lands Clauses Consolidation Act, 1845," for the Sale of superfluous Lands ; and any Lands comprised in any such Lease shall (subject to such Lease) be sold within the Period prescribed, and, in default of Sale, shall vest as provided by the Lands Clauses Consolidation Act with reference to superfluous Lands : Provided always, that whenever, by vesting in various Owners, or otherwise, the Reversion upon any such Lease shall be severed, the Rent may be apportioned by Agreement between such Owners, and if such Apportionment be not so settled, the same shall be settled by an Arbitrator appointed by the Board of Trade, and after such Apportionment the Owner of each Part of the Reversion shall, in respect of the apportioned Rent allotted or belonging to him, have the Benefit of all Conditions or Powers of Re-entry for Nonpayment of the original Rent, in like Manner as if such Conditions or Powers had been reserved to him as incident to his Part of the Reversion in respect of the apportioned Rent allotted or belonging to him.

15. The Company may from Time to Time, with the Consent of Three Fifths at least of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose, attach to all or any new Shares or any Class of new Shares to be created under the Powers of the Amendment Act of 1861, for the Purpose of raising all or any Part of the Sum of 300,000*l.* authorized to be raised by that Act, any preferential, fixed, fluctuating, contingent, perpetual, or terminable Dividend, and such other Privileges as the Company think fit, and also (if the Company so think fit) any total or partial, permanent or temporary, Restriction of the Rights of voting, and other Qualifications of the Holders thereof : Provided that any such fixed or preferential Dividend shall not exceed the Rate of 5*l.* per Centum per Annum on the Amount of the Shares or Stock, or on the Amount for the Time being paid up on the Shares to which the same is attached, and that all Shares or Stock of the same Class shall be of like Amount, and shall confer like Privileges, and shall bear like Dividends or Interest, and be subject to like Restrictions (if any).

Power to grant Building Leases in first instance of certain superfluous Lands.

Privileges may be attached to new Shares.

Limit of Preference Share Capital to 300,000*l.*, § 16.
 Preferential Dividends not to carry Arrears beyond One Year,
 § 17.

Qualification, &c. for new Shares, § 18.

Company may cancel unissued new Shares and issue others
 instead, § 19.

Company may settle by Resolution Terms of Issue of the Ex-
 tension Shares, § 20.

Certain Sections
 of Extension Act
 of 1861 repealed.

21. The 35th and 36th Sections of the Extension Act of
 1861 are by this Act repealed.

Company may raise the Money raised or authorized to be
 raised on Mortgage or Bond by the Issue of Debenture Stock
 at 4*l.* 10*s.* per Cent., §§ 22 to 32.

Power to enter into Working, &c. Arrangements with the
 Great Western and Great Northern Railway Companies,
 §§ 33 to 39.

Saving Right to contract under other Acts, § 40.

Cap. lix.

“The New Chappel, Lindfield, and Brighton Road Act,
 1862.”

Repeals 11 Geo. 4. & 1 Will. 4. c. xviii. relating to the New
 Chappel, Lindfield, and Brighton, and Ditcheling and
 Clayton Roads; and extends the Trust for 21 Years.

Cap. lx.

“The Denbigh, Ruthin, and Corwen Railway Act, 1862.”

Recites that in 1860 the Denbigh, Ruthin, and Corwen Railway
 Company were incorporated for the Purpose of making a
 Railway from the Town of Denbigh in the County of Den-
 bigh, to Corwen in the County of Merioneth, and were
 empowered to raise a Capital of 150,000*l.* in 15,000 Shares
 of 10*l.* each, and to borrow on Mortgage any Sum not exceed-
 ing in the whole 50,000*l.*; and that there are no Shares or
 Stock in the Company to which any Preference or Priority
 in the Payment of Interest or Dividends has been attached.

Incorporation of Consolidation Acts, §§ 2, 3.

Shares forfeited may in certain Cases be cancelled and new
 Shares issued in lieu thereof, § 4.

Company may attach a Preference Dividend not exceeding 5*l.*
 per Cent. on certain Shares, § 5.

Dividends of preferential Shares restricted to Profits of a
 limited Period, and to be so stated on Certificate, § 6.

Cap. lxi.

“Shard Bridge Act, 1862.”

Proposes the making and maintaining of a Bridge over the River
 Wyre (to be called “Shard Bridge”), with Roads thereto.

Incorporation of Consolidation Acts, §§ 2, 3.

The Shard Bridge Company incorporated, with a Capital of
 10,000*l.*, and Power to borrow 2,000*l.*, §§ 4 to 9.

Meetings; Directors, §§ 10 to 17.

Power to take Lands, §§ 18 to 20.

Three Years for compulsory Purchase of Lands, § 21.

- Power to make Works authorized by Act, § 22.
 Authorizing Sale of Lands belonging to the Duchy of Lancaster, and providing for Application of Purchase Money, § 23.
 For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster, § 24.
 Entry on Lands for Surveys and Works, § 25.
 Power to get Materials, &c., § 26.
 Temporary Occupation of Lands near to the Works, § 27.
 Company not to enter upon Lands of Thomas John Gaskell, § 28.
 Works authorized by Act, § 29.
 Incidental Works, Deviations, &c., §§ 30 to 36.
 Three Years for Completion of Works, § 37.
 Mode of Construction of Shard Bridge, § 38.
 Admiralty Provisions, §§ 39 to 45.
 Company to provide Ferry Boats in case of Accident to Bridge, § 46.
 Bridge to be public, but not to be County Bridge, § 47.
 Power to provide Toll Gates and Toll Houses, 48.
 Tolls; Leasing of Tolls; Collectors, §§ 49 to 65.
 Penalties, §§ 66 to 74.
 Saving Rights of Crown and Duchy of Lancaster, § 75.
 Schedule (Form of Conveyance).

Cap. lxii.

“The Great North of Scotland Railway Amendment Act, 1862.”

Recites that by their Act of 1859 the several Acts relating to the Great North of Scotland Railway Company were repealed and consolidated; that the Share Capital of the Company is by the said Act declared to be 1,050,000*l.*, consisting of 27,686 Shares of 10*l.* each, called “original Shares,” 29,109 Shares of 10*l.* each, called “Preference Shares,” and of 48,205 Shares of 10*l.* each, called “new Shares;” that the “Preference Shares” are by the said Act entitled in perpetuity to a preferential Dividend at the Rate of 5*l.* per Centum per Annum, with a Right to participate with the Holders of original Shares in any Dividend which may be paid to them in excess of 5*l.* per Centum per Annum, after Payment of the preferential Dividend which may be attached to the “new Shares;” that the whole of the original Shares, representing 276,860*l.*, and of the Preference Shares, representing 291,090*l.*, have been fully paid up, and 475,880*l.* out of 482,050*l.* have been received upon and in respect of the “new Shares,” which said new Shares are entitled to a preferential Dividend of Four and a Half per Centum per Annum, to be paid before any Dividend is paid on the “original Shares,” and ranking to the Extent of the said Four and a Half per Centum *pari passu* with the Dividends on the “Preference Shares;” that they have Power by the said Act to borrow in the whole 350,000*l.*, namely, 50,000*l.* in addition to what they had borrowed at the Time of the passing of the said Act, and they have borrowed and now owe nearly the whole of the said Sum of 350,000*l.*; that by their Act of 1861 the Company are empowered to alter and improve their Dock Branch, and to

enlarge their Kittybrewster and Waterloo Stations, but that Act does not give them any Power to raise additional Capital; that by the several Acts after mentioned they are empowered to subscribe out of their Corporate Funds the several Sums following, towards the respective Undertakings by those Acts authorized, namely, by "The Aberdeen and Turriff Railway Act, 1855," 40,000*l.*; by "The Alford Valley Railway Act, 1856," 15,000*l.*; by "The Formartine and Buchan Railway Act, 1858," 50,000*l.*; by "The Keith and Dufftown Railway Acts, 1857 and 1860," 26,000*l.*; and they have accordingly subscribed the whole of these Sums, excepting 18,000*l.* out of the 26,000*l.* to the Keith and Dufftown Railway; that in pursuance of the Powers of the before-mentioned respective Acts, each of the before-mentioned Undertakings (excepting the Keith and Dufftown Railway) is now worked by the Company, and they will also work that Railway when it is made; that it would greatly facilitate the borrowing of Money in respect of the said Alford Valley, Aberdeen and Turriff, and Keith and Dufftown Railways, if the Company were authorized to guarantee the Payment thereof and of the Interest thereon; that it is expedient that the Company should be empowered to subscribe a further Sum of Money to the said Alford Valley and Formartine and Buchan Railways, and to raise further Monies for the Purpose of the said increased Subscriptions, and of enabling them to lay down additional Lines of Rails and provide additional Rolling Stock, Sidings, Stations, and other Conveniences in connexion with their Undertaking, and for the general Purposes thereof.

Incorporation of Parts of Companies Clauses Act, § 1.

2. The Company, with the Sanction of Three Fifths of the Votes of their Shareholders present, personally or by Proxy, at any Meeting convened with Notice of the Object, may from Time to Time exercise the following Powers; (that is to say,)

They may for any Period not exceeding 10 Years from the passing of this Act guarantee and secure to any Persons lending to the Alford Valley Railway Company, or to the Aberdeen and Turriff Railway Company, or to the Keith and Dufftown Railway Company, the Money or any Portion of the Money which those respective Companies may borrow; the Repayment of any Money so lent, or any Part thereof, with or without the Interest thereon or any Part thereof; or the Payment of such Interest alone, or any Part thereof; or the Payment for any specified Period of such Interest or any Part thereof:

They may from Time to Time out of their Income applicable to Dividend on their ordinary Shares and Stock (but not out of any other Fund) discharge any Monies which they may be called upon to pay upon or in respect of any such Guarantee, and to the Extent of the Sum so paid they shall be Creditors of the borrowing Company instead of the Persons to whom such Sums shall be so paid, and shall be entitled to the Benefit of, and may enforce the Mortgages for securing the same held by such

Power to Company to guarantee Mortgage Debt and Interest of certain Railway Companies herein stated.

such Persons, as fully and effectually as such Persons themselves or their Representatives might do, if not paid off :

Provided always, that every such Guarantee shall be subject and without Prejudice to any Mortgages or Bonds then charged or attaching upon the Undertaking of the Company, and to any Preference or Priority in Payment of Interest or Dividend on any Shares or Stock theretofore granted by the Company by or in pursuance of or confirmed by any Act of Parliament, or then otherwise lawfully subsisting.

Company may subscribe 48,000*l.* towards the Alford Valley Railway, § 3.

And 100,000*l.* to the Formartine and Buchan Railway, § 4.

Company may apply their Funds to such Subscriptions, § 5.
Power to Company to raise additional Capital not exceeding 360,000*l.*, by new Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 6 to 15.

16. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage any additional Sum of Money not exceeding One Third of the additional Capital which the Company may from Time to Time raise under this Act, for any Purposes other than the subscribing, as by this Act authorized, to the Alford Valley and Formartine and Buchan Railways. Power to borrow on Mortgage.

Cap. lxiii.

“Bradford, Wakefield, and Leeds Railway Amendment Act, 1862.”

Proposes to amend “The Bradford, Wakefield, and Leeds Railway Act, 1860,” and to make further Provision as to Purchase of Land and Completion of Works on Ossett Branch.

2. The 5th, 11th, and 12th Sections of the recited Act are hereby repealed. Certain Sections of recited Act repealed.

3. The Powers by the recited Act given to the Company for the compulsory Purchase of Lands for the Purposes of that Act may be exercised within Three Years, but shall not be exercised after the Expiration of Three Years from the passing of that Act. Powers for compulsory Purchases limited.

4. The Powers by the recited Act given to the Company for making the said Railway and Works may be exercised within Three Years, but shall not be exercised after the Expiration of Three Years from the passing of the recited Act, and the 13th Section of that Act shall be read and construed as if the Period by that Act limited for the Completion of the said Railway were the same as the Period by this Act limited for that Purpose. Further Period for Completion of Works.

Compensation, &c., §§ 5, 6.

Cap. lxiv.

“The Scottish North-eastern Railway Amendment Act, 1862.”

Recites that the several Acts enumerated in the Schedule (A.) to this Act annexed have been passed in relation to the

Aberdeen Railway Company and the Undertakings thereof, and to the Scottish Midland Junction Railway Company and the Undertakings thereof, and the said Two Companies and Undertakings are now united by "The Scottish North-eastern Railway Company's Act, 1856," the Midland Company having been thereby dissolved, and the Proprietors of Shares or Stock therein incorporated with the Proprietors of Shares or Stock in the Aberdeen Company, under the Name of "The Scottish North-eastern Railway Company;" that it was by the Amalgamation Act provided, that the Capital of the Scottish North-eastern Railway Company should consist of the Capital of the Aberdeen Company and the Capital of the Midland Company as the same respectively might be existing at the passing of the said Act, with such Additions as might be made thereto by the united Company under any of the Acts relating to the said Companies or either of them, or under the Amalgamation Act, but that such Capitals should be kept wholly separate and distinct, and should respectively be designated and distinguished as "the Aberdeen Capital Stock" and "the Scottish Midland Capital Stock," and it was further provided that certain Monies and Properties therein specified should be the peculiar Properties, and certain Liabilities, also therein specified, should be the peculiar Liabilities of the Proprietors of the said Capital Stocks respectively, but that in other respects the clear Revenue of the Company, after the 1st August 1855, should be divided into 100 Parts or Shares, of which 70 should be appropriated to the Proprietors of "Aberdeen Capital Stock," and 30 to the Proprietors of "Scottish Midland Capital Stock," as their respective Shares of the Earnings of the united Company; that the Aberdeen Company and the Midland Company were respectively authorized by the said Acts relating to them and their respective Undertakings to issue and create the several Shares or Capital Stocks, and raise the several Sums of Money specified in the Schedule (B.) to this Act annexed, to the Amount in all of 1,996,492*l.* 6*s.* 3*d.* (including therein the Sum of 136,825*l.* 12*s.* 11*d.* of Arrears of Dividend on Preference Stocks converted into a Capital Stock, as specified in the said Schedule), and Shares were issued by the said Companies respectively, as also specified in the said Schedule, to the Amount of 1,993,492*l.* 6*s.* 3*d.*, including the aforesaid Arrears of Dividend converted as aforesaid; that by "The Perth and Almond Valley and Methven Railway Act, 1856," the Midland Company were authorized to raise by the Creation of additional Shares a further Sum of 7,000*l.* for the Purpose of paying a Subscription of that Amount thereby authorized to be made by the said Company to the Undertaking by the said Act authorized, but no Part of such Capital has been created; that by the Acts enumerated in the First Part of the said Schedule (A.), the said Companies were respectively authorized to raise, by borrowing on Mortgage or Bond, and by the Issue of Debenture Stock bearing a guaranteed Rate of Interest not exceeding 4*l.* per Centum

per Annum, certain further Sums of Money also specified in the said Schedule (B.), not exceeding in the whole the Sum of 743,000*l.*; that the Aberdeen Company, the Midland Company, and the Scottish North-eastern Railway Company have received on Capital Account the several Sums also specified in the said Schedule (B.) to this Act, and have expended on Capital Account the Sum of 2,821,073*l.* 12*s.* 1*d.*, including the aforesaid Arrears of Preference Dividend, and the further Sum of 7,000*l.*, which by the Methven Act they were authorized to subscribe to the Undertaking thereby authorized; that the Scottish North-eastern Railway Company have, under the Powers of the said Acts, issued Debenture Stock to the Amount of 76,128*l.*, and no more, as also specified in the said Schedule (B.) to this Act, in lieu of a corresponding Amount of Debenture Stock issued by the Aberdeen Company, or of Money previously borrowed on Mortgage or Bond by the Aberdeen Company, and Midland Company, and the Scottish North-eastern Railway Company respectively, and they have also raised by other Loans the Sum of 41,893*l.* 6*s.* 9*d.*; that on the 31st January 1862 the Liabilities of the Company incurred for the Purposes of the Railway, exclusive of the above-mentioned Sum of 41,893*l.* 6*s.* 9*d.*, raised by Loans, amounted to the Sum of 91,249*l.* 1*s.* 9*d.*; that for the greater Convenience in working of the Traffic and the Accommodation of the Public, it is expedient that a Portion of the Main Line of the Company's Railway at Forfar should be diverted, so as to enable the Company to enlarge their Station Accommodation there; that the Station and other Accommodation of the Scottish North-eastern Railway Company at the Places herein-after mentioned is inadequate to the Requirements of the Traffic at these Places respectively, and it is expedient that such Accommodation should be increased, and that the said Company should be authorized to hold and acquire additional Lands for extraordinary Purposes; that it is expedient that Power should be given to the Scottish North-eastern Railway Company to raise by the Creation of new Shares an additional Sum of 350,000*l.*, and a further Sum by way of Loan for Payment of the said existing Debts of the Company, the Construction of the aforesaid additional Works, and other Purposes of the Company as herein-after authorized; that certain Agreements relating to the General Station at Perth, and Access thereto, should be sanctioned and confirmed; and that some of the Powers and Provisions of the several Acts should be repealed, altered, and amended.

Incorporation of Consolidation Acts, §§ 2 to 4.

5. It shall be lawful for the Company, for the Purpose of discharging the existing Liabilities of the Company, and for executing the Works by this Act authorized, and for executing any Works, or raising and paying any Subscriptions or Expenditure to be authorized by any other Act relating to the Company, or giving to the Company Power to subscribe to other Railways, which may be passed in the present Session of Parliament, and for the general Purposes of the Company, from

Power to raise additional Money by Creation of new Shares.

Time to Time to raise, in addition to the Sums of Money already raised by virtue of the Acts specified in the Schedule (A.) to this Act annexed, any further Sum or Sums of Money, not exceeding in the whole the Sum of 350,000*l.*, by the Creation of new Shares bearing a Rate of Interest or Dividend not to exceed 5*l.* per Centum per Annum, and that either in One Sum of 350,000*l.*, or in Three several Sums of 160,000*l.*, 100,000*l.*, and 90,000*l.*

Additional Capital to be divided into new Shares or Stock, § 6.
 Preference on new Shares over original Stocks not to be created without the Consent of Three Fifths of original Proprietors at Special Meetings of each Class, § 7.

Dividends to be declared to Aberdeen Shareholders out of Share of Revenues appropriated to Aberdeen Capital Stock ;
 Dividend to be declared to Holders of Scottish Midland Capital Stock, § 8.

Sums set apart for Dividends on new Preference Shares to be applied accordingly, § 9.

Limiting Preference Dividends, § 10.

Saving existing Preferences, § 11.

Rights of new Shareholders to be in proportion to the Value of new Shares, § 12.

Calls, § 13.

Power to borrow additional Sum when and as new Capital subscribed for and Half paid up, but not exceeding 50,000*l.* in all, §§ 16 to 19.

Mode of voting, §§ 20, 21.

Purchase of Lands at Perth Station confirmed, § 22.

Description of Railway and Road Alterations, § 23.

Lands may be taken for new Works, § 24.

Description of additional Station Accommodation, § 25.

Power to purchase Lands for Station Improvements, § 26.

Three Years for compulsory Powers of Purchase, § 27.

Five Years for Completion of new Works, § 28.

Roads at Stations rendered unnecessary by new Roads may be abandoned, § 29.

Power to exchange Lands with incapacitated Persons, § 30.

New Portion of Railway at Forfar to be Part of Scottish Midland Junction Railway, and the Tolls of that Railway may be taken thereon, § 31.

Extending Period for Sale of Lands and Feu Duties to the North of Guild Street, § 32.

Confirming Agreements as to the General Station and the Access thereto by the Company over the Line of the Scottish Central Railway Company, § 33.

Power to pay gross Sum in lieu of annual Sum, § 34.

Saving of Provisions of "The Scottish Central Company's Act of 1859," § 35.

Confirmation of Award of Referees apportioning Costs relative to the General Station and Access thereto, § 36.

Saving Jurisdiction of Sheriffs, § 37.

Schedule A.—Acts relating to the Scottish North-eastern Railway Company or their Railways.

SCHEDULE B.—Existing Share and Loan Capital of the Scottish North-eastern Railway Company.

Company.	Acts.	Date of Creation.	Rate of Dividend and Conditions.	Amount authorized.	Amount issued.	Amount paid up.
The Aberdeen Railway Company.	8 & 9 Vic. Cap. 188. (31 July 1845) 10 & 11 Vic. Cap. 142. (9 July 1847)	-	ABERDEEN CAPITAL STOCK.	£ 830,000 0 0	£ 830,000 0 0	£ 829,840 19 6
			I. Ordinary Stock.	3,000 0 0	NIL	NIL
			II. Preference Stock.	276,666 13 4	276,666 13 4	276,238 13 4
			No. (1.) 6 per Centum per Annum No. (2.) 7 per Centum per Annum No. (3A.) 3½ per Centum per Annum Arrears of Dividend on 6 per Cent. Preference Stock No. (3B.) 3¼ per Centum per Annum Arrears of Dividend on 7 per Cent. Preference Stock	150,000 0 0 75,174 13 7 63,650 10 4	150,000 0 0 75,174 13 7 63,650 10 4	150,000 0 0 75,174 13 7 63,650 10 4
The Scottish Midland Junction Railway Company.	8 & 9 Vic. Cap. 170. (31 July 1845) 9 & 10 Vic. Cap. 75. (26 June 1846)	-	III. Scotch Midland Capital Stock.	£1,368,492 6 3	£1,368,492 6 3	£1,362,914 5 9
			Ordinary Stock.	300,000 0 0	600,000 0 0	600,000 0 0
			IV. Mortgage and Bond Debts.	£1,996,492 6 3	£1,996,492 6 3	£1,992,914 5 9
			No. (1.) 6 per Centum per Annum No. (2.) 7 per Centum per Annum No. (3A.) 3½ per Centum per Annum Arrears of Dividend on 6 per Cent. Preference Stock No. (3B.) 3¼ per Centum per Annum Arrears of Dividend on 7 per Cent. Preference Stock	300,000 0 0 300,000 0 0	600,000 0 0	600,000 0 0
The Aberdeen Railway Company.	8 & 9 Vic. Cap. 163. 10 & 11 Vic. Cap. 142. 11 & 12 Vic. Cap. 67. 13 & 14 Vic. Cap. 78. 8 & 9 Vic. Cap. 170. 9 & 10 Vic. Cap. 75.	-	From which deduct Sum authorized by 10 and 11 Vic. Cap. 142.; the Shares authorized by that Act were not issued	£2619,888 17 10	£2619,888 17 10	£2618,888 17 10
			V. Debenture Stock.	£619,888 17 10	£619,888 17 10	£618,888 17 10
			Four per Centum per Annum irredeemable. The whole Amount of the Mortgage and Bond Debt may be converted into this Stock but the Amount in Mortgage and Bond and in Debenture Stock in no Case to exceed	£619,888 17 10	£619,888 17 10	£618,888 17 10
			VI. Mortgage and Bond Debts.	£2619,888 17 10	£2619,888 17 10	£2618,888 17 10
The Scottish North-eastern Railway Company.	19 & 20 Vic. Cap. 134. (29 July 1856)	-	From which deduct Sum authorized by 10 and 11 Vic. Cap. 142.; the Shares authorized by that Act were not issued	£619,888 17 10	£619,888 17 10	£618,888 17 10
			V. Debenture Stock.	£619,888 17 10	£619,888 17 10	£618,888 17 10
The Scottish North-eastern Railway Company.	19 & 20 Vic. Cap. 134. (29 July 1856)	-	From which deduct Sum authorized by 10 and 11 Vic. Cap. 142.; the Shares authorized by that Act were not issued	£619,888 17 10	£619,888 17 10	£618,888 17 10
			V. Debenture Stock.	£619,888 17 10	£619,888 17 10	£618,888 17 10

Cap. lxy.

"Bolton and Blackburn Road Act, 1862."

Preamble recites 11 Geo. 4. & Will. 4. c. xxx.; that the several Sums of Money specified in the First Schedule to this Act (viz., 19,228*l.* 2*s.* 10*d.*) are now due and owing on the Credit of the Tolls authorized by the recited Act to be taken on the Road from Bolton-le-Moors to Blackburn; and the several Sums of Money specified in the Second Schedule to this Act (viz., 293*l.* 10*s.* 6*d.*) are now due and owing on the Credit of the Tolls authorized by the recited Act to be taken on the Branch Road from Mather Fold to Hardman's in the Township of Turton; that it is expedient that the recited Act, so far as the same relates to the Road from Bolton-le-Moors to Blackburn, and the Branch Road from Mather Fold to Hardman's, in the Township of Turton, should be repealed, and that further and more effectual Powers should be granted instead thereof for the Maintenance and Repair of the Roads herein-after described, and for discharging the existing Debts in respect of those Roads.

Recited Act repealed so far as relates to the Road from Bolton to Blackburn, and the Branch Road from Mather Fold to Hardman's, and this Act to be put in force, § 2.

Tolls, §§ 10 to 24.

Trust continued for 21 Years, § 32.

Cap. lxvi.

"Cromford and High Peak Railway (Lease) Act, 1862."

Recites that in 1855 the Cromford and High Peak Railway Company was dissolved, and the Shareholders in the same were again incorporated by the same Name; that in 1858 further Powers were conferred on the Company; that the Cromford and High Peak Railway unites with the Stockport, Disley, and Whaley Bridge Railway, near Whaley Bridge, and such last-mentioned Railway is, under Agreement sanctioned by Parliament, worked by the London and North-western Railway Company; that it is expedient that the Cromford Company should be authorized to grant, and the North-western Company to accept, a Lease of the Undertaking of the Cromford Company; and that such Provisions should be made as are in this Act contained with reference to the working of the Cromford and High Peak Railway in connexion with the Railways of the Stockport, Disley, and Whaley Bridge Railway Company; that the Share and Loan Capital of the Cromford Company consists of the Stocks and Shares herein-after specified, and ranking as follows; (that is to say,) 31,910*l.* Debenture Stock Class (A.), bearing Dividend or Interest at 3*l.* 10*s.* per Centum per Annum; 6,000*l.* borrowed on Mortgage or Bond; 19,630*l.* in Preference Shares, entitled to a preferential Dividend of 6*l.* per Centum per Annum; 46,915*l.* Debenture Stock Class (B.), entitled to Dividend or Interest at

the Rate of 2*l.* 10*s.* per Centum per Annum ; 127,700*l.* ordinary Capital, entitled to Dividend after the Rate of 2*l.* 10*s.* per Centum per Annum, and to any Residue of Profits rateably with the Holders of the Debenture Stock Class (A.) and Class (B.) ; that the Company, after the passing of the Act of 1855, raised the said Sum of 19,630*l.*, Part of the Sum of 20,000*l.* by that Act authorized to be raised, and expended the same in the Improvement of their Railway, and in adapting a Portion of the same to Locomotive Engines, and have incurred a Debt to their Bankers to the Amount of 14,000*l.*, or thereabouts ; that by their Act of 1858 the Cromford Company are authorized to raise 60,000*l.* by additional Preference Shares, ranking *pari passu* with the existing Preference Shares, and to borrow 20,000*l.* on Mortgage or Bond, but none of such Powers have been exercised ; that at an Extraordinary Meeting of Stock and Share Holders of the Cromford Company, held on the 11th October 1861, it was unanimously resolved as follows :—1st. That the Sums of 14,000*l.* and 6,000*l.* be raised at a Rate not exceeding 4*l.* 10*s.* per Centum per Annum ; 2d. That Class (A.) Shares, 31,910*l.*, shall receive Interest at the Rate of 3*l.* per Centum per Annum ; 3d. That the Preference Shares, 19,630*l.*, shall receive Interest at the Rate of 3*l.* 10*s.* per Centum per Annum ; 4th. That Class (B.) Shares, 46,915*l.*, shall receive Interest at the Rate of 1*l.* 15*s.* per Centum per Annum ; 5th. That the original Shares shall take any Remainder that may be forthcoming ; that the Parties severally interested have consented that such Provisions should be made for carrying out the Objects of the Resolution as are in this Act contained, except Harry Byan Shelley, whose Rights are expressly reserved in this Act, and certain other Persons interested in 400*l.* Debenture Stock Class (A.), whose Consent from Absence and other Causes could not be obtained, but such Persons are also Holders of original Shares to the Amount of 2,000*l.*, and will be therefore benefited by the Arrangements in this Act contained.

Company to lease Undertaking to London and North-western Company, §§ 2 to 10.

11. The following Provisions of the Act of 1855 are by this Act repealed ; (that is to say,)

Section 24. Preference Shares to bear a preferential Dividend of 6*l.* per Centum :

Section 25. The Dividend on Preference Shares to be a Charge on the Company, after Debenture Stock Class (A.) :

Section 40. Interest on Class (A.) Debenture Stock, such Stock to constitute a permanent Charge :

Section 41. Debenture Stock Class (B.) to be a permanent Charge :

Section 43. Division of the Profits of the Undertaking.

Arrears of Interest extinguished, § 12.

Power to raise 20,000*l.* by Preference Shares, § 13.

Company may agree with Creditors for their Acceptance of Shares, § 14.

Certain Provisions of 18 & 19 Vict. c. lxxv. repealed.

Preference Shares to bear a preferential Dividend not exceeding 4*l.* 10*s.* per Cent., § 15.

Dividend on Preference Shares to be a First Charge on the Company, § 16.

Distribution of First Preference Shares, § 17.

New Shares to be subject to Provisions of Companies Clauses Act, § 18.

Interest on Class (A.) Debenture Stock, and the Stock to constitute a permanent Charge.

19. The Debenture Stock Class A. shall be a permanent Charge on the Undertaking of the Cromford Company, and the Second Charge on the Rent received by the Cromford Company from the North-western Company, and the Rate of Interest or Dividend payable on such Debenture Stock shall be the Sum of 3*l.* per Centum per Annum.

Interest on existing Preference Shares.

20. The Interest or Dividend for the Time being payable on the Preference Shares created under the Authority of the Act of 1855, shall be a Charge on the Rent received by the Cromford Company from the North-western Company after the Debenture Stock Class A., and the Rate of Interest or Dividend shall be 3*l.* 10*s.* per Centum per Annum.

Debenture Stock Class B. to be permanent Charge.

21. The Debenture Stock Class B. shall be a permanent Charge upon the Undertaking of the Cromford Company, and upon the Rent received by the Cromford Company from the North-western Company, and shall rank next in priority after the Preference Shares of 3*l.* 10*s.* per Centum per Annum, and there shall be paid thereon, when and as the Revenues of the Cromford Company will allow thereof, Interest after the Rate of 1*l.* 15*s.* per Centum per Annum, in preference to any Dividend upon the original Shares.

Division of the Rent reserved by the Lease.

22. All Monies received by the Cromford Company from the North-western Company by way of Rent, and whether the same shall have been received previous to or shall be received at any Time after the passing of this Act, shall, after discharging the Expenses of Management and incidental thereto, be applied in manner following ; (that is to say,)

First. In Payment to the Proprietors of First Preference Shares of Interest or Dividend after the Rate at which the same are issued, not exceeding the Rate of 4*l.* 10*s.* per Centum per Annum :

Second. In Payment to the Proprietors of Debenture Stock Class A. of Interest or Dividend after the Rate of 3*l.* per Centum per Annum, such Interest or Dividend to be computed from the 25th Day of March 1862 :

Third. In Payment to the Holders for the Time being of Preference Shares created under the Provisions of the Act of 1855 of Dividends at the Rate of 3*l.* 10*s.* per Centum per Annum, such Dividends to be computed from the 25th Day of March 1862 :

Fourth. In Payment of Dividend to the Proprietors for the Time being of the Debenture Stock Class B. at and after the Rate of 1*l.* 15*s.* per Centum per Annum, such Dividend to be computed from the 25th Day of March 1862 :

Fifth. Any Residue from Time to Time of the said Rent shall be divided amongst the Proprietors for the Time being

being of the original Shares in proportion to the Number of Shares held by them respectively.

23. Until the said Sum of 6,000*l.* borrowed by the Cromford Company shall have been paid off or converted into First Preference Shares, the Persons to whom such Money shall be due shall be entitled to be paid Interest at the Rate of 4*l.* 10*s.* per Centum per Annum, to be computed from the 25th Day of March 1862, in the same Manner as they would have been entitled if they had accepted First Preference Shares in discharge of the Sums of Money due to them : Provided always, that if Interest has been paid to any Person on such Sums of Money, or any Part thereof, for the whole or any Part of the Period between the 25th Day of March 1862 and the Declarations of the First Dividend after the passing of this Act, a Deduction shall be made in respect thereof from the Interest payable to such Person in pursuance of this Enactment.

Existing Debts to stand in place of First Preference until paid off.

24. Until the said Sum of 14,000*l.* or thereabouts due by the Cromford Company shall have been paid off or converted into First Preference Shares, nothing in this Act contained shall take away the Rights and Powers of the Persons to whom such Sum of Money or any Part thereof is due of enforcing against the Cromford Company the Payment of the Principal of and Interest (at the Rate of 5*l.* per Centum per Annum) upon such Sum of Money or any Part thereof ; and if the Directors of the Cromford Company shall, out of the Rent received from the North-western Company, pay off such Sum of 14,000*l.* or thereabouts, or any Part thereof, and by reason thereof be unable to pay Interest or Dividend as before prescribed on the Debenture Stock Class A., and the Preference Shares created under the Act of 1855, and the Debenture Stock Class B., or any of them, or any Part thereof, any Deficiency in Interest or Dividend upon such Debenture Stocks or Preference Shares which may from Time to Time so arise shall be made good to the Holders thereof according to the respective Priorities of such Debenture Stocks and Preference Shares respectively before any Dividend is paid upon the original Shares, and so from Time to Time until Interest or Dividend on all the Stocks and Shares (except the original Shares), after the Rate in this Act prescribed, computed from the 25th Day of March 1862, shall have been fully paid and satisfied : Provided always, that this Enactment shall not in any way prejudice or affect the Lease of the Undertaking of the Cromford Company, or the Rights of the Lessees thereunder, nor the Right of the Holders of the First Preference Shares to Interest or Dividend after the Rate at which such First Preference Shares may be issued.

Provision as to certain Debts.

25. If there be any Surplus in hand of the Rent paid by the North-western Company for the Half Year ending the 25th Day of March 1862, the same may be retained by the Directors of the Cromford Company, and applied by them in reducing the Debts of the Cromford Company in such Manner as the Directors from Time to Time think proper.

As to any Surplus up to 25th March 1862.

26. The Cromford Company shall not create or issue any Shares under the Powers and Provisions of the Act of 1858,

As to Capital under 21 & 22 Vict. c. lxi.

or raise any Money upon Mortgage or Bond under the Authority of that Act, except with the Consent and at the Request of the North-western Company, and upon such Terms and Conditions as the Companies may mutually agree, not exceeding the Rate authorized by that Act: Provided always, that the Cromford Company shall not be required nor shall it be lawful for the Directors of the Cromford Company to apply any Part of the Rent of 4,000*l.* to be reserved by the Lease to be granted in pursuance of this Act, in Payment of Interest or Dividend upon any Money raised under the Provisions of the Act of 1858, or in any Manner to charge such Money upon such Rent, but such Interest or Dividend shall be paid by way of additional Rent by the North-western Company.

As to the
Consent of
Harry Byam
Shelley.

27. And whereas Harry Byam Shelley, the registered Owner of 600*l.* Debenture Stock Class (A.) is in Burmah, and his Consent to this Act has not been obtained: Therefore the Right of the said Harry Byam Shelley to receive in respect of the said 600*l.* Debenture Stock Class (A.) belonging to him Interest or Dividend after the Rate prescribed by the Act of 1855 shall not be altered until the Consent of the said Harry Byam Shelley or the Owner for the Time being of the said 600*l.* Debenture Stock Class (A.) shall have been given to this Act; and any such Consent may be in the following Form; that is to say, "I consent to the financial Arrangements contained in The Cromford and High Peak Railway (Lease) Act, 1862."

Cap. lxxvii.

"The Kington and Eardisley Railway Act, 1862."

Proposes to make a Railway from the Tramway of the Kington Railway Company in the Parish of Kington, in the County of Hereford, to the Hereford, Hay, and Brecon Railway in the Parish of Eardisley, in the same County, and a Branch therefrom to join the Leominster and Kington Railway; recites that it is expedient that the Hereford, Hay, and Brecon Railway Company and the Company should be authorized and enabled to enter into Working Arrangements, and that the Leominster and Kington Railway Company, and the Hereford, Hay, and Brecon Railway Company, and the Company should be authorized and enabled to enter into Traffic Arrangements; that by 58 Geo. 3. c. lxxiii. (Local) the Kington Railway Company were incorporated, and authorized to make a Railway or Tramroad, to be called "the Kington Railway," from the Hay Railway at or near Eardisley to or near certain Limeworks at or near to the Village of Burlinjob; that the said Company made the Railway, in this Act called "the Tramroad," and the Capital of the Company consists of 18,000*l.*, divided into 180 fully paid-up Shares of 100*l.* each; that a considerable Portion of the Tramroad is required for the Purposes of the Railway by this Act authorized to be made, and the taking of such Portion would be prejudicial to the Tramroad Company; that if the Tramroad and the Lands and Property of the Tramroad Company were the Property of the Company incorpo-

rated by this Act a considerable Portion thereof might with Advantage be made use of for the Purposes of this Act ; and that it is expedient that the Tramroad and all the Lands and Property of the Tramroad Company should be vested in the Company.

Incorporation of Consolidation Acts, §§ 2, 3.

Subscribers incorporated, with a Capital of 100,000*l.*, and with

Power to borrow 33,000*l.*, §§ 4 to 11.

Meetings ; Directors, §§ 12 to 19.

Power to make Railways, §§ 20, 21.

Power to alter and adapt Tramroad between Kington and Eardisley, § 22.

Dimensions of Arches of certain Bridges, § 23.

Lands for extraordinary Purposes, § 24.

Lands to be purchased by Compulsion within Three Years, § 25.

Five Years for Completion of Railways, §§ 26, 27.

Junction with other Railways to be made in manner most approved, §§ 28 to 31.

Tolls, §§ 32 to 41.

Power to make Working Agreements with the Hereford, Hay, and Brecon Railway Company, and Traffic Arrangements with that Company and the Leominster and Kington Railway Company, §§ 42 to 50.

Scheduled Agreement confirmed, § 51.

Tramroad and Property of Tramroad Company vested in the Company, §§ 52 to 63.

Discontinuance of User of Parts of Tramroad, § 64.

Maintenance and Working of Tramroad, § 65.

Clauses 127 to 131 of "Lands Clauses Consolidation Act, 1845," not to apply to Sale by Company of Parts of Tramroad not appropriated, § 66.

Sale of Parts of Property of Tramroad Company by the Company, §§ 67 to 74.

Purchasers to be under the same Obligation as to Fences and otherwise as the Tramroad Company, § 76.

Rights of crossing Tramroad by Owners and Occupiers of adjoining Land preserved, § 77.

Compensation in respect of Wharves, § 78.

Provision as to Roads, § 79.

Application of Compensation, § 80.

General Saving of Rights and Liabilities, §§ 81 to 88.

Schedule (Agreement).

Cap. lxxviii.

"The London, Brighton, and South Coast Railway (Stations, &c.) Act, 1862."

Recites that it is expedient that the Station of the London, Brighton, and South Coast Railway Company at London Bridge, and the Station of the Company at or near the Bricklayers Arms, in the Parish of Saint Mary Bermondsey, and the Accommodation and Conveniences of the Company in connexion, with their East Croydon Station be altered

and enlarged ; that in order to effect the Objects aforesaid, or some of them, that a Portion of Saint Thomas Street East and Webb Street in the Borough of Southwark, and of certain Roads called Gloucester Road and Saint James's Road in the Parish of Croydon, and the Level of a certain Road called Grange Road in the Parish of Bermondsey, should be altered or diverted ; that it would also enable the Railways of the Company to be worked with greater Safety and Convenience if certain Bridges belonging to the Company, situate in the Parishes of Streatham, Battersea, and Croydon respectively, were altered and improved ; that it is expedient that the Company should be authorized to build, charter, hire, maintain, and work Steamboats and other Vessels in communication with the Railways of the Company, for the Conveyance of Traffic between the Ports of Newhaven and Dieppe ; and that the Company be empowered to raise a further Sum of Money, and that some of the Powers of their Acts should be amended.

Provisions of Consolidation Acts incorporated, §§ 2 to 5.

Power to enlarge Stations and make Works, §§ 6, 7.

Power to cross and interfere with Roads, Streets, &c., §§ 8, 9.

Size and Dimensions of Bridge, § 10.

Precaution during Works, § 11.

Traffic on the Road not to be stopped during Works, § 12.

Works connected with Surrey and Sussex Roads to be made under the Superintendence of the Road Surveyor, § 13.

The Bridge for crossing the said Turnpike Road to be completed in Six Months, § 14.

Company to make good Damage to Roads, § 15.

Alterations with Consent of Road Trustees, § 16.

As to Repair of substituted Streets, § 17.

Not to stop up or divert certain Streets, and to regulate the Construction and Height of Bridges or Arches, § 18.

As to Width of certain Streets in Southwark, § 19.

As to lighting Arches, § 20.

Company to fence off and enclose Arches, § 21.

Saving Rights, § 22.

For Protection of Sewers of Metropolitan and other Boards, § 23.

Works in connexion with Southwark and Vauxhall Water Company to be executed by that Company, § 24.

In default of Southwark Company, the Company may execute the necessary Works, § 25.

The Company not to take the Lands of Mr. West without his Consent, § 26.

Three Years for compulsory Purchase of Lands, § 27.

Works to be Part of Undertaking of Company, § 28.

Extending to all Company's Lines Provision of General Act as to Gates, § 29.

Company may run Steam Vessels between Newhaven and Dieppe, § 30.

Rates for Steamers, § 31.

Provisions of 17 & 18 Vict. c. 31. extended to Steamboats, § 32.

Provisions of former Acts to apply to Rates authorized to be taken, § 33.

Company empowered to make Byelaws, § 34.

35. Provided always, That in the Month of August or of September 1875, and in the Month of August or September in the Years 1881 and 1889, and of each Seventh Year thereafter, or in any of those Months, the Board of Trade may, if they shall be of opinion that the public Interests are injuriously affected by the Exercise of the Powers and Provisions of this Act with respect to Steam Vessels, give to the Company Notice in Writing thereof, and of the Reasons on which that Opinion is founded, and if the Company shall not before the Beginning of the then next Session of Parliament make Provision to the Satisfaction of the Board of Trade for remedying the Injury to the public Interests, or if the same are incapable of being remedied by the Company, then the Board of Trade at the Beginning of the Session of Parliament then next following shall report to Parliament such their Opinion, and the Reasons on which that Opinion is founded, and at the Expiration of Twelve Calendar Months after the Presentation to Parliament of any such Report, those Powers and Provisions, or such of them as are specified in such Report, shall (unless Parliament in the meantime otherwise provide) cease to be exercised.

Provision for Cesser of Powers as to Steam Ships on Report from Board of Trade.

Application of Funds, § 36.

Power to raise 350,500*l.* by new Shares, with or without Preference Dividend of not more than 5*l.* per Cent., §§ 37 to 39.

Preferential Dividends not to carry Arrears beyond One Year, § 40.

Disposal of Shares, §§ 41 to 48.

Power to borrow 116,500*l.*, §§ 49 to 51.

52. The Powers of the Company for the Conversion of Shares into Stock shall extend to all Shares when the nominal Value thereof is or shall be fully paid up, whether paid up in pursuance of Calls or wholly or partly in anticipation of Calls.

Extending Powers for Conversion of Shares into Stock.

53. Subject and without Prejudice to any Mortgages or Bonds granted by the Company under any Act of Parliament, and for the Time being in force, the Powers and Provisions of "The London, Brighton, and South Coast Railway Act, 1853," "The London, Brighton, and South Coast Railway Act, 1854," and "The London, Brighton, and South Coast Railway Company's Act, 1859," respectively, with respect to the Conversion of borrowed Capital into Debenture Stock and perpetual Annuities, the Creation and Issue of Debenture Stock, and the Grant and Sale of Debenture Stock, and of perpetual Annuities in lieu of or in substitution for borrowing or re-borrowing and providing Funds for paying off Mortgages or Bonds, and otherwise relating to such Debenture Stock and Annuities, and the Application and Investment of the Money to arise from the Grant, Sale, and Issue of any Debenture Stock and perpetual Annuities, shall extend and apply to all Money which the Company are by this Act authorized to

Extending to Money borrowed under this Act certain Powers of the Company for Conversion of Debt into Debenture Stock, and Annuities.

borrow, as fully and effectually as if all those Monies had been at the Date of the passing of "The London, Brighton, and South Coast Railway Act, 1853," authorized to be borrowed.

Separate Accounts of the Application of Debenture Stock and Annuities to be kept, § 54.

Closing of Registers of Transfers of Debenture Stock and Annuities, § 55.

Cap. lxix.

"The Lostwithiel and Fowey Railway Act, 1862."

Proposes to make a Railway from the Cornwall Railway near Lostwithiel to Fowey.

Incorporation of Consolidation Acts, §§ 2, 3.

Subscribers incorporated, with a Capital of 30,000*l.*, and with Power to borrow 10,000*l.*, §§ 4 to 10.

Meetings; Directors, §§ 11 to 20.

Power to take Lands, § 21.

Power to make Railway, § 22.

Agreements with relation to Cornwall Railway Bridge over the River Fowey, § 23.

As to Junction with Cornwall Railway, §§ 24 to 26.

Admiralty Provisions, §§ 27 to 32.

Lands for extraordinary Purposes, § 33.

Two Years for compulsory Purchase of Lands, § 34.

Four Years for Completion of Works, §§ 35, 37.

Enabling the making of Grants of Land and Hereditaments on the Part of the Duchy of Cornwall, § 36.

Tolls, §§ 38 to 46.

Working Arrangements between Company and Cornwall Railway Company, §§ 47 to 53.

Saving the Rights of the Duchy of Cornwall, § 54.

Cap. lxx.

"Saint Giles in the Fields Glebe Act, 1862."

Recites that by 43 Geo. 3. c. xx., intituled "An Act to provide a new Burial Ground and erect a Chapel thereon, for the Parish of Saint Giles in the Fields in the County of Middlesex," the Rector and Churchwardens of the Parish and other Persons were appointed Trustees for putting the Act into execution, and were authorized to purchase Land not exceeding Five Acres in the whole in any Parish in the County of Middlesex adjacent to the Parish of Saint Giles in the Fields, for the Purposes of a Burial Ground for that Parish, and Provision was therein made for the Inclosure thereof, or of such Part thereof as the Trustees should judge necessary, and for the Consecration of the same and the Erection of a Chapel thereon, and the Trustees, or any Five or more of them, were authorized with the Privy and Consent of the Vestry, but not otherwise, to agree for, sell, dispose of, and convey, or let or demise so much (if any) of the Ground, Hereditaments, and Premises so purchased as should not be deemed necessary for the Burial Ground, and Provision was also made for the raising

by the Trustees of Money by Annuities chargeable on the Rates ; that under the Act of 1803 the Trustees purchased Lands and Hereditaments in the Parish of Saint Pancras in the County of Middlesex, Part of which were inclosed and consecrated for the Purposes of a Burial Ground for the Parish of Saint Giles in the Fields, and a Chapel erected thereon, and the Remainder thereof were, on the 23d November 1803 demised by the Trustees for a Term of 61 Years ; that by Order of Her Majesty in Council, under the Authority of the Public General Acts amending the Laws concerning the Burial of the Dead in the Metropolis, the Burial Ground has been closed as a Burial Ground, subject as therein mentioned ; that all Annuities and Principal Monies and Interest chargeable in accordance with the Act of 1803 for any of the Purposes thereof on any of the Rates by that Act authorized have long since been fully paid off or satisfied and discharged, and the Trustees have no Debt or other Debt whatsoever ; that the several Provisions of the Act of 1803 with respect to the Trustees are either superseded or have become unnecessary ; that the Trustees are desirous and it is expedient that the Lands and Hereditaments now vested in them should (subject to all now subsisting Charges under or by virtue of the Act of 1803, and to the decent Maintenance of the disused Burial Ground) be transferred to and vested in the Rector of the Parish of Saint Giles in the Fields and his Successors for ever.

Repeal of recited Act, § 2.

Saving Section of repealed Act set forth in Schedule to Act, § 3.

Re-enactment of Provisions of repealed Act granting Compensation to the Vicar and Parishioners of Saint Pancras, § 4.

Lands and Hereditaments vested in Rector as his Glebe, § 5.

Other Property of Trustees to vest in Rector, § 6.

Saving of Rights under repealed Act, §§ 7 to 9.

Rector to represent Trustees, § 10, 11.

Rector to keep in order disused Burial Ground, § 12.

Power for Rector to borrow 2,000*l.* on Mortgage of the Glebe, § 13.

Application of borrowed Monies, § 14.

Account to be rendered by the Rector, § 15.

Sinking Fund to be provided to pay off Monies secured by Mortgage of Glebe, § 16.

Investment of Sinking Fund, § 17.

Names in which Investment is to be made, § 18.

Rectors from Time to Time to pay Interest on Mortgages or Charges and Amount for Sinking Fund, § 19.

Power to reborrow, but not any Sum paid off by Sinking Fund, § 20.

Receipt of Rector to be a sufficient Discharge, § 21.

Saving Rights of Bishop of London and of Vicar, Churchwardens, Overseers, and Parishioners of Saint Pancras, §§ 22, 23.

SCHEDULE.

Section 12 of Act of the 43d Year of George the Third, Chapter 20, intituled "An Act to provide a new Burial Ground and "erect a Chapel thereon for the Parish of Saint Giles in the "Fields, in the County of Middlesex," saved by the foregoing Act, and to continue in force :

"And be it further enacted, That the said Ground, Hereditaments and Premises so to be vested in the said Trustees and their Successors, together with all Buildings erected or hereafter to be erected thereon or on any Part thereof, shall, from and after the same shall be vested in the said Trustees by virtue of this Act, be deemed and taken to be within and Part of the said Parish of Saint Giles in the Fields, and shall for ever thereafter be freed, exempted, and discharged of and from the Payment of all and all Manner of Parliamentary and Parochial Taxes, Rates, and Assessments to any other Parish or Place whatsoever, and also of and from the Payment of all Tithes, Funeral Rates, and other Dues and Duties whatsoever to the Rector or Vicar of any such Parish or Place, other than and except as herein-before mentioned, any Law, Custom, or Usage to the contrary thereof notwithstanding."

Cap. lxxi.

"The Weymouth and Portland Railway Act, 1862."

Proposes to authorize the Construction of a Railway from Weymouth to the Isle of Portland, and to extend the Wilts, Somerset, and Weymouth Railway to the Harbour, and to authorize Agreements with the Great Western and the London and South-western Railway Companies.

Incorporation of Consolidation Acts, §§ 1, 2.

Subscribers incorporated, with a Capital of 75,000*l.*, and with Power to borrow 25,000*l.*, §§ 3 to 8.

Meetings ; Directors, §§ 9 to 14.

Power to make Railways, §§ 15, 16.

Power to alter Engineering Works, § 17.

Level Crossing, §§ 18 to 21.

As to Bridge over public Road in Wyke Regis, § 22.

As to Communications with Wilts, Somerset, and Weymouth Railway, § 24.

Not to take Lands or interfere with Works of Great Western Railway Company without Consent, § 25.

Saving the Rights of Great Western and London and South-western Railway Companies, § 27.

Admiralty Provisions, §§ 28 to 33.

Lands to be bought by Compulsion within Three Years, § 35.

Four Years for Completion of Works, §§ 36, 37.

Tolls in respect of Railways, §§ 38 to 41.

Tolls may be taken by other Companies, subject to Working Agreement, § 42.

Power to enter into Traffic Arrangements with Great Western and London and South-western Railway Companies. §§ 43 to 49.

Heads of Agreement in Schedule confirmed. § 50.

Appointment of Joint Committee for carrying Agreements into effect, § 51.

Saving Rights of the Crown, § 55.

Schedule (Heads of Agreement).

Cap. lxxii.

“The Stretford Gas Act, 1862.”

Recites Deed of Settlement of 9th Nov. 1852; that the Company was duly registered on the 30th Oct. 1856; that of their authorized Capital of 15,000*l.* there is about 10,100*l.* paid up; that they have not borrowed any Monies; and that they have expended about 10,000*l.*; proposes to extend their Limits, and to incorporate the Company.

Incorporation of Consolidation Acts, §§ 2, 3.

Limits of Act, § 4.

Incorporation of Company, and Saving of Rights and Liabilities, §§ 5 to 15.

Capital to be 39,000*l.*, § 16.

Appropriation of Shares, § 17.

Power to issue Preference Shares with Dividend of 6*l.* per Cent., § 18.

Terms of Preference Shares to be stated on Certificate, § 19.

Registration of Shares, § 20.

Creation and Issue of new Shares, § 21.

Deficiency of Interest not to be paid out of Profits subsequent to Three Years after Deficiency, § 22.

Power to cancel unissued Shares, §§ 23 to 30.

Power to borrow on Mortgage a Sum equal to One Fourth of the paid-up Capital, §§ 31 to 33.

Directors; Meetings, §§ 34 to 42.

Power to purchase Lands, §§ 43, 44.

Gas not to be manufactured on any other Lands, § 45.

Powers as to Construction of Gasworks, § 46.

Supply of Gas; Meters; Penalties; testing of Gas, §§ 47 to 58.

Company not to construct Works, &c. over Duke of Bridgewater's Canal without Consent of the Trustees of the Will of the Duke of Bridgewater or the Mersey and Irwell Navigation Company, § 60.

Cap. lxxiii.

“The Windermere District Gas Act, 1862.”

Proposes to supply with Gas the Townships of Undermillbeck, Appletwhaite, and Troutbeck, in the Parish of Windermere, in the County of Westmoreland.

Incorporation of Consolidation Acts, §§ 2, 3.

Limits of Act, § 4.

Incorporation of Company, with a Capital of 10,000*l.*, and with

Power to borrow 1,500*l.* in all, §§ 5 to 11.

Meetings; Directors, §§ 12 to 19.

Power to purchase Lands, § 20.

Company may make and maintain Gasworks and manufacture Gas, &c., § 21.

Gas, Price, Supply, and testing of, §§ 22 to 36.

Schedule (Lands to be taken).

Cap. lxxiv.

“The Great Britain Mutual Life Assurance Society Act, 1862.”

Proposes to enable the Great Britain Mutual Life Assurance Society to sue and be sued, and to confer further Powers on the Society.

Company may sue and be sued in the Name of the Society, the Secretary, or a Director, §§ 3, 4.

Suits not to abate by Death, &c. of Secretary or Director, § 5.

Members may sue and be sued by the Company, § 6.

No Set-off of Demands against the Company allowed to Members sued by the Company, § 7.

Plea of former Suit in bar of fresh Suit in respect of the same Matter, § 8.

Judgments, &c. to be enforced against the Company and the Members thereof, § 9.

Execution against former Members, § 10.

Reimbursement of individual Members, § 11.

Individuals paying under Execution to recover against the Company, § 12.

Contribution to be recovered from other Member, § 13.

Further Remedy in case of Bankruptcy of Members, § 14.

Remedy for Members who may be sued otherwise than under the Powers of this Act, § 15.

Criminal Proceedings to be in the Name of the Company or any Director or Secretary for the Time being, § 16.

Members and Policy Holders may inspect List of Members to be kept at the Office of the Company, § 17.

Memorial of the Names of Secretary, Trustees, and Directors to be enrolled in Chancery, § 18.

Actions, &c. not to be brought until Memorial enrolled, § 19.

Examined Copy of Enrolment to be Evidence, § 20.

Three Directors may issue Power of Attorney to sue for Foreign Debts, § 21.

Duty to be paid on Enrolment of Memorial of Trustees, § 22.

Duties under this Act to be deemed Stamp Duties, § 23.

Property vested in the Trustees of the Society for the Time being, § 24.

Trustees not to be personally liable on Covenants, § 25.

Receipts of Trustees to be good Discharge, § 26.

Names of Trustees to be entered on Court Rolls on every Change of Trustees, and the Lord of the Manor to be entitled to Fines, &c., § 27.

Company not to be incorporated by this Act, § 29.

Schedule (Forms).

Cap. lxxv.

“The Newry and Armagh Railway Amendment Act, 1862.”

Recites that 20 & 21 Vict. c. clvi. and 22 & 23 Vict. c. xxxviii. are the Two Acts now in force immediately relating to the

Newry and Armagh Railway Company, by the first whereof the former Acts of the Company (who had been theretofore known as the Newry and Enniskillen Railway Company) were repealed and consolidated, and the Company were authorized to construct their Railway to Armagh, and were re-incorporated under the Name of the Newry and Armagh Railway Company ; that the Time conferred by that Act for the compulsory Purchase of Lands expired on the 17th August 1860, and the Time for making the said Extension will expire on the 17th August 1862 ; that the Company have made great Progress with the said Extension, but they have not bought all the Land which is required, and it is expedient that the Powers of compulsory Purchase should be revived in respect of certain Lands, and also that a further Time should be given for making the said Extension ; that by the Act of 1859 the Company were authorized to divert a Portion of the said Extension and their Line to the Albert Basin at Newry, and to make a Branch Railway in the said Town ; that the Time for the Purchase of Lands by Compulsion under the said Act of 1859 expired on the 1st August 1861, and the Time for making the Works by the said Act authorized will expire on the 1st August 1862 ; and it is expedient that the Powers for the Purchase of Lands should be revived in respect of the Deviation of the said Extension and for the said Branch Railway, and that a further Time should be given for making such Deviation and Branch Railway ; that it is expedient that the Company should for the Purposes of their Undertaking have Power to divert Carlingford Road in the said Town of Newry, and to purchase certain Properties in the Vicinity of their Station at Newry ; that by the said Act of 1857 the Share Capital of the Company was altered and rearranged, and it was enacted that "from and after the " passing of the Act every Person holding Three Shares in " the Series A. of the dissolved Company" (meaning the Newry and Enniskillen Railway Company), "upon which " all the Calls have been paid, shall in the Stead thereof be " deemed to hold a Share of 10*l.* in the Newry and Armagh " Railway Company, to be called a Deferred Share, upon " which a Call of 1*l.* may still be made, and shall be entitled " to receive, and shall within One Month after the passing " of this Act, on Demand thereof, receive a Certificate for " such Deferred Share of 10*l.*, upon presenting at the prin- " cipal Office of the Company, or at such other Place as " the Directors shall appoint, the Certificates of his Three " original Shares of 20*l.* to be cancelled ;" and the said Act further provides that the Call of 1*l.* shall not be made upon the " Deferred Shares of 10*l.* each until 9*l.* per Share has " been called and paid up on the new Shares to be created " by the Company ;" that many of the said Series A. Shares have not been sent in to the Company for the Purpose of being exchanged, and great Confusion is thereby caused in keeping the Books of the Company ; and it is expedient that Provision should be made for making it

obligatory upon the Holders of these Shares to register the same; and also that the Company should have Power to convert their Mortgage Debt from Time to Time into an irredeemable Debenture Stock.

Incorporation of Consolidation Acts, § 1.

Reviving Powers for the Purchase of certain Lands until the 1st January 1864, and extending Time for the Construction of Works until the 1st August 1865, §§ 2 to 5.

Power to alter Carlingford Road, § 6.

Power to purchase other Lands, § 7.

Company not to have any Right over certain Properties, § 8.

Application of Monies, § 9.

Providing for Exchange of Series A. Shares, § 10.

Authorizing Creation of Debenture Stock at not exceeding 5l. per Cent., §§ 11 to 16.

Reciprocal Facilities and Interchange of certain Traffic with the Newry, Warrenpoint, and Rostrevor Railway Company, § 17.

Provision for Settlement of Disputes by Arbitration, § 18.
Schedules A. and B. (Lands referred to).

Cap. lxxvi.

“Tyne General Ferry Act, 1862.”

Recites that the Population of Newcastle-upon-Tyne, Gateshead, North and South Shields, and other Places adjacent or near to the River Tyne, and the Trade and Commerce of the Ports of Newcastle-upon-Tyne and Shields, within the said River, have greatly increased, and there are large Manufactories and Works established on both Banks of the River, and Docks have been made on the North Side and also on the South Side thereof, and the Means of conveying Traffic on, along, and across the River now provided are insufficient, and additional Means are much needed, and it is expedient that Provision be made for the Purpose; that by the Act 10 Geo. 4. c. xcvi. (Local) the North and South Shields Ferry Company were incorporated, and authorized to establish and maintain a Ferry across the River Tyne between North Shields and South Shields, and to make and maintain Ferry Houses, Offices, Roads, and other Works, and to take Tolls for the User of the Ferry; and it was enacted that after the Ferry was made fit for Carriages, Horses, Cattle, and Foot Passengers no other Ferry should be set up across the River Tyne within the Limits of the Parish of Tynewood, in the County of Northumberland, and of the Townships of South Shields and Westoe, otherwise Wivestoe, in the Parish of Jarrow, in the County of Durham; that the North and South Shields Ferry Company accordingly established the Ferry so authorized; that the Population of North and South Shields and other Places near to the River Tyne having increased, and further Accommodation for the Conveyance of Passengers across the River Tyne having become requisite, “The Tyne Direct Ferry Company Act, 1848,” was passed, and thereby the Tyne Direct Ferry Com-

pany were incorporated, and authorized to establish and maintain Steam and other Boats for the Conveyance of Foot Passengers and other Traffic across the River Tyne, between Stations at Willington Quay and Jarrow, and at Whitehill Point and Penny Pie Stairs, and, in the event therein expressed, at Comical Corner, and to make and maintain Stations, Landing Places, and other Works in the Parishes of Tynemouth and Wallsend in the County of Northumberland, Jarrow, and the Parochial Chapelry of St. Hilda in the Parish of Jarrow, in the County of Durham, and St. Nicholas in the Town and County of the Town of Newcastle-upon-Tyne, and to take Tolls for the User of the Ferries so established, and Provision was made for the Purchase by and Transfer to the North and South Shields Ferry Company of the Undertaking authorized by the reciting Act; but if they failed to make the Purchase for 12 Months after the passing of the reciting Act, the Tyne Direct Ferry Company were authorized to proceed in the Execution of the Undertaking without being subject to the Restrictions of the first-recited Act; that the North and South Shields Ferry Company accordingly purchased the Undertaking of the Tyne Direct Ferry Company; that the Provisions of the first-recited Act restricting the Establishment of Ferries or Passages across the River Tyne prevent the Establishment of those Means of Communication across the River which the increasing Population of the Districts on its Banks and the Trade of the Ports require, and it is expedient that those Provisions should be modified; that by "The Tyne Improvement Act, 1861," the Tyne Improvement Commissioners were authorized to provide or license the making of public Landing Places on the River Tyne, and to purchase and maintain any Ferries established in and over the River; that it is expedient to incorporate a Company, with Powers to carry Passengers, Animals, and Things from any one Landing Place on the River Tyne to any other Landing Place thereon, and to authorize Arrangements between the Company by this Act to be incorporated, and the Tyne Improvement Commissioners and other Persons interested in Ferries across the River Tyne, or having Landing Places on the River.

Incorporation of Consolidation Acts, §§ 2, 3.

Limits of Act, § 4.

Tyne General Ferry Company incorporated, with a Capital of 70,000*l.* in Shares of 10*l.*, and Power to borrow 10,000*l.*, §§ 5 to 10.

Meetings; Directors, §§ 11 to 18.

Section 85 of first-recited Act, restricting User of Ferries, &c., not to apply to Company, § 19.

Regulations as to Purchase of the North and South Shields Ferry by the Tyne Commissioners, § 20.

Contracts of North and South Shields Ferry Company to remain in force, § 21.

Actions not to abate, § 22.

- Receipts of Three Directors to be sufficient Discharge, § 23.
 Application of Purchase and other Monies by Company, § 24.
 Proof of Proprietorship in Company, § 25.
 When North and South Shields Ferry Company shall cease, § 26.
 Power for Company to acquire Ferry Rights, § 27.
 Power for the Company to provide Steam Vessels for conveying Passengers, &c. on Tyne, § 28.
 Power for Company to acquire existing Landing Places specified, § 29.
 Power for Company to provide other Landing Places, § 30.
 Power for Company to provide Moorings in and near Tyne, § 31.
 Company to remove or alter Gears and Platforms upon Request of Commissioners, § 32.
 Power for Tyne Improvement Commissioners to make Landing Places for Company, § 33.
 Admiralty Provisions, §§ 34 to 37.
 Tolls ; Collectors ; leasing of Tolls, §§ 38 to 50.
 Damage to Company's Property to be made good, § 51.
 Saving Rights of the Mayor, Aldermen, and Burgesses of the Borough of South Shields, of Tyne Improvement Commissioners, of Mayor, Aldermen, and Burgesses of Newcastle-upon-Tyne, of the Crown, and of Duke of Northumberland, §§ 52 to 56.
 Act not to create exclusive Right of Ferry, § 57.
 Provision for future Revision of Rates, § 58.
 Schedule (Rates).

Cap. lxxvii.

“Hull South Bridge Act, 1862.”

Recites that the Erection of a Bridge across the River Hull or Old Harbour, near its Confluence with the River Humber, with Approaches thereto, would open an improved Communication between the Portions of the Town, Docks, and Railways Westward of the River Hull or Old Harbour and the Docks, Tramways, and Citadel Lands Eastward of such River, and would be of public and local Advantage ; that Her Majesty in right of Her Crown is or claims to be the Owner of such Citadel Lands and the Foreshore adjacent thereto, and that the Construction of the Bridge will materially improve the Value of such Lands, and facilitate their letting or Disposal for building, shipbuilding, manufacturing, and other Purposes.

- Incorporation of Consolidation Acts, §§ 2. 3.
 Proprietors incorporated, with a Capital of 30,000*l.*, §§ 4 to 7.
 Directors, §§ 8 to 11.
 Power for North-eastern Railway Company and the Hull Dock Company to subscribe to Undertaking, §§ 12 to 14.
 Meetings of Shareholders, §§ 15 to 17.
 Power to make Bridge and Approaches, §§ 18, 22.

Describing Works, § 19.

Power for Company to lay down Tramway along Bridge and Approaches, § 20.

Powers of Local Boards with regard to Tramways, § 21.

Ninety-second Section of Lands Clauses Act not to extend to certain Premises, § 23.

Rights of Owners not to be affected, § 24.

Deviation from Lines on Plans, § 25.

Deviation from Levels, § 26.

Three Years for compulsory Purchase of Lands, § 27.

Five Years for completing the Bridge, § 28.

Admiralty Provisions, §§ 29 to 33.

Bridge and Approaches to be deemed Part of the Streets of the Borough, § 34.

Regulations as to opening Bridge, § 35.

Penalty for detaining Vessels, § 36.

Incorporation of Parts of Harbours, Docks, &c. Act, § 37.

Local Board not to be relieved from Liability to repair Streets, &c., § 38.

Articles of Agreement in Schedule confirmed, § 39.

Agreements with Dock Company and others for Use of Tramways, § 40.

Power to erect Toll Gates and collect Tolls; Tolls, §§ 41 to 53.

Power to lease the Tolls, §§ 54 to 57.

Limiting the Weight to be carried over the Bridge, § 58.

Power to erect Weighing Machines, § 59.

Toll Keeper may weigh Carriages, &c., § 60.

Annual Account to be made up and transmitted to the Clerk of the Peace, § 61.

Bridge to be public, but not a County Bridge, § 62.

Limitation of Dividend to 5l. per Cent., § 63.

Reserve Fund to be formed out of Surplus, §§ 64 to 66.

As to the Mode of discharging Capital, § 67.

Persons registered in Books to be entitled *primâ facie*, § 68.

Trustees not to be bound by Trusts, § 69.

Trustees Receipts to be good Discharges, § 70.

Providing for unclaimed Money, § 71.

Shares paid off vested in Trustees, § 72.

Expenses of Trustees, § 73.

When Capital of Company paid off, Powers of Company to cease, and certain Powers transferred to Local Board, § 74.

When Tolls are to cease, § 76.

Accumulation Fund to be under the Control of the Local Board, § 77.

Power to levy further Tolls, §§ 78, 79.

Agreements between Company and Corporation, and Local Board, § 80.

Power to lease the Bridge, § 81.

Power to sell Bridge, &c., § 82.

Transfer of Undertaking, § 83.

Powers to Corporation to apply Borough Fund, § 84.

Company not to acquire Right to oppose future Bridge at or above Scale Lane, § 85.

Saving Rights of Dock Company and of Kingston-upon-Hull Gaslight Company, §§ 86, 87.

Schedule (Agreement with Commissioners of Woods and Forests).

Cap. lxxviii.

“The London, Brighton, and South Coast Railway (New Lines) Act, 1862.”

Proposes to make Railways from the London, Brighton, and South Coast Railway in the Parish of Saint Paul Deptford, to join the London, Chatham, and Dover Railway, in the Parish of Saint Mary Lambeth, all in the County of Surrey; recites that a Bill is now pending in Parliament for the Incorporation of a Company for making a Railway from the Metropolitan Extensions of the London, Chatham, and Dover Railway Company to the Crystal Palace at Sydenham; that a Provision has been inserted in that Bill, restraining that Company from making so much of the Railway shown upon the Plans referred to in such Bill as is situate between the Points herein-after mentioned, in the event of the passing of this Act, and of the Construction by the Company, within Three Years of that Portion of the Railway in this Act called Railway No. 4, between the same Points; that it is expedient to provide with respect to the Use of such Portion of the said Railway No. 4, and the Stations, Works, and Conveniences connected therewith, by the Crystal Palace Junction Company, or any Company lawfully working or using their Railway; that it is also expedient to provide with respect to the Use of the Lines of the Dover Company between the Point of Junction at Barrington Road herein-after mentioned, and the Junction between such Lines and the Lines of the Company at Stewart's Lane in the Parish of St. Mary Battersea, in the County of Surrey, and the Stations, Works, and Conveniences connected therewith; and also for the Use as herein-after mentioned by the Dover Company of Portions of the Railways numbered 1 and 2, and the whole of the Railway No. 3 by this Act authorized, as well as of the Branch Railway of the Company, from the Termination of the said Railway No. 3 to the Wharf of the Company at Deptford, so far as the Railways numbered 1 and 2 and 3, and that Branch Railway make One continuous Line of Railway from the Railway No. 4 to that Wharf, and the Stations, Works, and Conveniences on that continuous Line, together with the said Wharf; proposes to make a Railway from the Newhaven Branch of the London, Brighton, and South Coast Railway to Seaford, in the County of Sussex.

Incorporation of Consolidation Acts, §§ 2 to 4.

5. In this Act the Expression “The Crystal Palace Junction Company,” shall mean the Crystal Palace and South London Junction Railway Company, and shall include the Dover Company when lawfully working and using the Railway of that Company.

As to Expression “Crystal Junction Company.”

Power to make Railways, § 7.

8. The Railways and Works by this Act authorized comprise the following ; (that is to say,) Description of Railways.

A Railway (No. 1) commencing in the Parish of St. Paul Deptford, in the County of Surrey, by a Junction with the Main Line of the London, Brighton, and South Coast Railway, at or near to a certain Bridge which carries that Railway over the Grand Surrey Canal, and terminating in the Parish of St. Giles Camberwell, in the said County of Surrey, on the Southern Side of the Queen's Road, Peckham, at or near the Point where Bath Road joins the Queen's Road :

A Railway (No. 2) wholly in the Parish of St. Paul Deptford, in the County of Surrey, commencing by a Junction with the Main Line of the London, Brighton, and South Coast Railway at or near the Bridge which carries that Railway over the Grand Surrey Canal, and terminating by a Junction with the intended Railway (No. 1) at or near the Junction of White Post Lane with the Old Kent Road :

A Railway (No. 3) wholly in the Parish of Saint Paul Deptford, in the County of Surrey, commencing by a Junction with the Branch to Deptford of the London, Brighton, and South Coast Railway at or near to the Bridge carrying that Branch Railway under the Main Line of the London, Brighton, and South Coast Railway, and terminating by a Junction with the intended Railway No. 2 at or near the Junction of White Post Lane with the Old Kent Road :

A Railway (No. 4) commencing in the Parish of St. Giles Camberwell, in the County of Surrey, by a Junction with the intended Railway No. 1 on the Southern Side of the Queen's Road, Peckham, at or near the Termination thereof on the Southern Side of the Queen's Road, Peckham, as herein-before described, and terminating in the Parish of St. Mary Lambeth, in the County of Surrey, by a Junction with the Railway authorized by "The London, Chatham, and Dover Railway (Metropolitan Extensions) Act, 1860," and therein designated the West End Section, on the East Side of Barrington Road :

A Railway (No. 5) wholly in the Parish of St. Mary Lambeth, in the County of Surrey, commencing by a Junction with the intended Railway No. 4 in a Field on the South Side of a certain new Road called Vaughan Road or Avenue Road, and terminating by a Junction with the Railway authorized by "The London, Chatham, and Dover Railway (Metropolitan Extensions) Act, 1860," and therein designated "the City Section," in a Field on the West Side of and adjoining Poplar Walk :

A Railway (No. 7) from Newhaven to Scaford, in the County of Sussex, commencing by a Junction with the Newhaven Branch of the London, Brighton, and South Coast Railway, near the Newhaven Wharf Station, and

terminating at Seaford, in the same County, adjoining a Road leading from Seaford to East Blatchington.

Railway No. 5 not to be made without Consent of Dover Company, § 9.

As to Communication of Railway No. 4 with another Railway of Dover Company, §§ 10 to 12.

Certain Questions with South-eastern Railway Company may be referred to Arbitration.

13. Whereas the Traffic between the Railways of the Company and the London Bridge Terminus of the Company is now carried over that Portion of the London and Greenwich Railway, herein-after called the Greenwich Railway of the South-eastern Railway Company, herein-after called the South-eastern Company, which lies between the Junction thereof with the Railway of the Company and the said London Bridge Terminus under the Provisions of an Agreement dated the 10th Day of July 1848 made between the Company and the South-eastern Company which also provides for the Carriage of the Traffic of the South-eastern Company over a Portion of the Railway of the Company: And whereas the Traffic over the said Portion of the Greenwich Railway and of the Railway of the Company has increased since the Date of the said Agreement and the Traffic over the said Portion of the Greenwich Railway may be further increased by reason of the passing of this Act so as to render expedient the Enlargement of the said Portion of the Greenwich Railway: Therefore, at any Time within Three Years after the opening of the Railways by this Act authorized, either the South-eastern Company or the Company may give to the other of them Notice in Writing under their respective Common Seals of their Desire to refer to Arbitration the several Questions and Matters herein-after specified, and thereupon all such Questions and Matters shall stand referred to and shall be determined by Arbitration in manner provided by the Railway Companies Arbitration Act, 1859, and as if the Two Companies had agreed to refer the same in accordance with that Act, and the said Companies respectively shall be bound by the Award to be made on such Arbitration, and to give effect thereto in such Manner as such Award may prescribe.

Specifying Questions to be referred.

14. The Questions and Matters which may be referred to Arbitration by such Notices aforesaid are as follows:

1st. Whether the additional Traffic to be conveyed over the said Portion of the Greenwich Railway can be accommodated by the existing Lines on that Portion of the said Greenwich Railway:

2dly. If not, then to what Extent and in what Manner and by whom the said Portion of the said Greenwich Railway ought to be widened or enlarged or additional Accommodation thereon provided:

3dly. Whether the Cost of such Widening or Enlargement or of such additional Accommodation, and of any Application to Parliament for Powers to execute it, shall be defrayed by the South-eastern Company and the Company, and in what Proportion or wholly by One and which of the Two Companies:

4thly. All Questions and Matters incident to or consequent upon the before-mentioned Questions and Matters :

Provided always, that the Arbitrator or, as the Case may be, Arbitrators and Umpire, shall in making their or his Award have regard to the Principles and Provisions of the said Agreement of the 10th Day of July 1848, and to the relative and reciprocal Rights and Obligations of both Companies under the said Agreement, and that nothing in this Act contained shall be held to affect the Rights of the said Companies under such Agreement.

Power to alter Engineering Works, § 15.

16. The Crystal Palace Junction Company and the Dover Company may use and run over with their Engines and Carriages of every Description belonging to or employed by them respectively, and for the Purposes of Through and Local Traffic of all Kinds, such Portion of the Railway in this Act called Railway No. 4 as is situate between a Point 40 Chains, measured from the Commencement of that Railway on the Plans of that Railway deposited for the Purposes of this Act, and the Termination of such Railway at or near to Barrington Road, as well as that Portion of the Railway No. 1 by this Act authorized situate between the proposed Junction thereof with the said Railway No. 4 and the Junction thereof with the said Railway No. 2 by this Act authorized, and also such Portion of the said Railway No. 2 as lies between the Junction thereof with the said Railway No. 1 and the Junction thereof with the Railway No. 3 by this Act authorized, and the whole of the said Railway No. 3 and the Deptford Branch Railway of the Company, from the Junction therewith of the said Railway No. 3 to the Company's Wharf at Deptford, and which Portions of the Railways Nos. 1 and 2 and Railway No. 3 and Branch Railway, form together One continuous Line of Railway from the Railway No. 4 to that Wharf, together with all Stations, Sidings, Watering Places, Watering Engines, Turn-tables, Signals, Signal Posts, Telegraph Posts, and other Engines and Machinery, Platforms, Booking and other Offices, Buildings, Approach Roads, and other Works, Conveniences, and Accommodations belonging to or connected with such several Railways and Portions of Railways respectively, forming together that continuous Line, and also the Station now called the Battersea Station on the Company's Line, subject to such Regulations as regards such User of the said Railways and Portions of Railways forming together that continuous Line as may be agreed upon between the Crystal Palace Junction Company or the Dover Company and the Company, or in default of Agreement as shall be determined by an Arbitrator to be appointed by the Board of Trade on the Application of either of the Companies, and the Costs of the Arbitration shall be in his Discretion, and the Decisions of such Arbitrator shall be final and binding on both Parties ; and the Company shall make and they are hereby required to make all Arrangements requisite for such User, and for giving effect to such Regulations : Provided that neither the Crystal Palace Junction Company nor the Dover Company shall, after

Power to Crystal Palace Junction Company and Dover Company to use a Portion of Railway No. 4. and certain other Lines of Company.

the Expiration of Four Years from the passing of this Act, be entitled to run over any Part of that continuous Line of Railway unless and until at least Four Lines of Rails are laid down and opened for public Traffic on that Portion of the Dover Company's Metropolitan Extension Railway between the Junction therewith, at or near to Barrington Road, of the Railway No. 4 by this Act authorized, and the Junction of that Extension Railway at Stewart's Lane with the West End of London and Crystal Palace Railway, with proper and sufficient Stations, Works, and Conveniences in connexion therewith.

Rates as to
Traffic over
Railways of
Company.

17. The Crystal Palace Junction Company and the Dover Company shall fix the Fares, Rates, and Charges for all Traffic carried by them over the said Railways and Portions of Railways respectively, forming together that continuous Line, and the Amount to be paid to the Company in respect of such Traffic shall be 80 per Cent. of the actual Mileage Proportion of the gross Fares, Rates, and Charges so fixed as aforesaid, due to the whole or any Part of the said Railways or Portions of Railways respectively, forming together that continuous Line, after deducting Government Duty, such Per-centage to include the Cost of maintaining and signalling Junctions and Lines, and all Services connected with the manning of the said Lines, Use of Stations thereon, and Conveniences connected with such Stations, and all Services of Station Clerks and Station Staff necessary for the Despatch of Business connected with such Traffic at such Stations, and proper Accounts and Vouchers relating to such Traffic shall be kept by the Companies respectively interested and rendered to each other, and settled monthly, and the Companies interested shall respectively be entitled to inspect and verify the Accounts and Vouchers kept by each other.

Company may
use a Portion
of Railway of
Dover Com-
pany.

18. The Company may use and run over with their Engines and Carriages of every Description belonging to or employed by them, and for the Purposes of Through and Local Traffic of all Kinds, such Portions of the authorized Railways forming the Metropolitan Extension of the Dover Company as are situate between the Point of Junction with that Extension of the Railway No. 4 by this Act authorized, and the Junction at Stewart's Lane between that Extension and the Company's West End of London and Crystal Palace Railway, and also, if the same be authorized and the Company find it available for their Traffic, the Junction Railway at Battersea with the West London Extension Railway proposed to be authorized by a Bill promoted by the Dover Company and now pending in Parliament, together with all Stations, Sidings, Watering Places, Watering Engines, Turn-tables, Signals, Signal Posts, Telegraph Posts, and other Engines and Machinery, Platforms, Booking and other Offices, Buildings, Approach Roads, and other Works, Conveniences, and Accommodations belonging to or connected with such Portions of the said Railways of the Dover Company, subject to such Regulations as regards such User of the said Portions of Railways as may be agreed upon between the Dover Company and the Company, or in default of Agreement as shall be determined by an Arbitrator to be appointed by the

Board of Trade on the Application of either of the said Companies, and the Costs of the Arbitration shall be in his Discretion, and the Decision of such Arbitrator shall be binding on both Parties; and the Company shall make and they are hereby required to make all Arrangements requisite for such User and for giving Effect to such Regulations.

19. The Company shall fix the Fares, Rates, and Charges for all Traffic carried by them over the said Portions of Railway of the Dover Company; and the Amount to be paid to the Dover Company in respect of such Traffic shall be 80 per Cent. of the actual Mileage Proportion of the gross Fares, Rates, and Charges so fixed as aforesaid, due to the whole or any Part of the said Portions of Railways of the Dover Company, less Government Duty, such Per-centage to include the Cost of maintaining and signalling Junctions and Lines, and all Services connected with the manning of the Lines, Use of Stations thereon, and Conveniences connected with such Stations, and all Services of Station Clerks and Station Staff necessary for the Despatch of Business connected with such Traffic at such Stations, and proper Accounts and Vouchers relating to such Traffic shall be kept by the Companies respectively interested and rendered to each other, and settled monthly; and the Companies interested shall respectively be entitled to inspect and verify the Accounts and Vouchers kept by each other.

Rates as to Traffic over Railway of Dover Company.

20. The Dover Company shall have the User of the Company's Wharf at Deptford for Goods Traffic of all Descriptions, and shall pay to the Company such Wharfage Charges only as from Time to Time shall be demanded and received by the Company from any other Company or Person using the said Wharf under like Circumstances.

As to Terms of User of Wharf at Deptford.

21. On the opening for public Traffic of the Metropolitan Extensions of the Dover Company from Beckenham to Stewart's Lane Junction, and also to the South Side of the Thames at Blackfriars, the 16th Section of the East Kent Railway (Western Extension) Act, 1858, (so far as it relates to the West End of London and Crystal Palace Railway,) shall be and the same is hereby repealed, and the Agreement of the 12th Day of April 1858, referred to in such Section, and also the Agreement of the 2d Day of April 1859, made between the said Dover Company, by their then Name of the East Kent Railway Company, and the said West End of London and Crystal Palace Railway Company, set forth in the Schedule to the West End and Crystal Palace Railway (Transfer of Farnborough Extension and Dissolution of Company) Act, 1860, respectively, so far as those Agreements respectively relate to the running over and using of the West End of London and Crystal Palace Railway and the Stations and Works connected therewith, and the providing of Accommodation and all Matters relating thereto, but not further or otherwise, shall be, as to all then future Operation thereof, null and void, but without prejudice to all then existing Claims and Demands of the Company and the Dover Company respectively against each other, and to the Settlement of all Accounts between them then unsettled, and also without Prejudice to all Matters relating to any Part

As to Cesser of Dover Company's Powers over West End and Crystal Palace Line.

of the Farnborough Extension Railway, or any Accounts, Payments, Claims, or Demands connected therewith, and also without Prejudice to the Agreements of July 15th, 1854, January 1st, 1857, and June 23d, 1857, referred to in that Agreement of the 2d of April 1859, and all Matters connected therewith.

As to working
of Traffic on
certain Lines.

22. In order to secure the Convenience of the Public and the fair and impartial working of the several Lines of Railway between the Point of Junction at Stewart's Lane of the Dover Company's Metropolitan Extension Railway with the West End of London and Crystal Palace Railway, and the Point at or near to Cow Lane, Peckham, at which it is proposed that an intended Line of Railway of the Crystal Palace Junction Company shall form a Junction with the Railway No. 4 by this Act authorized, and over which several Lines between those Two Points, the Company, the Crystal Palace Junction Company, and the Dover Company are by virtue of this Act to have Rights of User ; and also, in order to secure the impartial Booking and Conduct of the Traffic of the said Three Companies thereon between those Two Points, all the Arrangements for the Order and Precedence of Trains on those Lines of Railway between those Two Points, including the Question, if the same shall arise, of separate Appropriation to the Dover Company and the Company respectively of Lines of Rails on the Railways between those Two Points, shall from Time to Time be agreed upon between the General Manager for the Time being of the Dover Company, and the Traffic Manager for the Time being of the Company, and in default of such Agreement the Arrangements shall be from Time to Time submitted by such Managers, and may be submitted by either of them, to and be determined by an Arbitrator to be agreed upon between them, or in default of Agreement by an Arbitrator, to be, on their or either of their Application, appointed by the Board of Trade.

Power to use a
Portion of
West End and
Crystal Palace
Railway of
Brighton Com-
pany.

23. From and after the opening for public Traffic of the Metropolitan Extensions of the Dover Company from Beckenham to Stewart's Lane Junction and also to the South Side of the Thames at Blackfriars, the Dover Company may use and run over with their Engines and Carriages of every Description belonging to or employed by them, and for the Purposes of Traffic of all Kinds passing between the present Station at Beckenham and the Crystal Palace Main Line Station on the West End of London and Crystal Palace Railway, such Portion of the West End of London and Crystal Palace Railway of the Company as lies between the Junction therewith of the Farnborough Extension Line of the Dover Company and the Crystal Palace Main Line Station on the said West End of London and Crystal Palace Railway, together with the said Station and the Sidings, Watering Places, Watering Engines, Turn-tables, Signals, Signal Posts, Telegraph Posts, and other Engines and Machinery, Platforms, Booking and other Offices, Buildings, Approach Roads, and other Works, Conveniences, and Accommodations belonging to or connected with that Portion of the said West End of London and Crystal Palace Railway.

24. The Dover Company shall fix the Fares, Rates, and Charges for Traffic of all Descriptions carried by them over the said Portion of the West End of London and Crystal Palace Railway, and the Amount to be paid to the Company in respect of such Traffic shall be 80 per Centum of the actual Mileage Proportion of the gross Fares, Rates, and Charges so fixed as aforesaid due to the whole of that Portion of Railway, after deducting Government Duty, such Per-centage to include the Cost of maintaining and signalling the said Portion of Railway, and all Services connected with the manning thereof, and Use of the said Station thereon, and Conveniences connected with such Station, and all Services of Station Clerks and Station Staff necessary for the Despatch of Business connected with such Traffic at such Station, and proper Accounts and Vouchers relating to such Traffic shall be kept by the Dover Company and the Company respectively and rendered to each other, and settled monthly; and those Companies shall respectively be entitled to inspect and verify the Accounts and Vouchers kept by each other.

Rates as to Traffic on such Portion of West End and Crystal Palace Railway.

25. Nothing in this Act contained shall authorize the Crystal Palace Junction Company, the Dover Company, or the Company to demand or take any Rates, Tolls, Fares, or Charges exceeding the maximum Rates, Tolls, Fares, and Charges which the respective Companies are authorized by their respective Acts to demand and take.

None of the Companies to demand more than their maximum Tolls.

26. The Dover Company shall at all Times hereafter run between Beckenham and the Norwood Junction Station of the Company such a Number of Trains as, having regard to the Convenience of the Public, shall be reasonable for the Interchange of Traffic between Stations on the Railways of the Dover Company and the Mid Kent Railway Company respectively, and the Norwood Junction Station of the Company, and Stations on the Company's Railways Southward of their Norwood Junction Station, and the Number of such Trains, and a System of Through Booking for all Traffic to be so interchanged shall from Time to Time be agreed upon between the General Manager for the Time being of the Dover Company and the Traffic Manager for the Time being of the Company; and for the Purpose of such Interchange of Traffic the Dover Company shall have the Right to use and run over, with Engines and Carriages of every Description belonging to or employed by them, the existing Branch or Spur Line of Railway of the Company between the Farnborough Extension Line of the Dover Company, and so much of the said Norwood Junction Station as is appropriated for the Purposes of that Branch or Spur Line, and the Sidings, Watering Places, Booking Offices, and all other Conveniences connected with the same respectively; and the Terms of Payment for such User for the Traffic passing between the System of Railways of the Dover Company East of Beckenham and the Norwood Junction Station, and the Rates and Charges for Through Booking of Traffic between the said System of the Dover Company and of the Company as aforesaid shall be agreed

As to Interchange of Traffic between Beckenham and Norwood Junction Station.

upon between the said Managers for the Time being; and all Profits made or Losses incurred in working the Trains between Beckenham and the said Norwood Junction Station for the Local Traffic shall be borne in equal Shares by the Company and the Dover Company, and proper Accounts and Vouchers relating to those several Matters shall be kept by the Company and the Dover Company respectively and rendered to each other, and settled monthly; and those Companies shall respectively be entitled to inspect and verify the Accounts and Vouchers kept by each other.

Protection of Grand Surrey Docks and Canal Company, §§ 27 to 39.

Protection of the Surrey and Sussex Roads, §§ 40 to 47.

Protection of New Cross Turnpike Road, §§ 48 to 55.

Works in connexion with Southwark and Vauxhall Water Company to be executed by that Company, § 56.

In default of Southwark Company, the Company may execute the necessary Works, § 57.

Regulations as to certain Bridges and Streets in Lambeth, §§ 58 to 62.

As to crossing Roads in Camberwell, § 63.

Dimensions of Bridges at Camberwell, § 64.

Station to be made at Peckham, § 65.

For Protection of Sewers of Metropolitan and other Boards, § 66.

Company not to acquire certain Properties without Consent of Lessee, § 67.

Land for additional Stations, &c., § 68.

Three Years for compulsory Purchase of Lands, § 69.

Three Years for Completion of Works, § 70 and § 76.

Saving Rights of the Dover Company, § 71.

Admiralty Provisions, §§ 72 to 75.

Application of Funds, § 78.

Power to raise 340,000*l.* by Shares, with a Preference not exceeding 5*l.* per Cent., §§ 79 to 90.

Power to borrow 113,000*l.*, §§ 91 to 93.

Extending Powers for Conversion of Shares into Stock, § 94.

Extending to Money borrowed under this Act certain Powers of the Company under other Acts for Conversion of Debts into Debenture Stock and Annuities, § 95.

Separate Accounts of Application of Debenture Stock and Annuities to be kept, § 96.

Tolls, § 97.

Power to enter into Traffic Arrangements with the London and North-western Railway Company, the Great Western Railway Company, the London and South-western Railway Company, the West London Extension Railway Company, the London, Chatham, and Dover Railway Company, and the South-eastern Railway Company, §§ 98 to 103.

Saving Rights of the Crown and of Her Majesty's Secretary of State for War, §§ 107, 108.

Cap. lxxix.

“The Scottish Northern Junction Railway Act, 1862.”

Proposes to incorporate a Company for making a Railway from the Scottish North-eastern Railway near Limpet Mill, to the Great North of Scotland Railway at Kintore, with Branches to the Deeside Railway at Peterculter, and to authorize Agreements with and Contribution by the Scottish North-eastern Company.

Incorporation of Consolidation Acts, §§ 2 to 4.

Subscribers incorporated, with a Capital of 150,000*l.*, and with Power to borrow 50,000*l.*, §§ 5 to 12.

Power to the Scottish North-eastern Railway Company to subscribe 90,000*l.*, §§ 13, 14.

Meetings ; Directors, §§ 15 to 26.

Power to make Railways, §§ 27, 28.

Regulating the Inclination of certain Roads, § 29.

As to Height and Span of certain Bridges, § 30.

If Roads widened Bridges to be made wider, § 31.

Regulating Communications with the Scottish North-eastern Railway, Deeside Railway, and Great North of Scotland Railway respectively, §§ 32 to 35.

Lands for extraordinary Purposes, § 36.

Four Years for purchasing Lands by Compulsion, § 37.

Five Years for Completion of Works, §§ 38, 39.

40. The Construction of the Railways shall be suspended until the 1st Day of January next, and if the Great North of Scotland Railway Company shall then have given the proper Notices and deposited Plans and a Bill for constructing and completing within Three Years, at their own Expense, a Junction Railway between their Railway at a Point not more than 200 Yards from the Kittybrewster Station, and a Point not more than 700 Yards South of the South End of the Passenger Station at Guild Street on the Scottish North-eastern Railway, through or in the Vicinity of the City of Aberdeen, the Construction of the Railways shall be further suspended until such Bill is either passed, rejected, or withdrawn, and neither the Scottish North-eastern Railway Company nor the Company shall directly or indirectly oppose such Bill, so far as the same relates to the Construction of such Railway, but shall be at liberty to oppose any of the Clauses thereof, and to propose any Clauses for the Protection of their Railways and the Accommodation of their Traffic or the forwarding of Traffic between the Great North of Scotland Railway and the Scottish North-eastern Railway ; and in case such Bill shall be passed before the 1st Day of September 1863, then the Railways hereby authorized shall not be constructed nor the Powers hereby conferred be exercised, and in that Case all the Costs, Charges, and Expenses of and incidental to the applying for and obtaining of this Act, and preparatory thereto, and all other the Expenses of the Company subsequent to the passing of this Act in relation thereto, shall be paid by the Scottish North-eastern Railway Company, and in the meantime all such Costs, Charges, and Expenses shall be advanced

Construction of Railways to be suspended under Circumstances herein named.

to the Company by the Scottish North-eastern Railway Company.

Tolls, §§ 41 to 51.

Power for the Scottish North-eastern Railway Company and the Company to enter into Traffic Arrangements, §§ 52 to 57.

Power to enter into Arrangements for Joint Stations at Junctions, § 58.

The Scottish North-eastern, Deeside, and Great North Companies to book through, &c., § 59.

Power to run over and use Portion of Scottish North-eastern Railway, § 60.

Power to run over and use Portion of Great North Railway, § 61.

Power to carry on other Railways and to charge Tolls, § 62.

Cap. lxxx.

“The Maryport and Carlisle Railway Act, 1862.”

Recites that in 1855 the Acts relating to the Maryport and Carlisle Railway Company were repealed, and were with other Provisions consolidated into One Act, and by that Act the Share Capital of the Company was fixed at 420,000*l.* and they had Power to borrow 135,000*l.*, all which Monies have been raised and expended; that it is expedient that the Company be empowered to make and maintain a Branch Railway from their Main Line of Railway at Aspatria to a Point at or near Bolton, to be called “the Bolton Branch Railway,” and another Branch Railway from a Junction with the Bolton Branch Railway at or near Mealsgate to a Junction with the Main Line of Railway at or near Aikbank, to be called “the Wigton Branch Railway,” and also to enable the Company to acquire additional Land at Wigton and Aikbank for Station Accommodation as well as to enlarge and widen their existing Railway, Stations, and Works; and that they should be empowered to raise additional Capital by Shares and by borrowing, and to create and issue “Debenture Shares” or “Debenture Stock” in lieu of all or any Part of their Mortgage or Bond Debt, and that Provision be made for Consolidation into Stock of the Preference Shares of the Company.

Incorporation of Consolidation Acts, §§ 2 to 4.

Branch Railways and Works to be made according to deposited Plans, § 5.

Branch Railways and Works authorized, § 6.

Level Crossing, §§ 7 to 9.

Three Years for compulsory Purchase of Lands, § 11.

Four Years for Completion of Works, §§ 12, 13.

Tolls, § 14.

Power to raise additional Capital of 75,000*l.* by Creation of new Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 15 to 20.

Power to borrow 20,000*l.*, §§ 21 to 23.

Power to create Debenture Stock at 4*l.* per Cent., §§ 24 to 29.

Power to consolidate Preference Shares into Stock, § 30.

Cap. lxxxi.

“The Midland Railway (Additional Powers) Act, 1862.”

Recites that it is expedient that the Midland Railway Company should be empowered to construct the Railways herein-after mentioned; (that is to say,) a Railway to commence by a Junction with the Midland Railway in the Parish of Duffield, in the County of Derby, and to terminate by a Junction with the Manchester, Buxton, Matlock, and Midlands Junction Railway in the Parish of Crich, in the same County; a Railway to commence by a Junction with the Bristol and Birmingham Line of the Midland Railway in the Hamlet of Bordesley, in the Parish of Aston-juxta-Birmingham, in the County of Warwick, and to terminate by a Junction with the Birmingham Extension Line of the Midland Railway in the Hamlet of Duddeston-cum-Nechells, in the same Parish; also to substitute a Bridge for a level Crossing over the Bedford, Amptill, and Woburn Turnpike Road; that it is also expedient that the Company be empowered to purchase by Compulsion or Agreement certain additional Lands and Houses and to raise further Monies.

Incorporation of Consolidation Acts, §§ 2, 3.

Power to take Lands, § 4.

5. It shall not be lawful for the Company to stop up and discontinue as a Thoroughfare any Part of Cambridge Street to the South of the Junction therewith of the new Street defined upon the deposited Plans, as proposed to be made through the Lands in the Parish of Saint Pancras, which the Company are by this Act empowered to acquire; and it shall not be lawful for the Company to stop up and discontinue as Thoroughfares or appropriate Oxford Street, Salisbury Street, Upper Cambridge Street, or any Part thereof respectively, or any Part of Cambridge Street to the North of such Junction, until they shall have constructed and opened for Public Use within the said Parish of Saint Pancras, and upon the Lands so proposed to be acquired by them in that Parish, a new Street as defined upon those Plans between King's Road and Cambridge Street, commencing in King's Road at the North-west Corner of the Boundary Wall of the Parish Workhouse and terminating in Cambridge Street at or near the North Entrance into Cambridge Crescent, and until the said new Streets shall have been made and opened to the Public, the present Use of the temporary Road leased to the Directors of the Poor of the Parish of Saint Pancras shall not be interfered with otherwise than may be requisite for constructing the said new Streets.

Restricting
Interference
with Streets in
St. Pancras.

6. No Buildings shall be erected by the Company in front of or abutting upon the intended Streets referred to in Section Five of this Act until Sewers have been made at the Expense of the Company in and under the said Streets, and which Sewers shall be made under the Direction, Superintendance, and Control and to the Satisfaction of the Chief Surveyor of the said Vestry: Provided always, that any Difference which shall at any Time arise between the Company and the said

Sewers to be
laid under
Streets before
Buildings are
erected.

Surveyor with respect to such Sewers shall be referred at the Expense of the Company to the Metropolitan Board of Works, and after the said Sewers are completed they shall be as fully under the Direction, Jurisdiction, and Control of the said Vestry as any other Sewers or Works in the said Parish of Saint Pancras now are or hereafter may be.

Company to pay to Vestry of Saint Pancras Proportion of extra Costs incurred by them in Repair of Streets.

7. And whereas during the Construction of the Works of the Company in the Parish of Saint Pancras, the Vestry of that Parish will be put to additional Expense in the Repair of the Streets and Roads in the Neighbourhood of the said Works: Therefore the additional Expenses which the said Vestry may so incur shall be ascertained and an Account thereof shall be rendered to the Company on the First Day of January in every Year, and unless the Company and the Vestry agree an Arbitrator shall be appointed in manner provided by "The Common Law Procedure Act, 1854," who shall investigate, in case of Dispute, the Correctness of the Expenses comprised in such Account, and determine the Amount thereof to be paid by the Company, which shall forthwith be paid by them accordingly, and the Costs of the Reference shall be regulated by the said last-mentioned Act.

Local Rates to be made good, § 8.

Saving the Rights of the Regent's Canal Company, § 9.

Power to make Railways, § 10.

For the Protection of the Birmingham and Warwick Junction Canal, § 11.

Execution of Works for London and North-western Railway at Birmingham, § 12.

Power to alter Engineering Works, § 13.

Company to carry Bedford, Amptill, and Woburn Turnpike Road over Leicester and Hitchin Railway by a Bridge in lieu of present level Crossing, § 14.

Works at Bedford affecting the London and North-western Railway Company, § 15.

Mode of executing Works affecting the London and North-western Railway Company, § 16.

Lands for extraordinary Purposes, § 17.

Two Years for compulsory Purchase of Lands, § 18.

Four Years for Completion of Railways, §§ 19, 20.

Confirming Agreement with London and North-western Railway Company, § 21.

Saving Rights of the London and North-western Railway Company, §§ 22, 23.

Power to carry Railway authorized by "The Midland Railway and Burton-upon-Trent Bridge Act," over Anderstaff Lane on the Level, §§ 24 to 26.

Parts of Companies Clauses Act incorporated, § 27.

Power to create new Capital of 120,000*l.* with or without a Preference not exceeding 5*l.* per Cent., §§ 28 to 39.

Power to borrow 40,000*l.* on Mortgage, §§ 40 to 42.

Company may apply Corporate Funds to Purposes of Act, § 43.

Schedule (Agreement with London and North-western Railway Company).

Cap. lxxxii.

"The Ventnor Harbour Act, 1862."

- Proposes the making and maintaining of a Harbour, Piers, and other Works at Ventnor, in the Isle of Wight.
 Incorporation of Companies, Lands, and Harbour, Docks, and Piers Clauses Acts, §§ 1, 2.
 Subscribers incorporated, with a Capital of 20,000*l.* in Shares of 10*l.*, and with Power to borrow 6,600*l.*, §§ 4 to 9.
 Meetings; Directors, §§ 10 to 18.
 Company empowered to construct Dock and Works according to Plans and Sections, § 19.
 Company may deviate, § 20.
 Company to make Slipway, § 21.
 Company to maintain Sewage Works, § 22.
 Saving Rights of Ventnor Improvement Commissioners, § 23.
 Three Years for Completion of Works, § 24.
 No other Entrance to be made into the Harbour than shown on deposited Plans without Consent, § 25.
 Admiralty Provisions, §§ 26 to 29.
 The Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c., § 30.
 Harbour Rates payable on Ships, § 31.
 A Portion of the Rates may be remitted in certain Cases, § 32.
 Additional Harbour Rates on Ships, § 33.
 Additional Rates for Vessels remaining more than Four Weeks, § 34.
 Not to be payable for Vessels retained by Embargo or Stress of Weather, § 35.
 Rates on Goods, Passengers, and Luggage, §§ 36, 37.
 As to Recovery of Rates, § 38.
 Rates for Use of Cranes, Weighing Machines, &c., § 39.
 Limits within which Harbour-master may exercise his Authority, § 40.
 Officers of Customs to have free Access to Harbour, § 41.
 Company may provide Engines and apppoint Meters and Weighers, §§ 42, 43.
 Saving Rights of the Crown, § 44.
 Schedule (Rates).

Cap. lxxxiii.

"The Caterham Spring Water Company's Act, 1862."

- Incorporation of Consolidation Acts, §§ 1, 2.
 Incorporation of Company, with a Capital of 28,000*l.*, §§ 3 to 7.
 Meetings; Directors, §§ 8 to 16.
 Power to borrow 7,500*l.*, §§ 17, 18.
 Power to take Lands for Works, § 19.
 Land for extraordinary Purposes, § 20.
 Powers of Deviation, § 21.
 Five Years for Completion of Works, § 22.

Traffic on the Surrey and Sussex Roads not to be stopped during Works, § 23.

Regulating the Payment to be made for Damage done to the Surrey and Sussex Roads, § 24.

Water to be softened, § 25.

Supply of Water ; Rates ; and Penalties, §§ 26 to 39.

Cap. lxxxiv.

“ Reading Gas Act, 1862.”

Recites that by an Act of 6 Will. 4. the Reading Union Gas Company were incorporated for the Purpose of supplying Gas within the Borough of Reading and Hamlet of Whitley, and were authorized to raise a Capital of 10,000*l.* in Shares of 20*l.* each, and to borrow on Mortgage not exceeding 5,000*l.* ; that by another Act of 6 Will. 4. the Reading Gas-light Company were incorporated for the Purpose of supplying Gas in the several Parishes or Places of St. Mary Reading, St. Lawrence Reading, St. Giles Reading, Whitley, Sonning, Early, and Tilehurst, in the County of Berks, and were authorized to raise a total Capital of 20,000*l.* in Shares of 10*l.* each, and to borrow on Mortgage not exceeding 10,000*l.*, and to make and maintain Gasworks and to supply Gas accordingly ; that the Two Companies have accordingly provided Gasworks, and respectively supply Gas within the Limits of their respective Acts ; that the Union Company have raised their whole Capital of 10,000*l.* by Shares, and their Mortgage Debt is 2,000*l.*, and they have invested out of their divisible Profits upwards of 2,500*l.* in permanent Works ; that the Gas Company raised a Capital of 10,190*l.* by Shares, but they have lately bought and cancelled Shares thereof to the nominal Amount of 190*l.*, thereby reducing the nominal Amount of their Capital to 10,000*l.*, and their Mortgage Debt is 6,000*l.*, and they have invested out of their divisible Profits upwards of 2,500*l.* in permanent Works ; that the Two Companies are desirous and it is expedient that they be amalgamated into One ; also that the Limits within which the Company formed by the Amalgamation may supply Gas be extended ; and that the recited Acts be repealed, and Parts thereof be re-enacted with Amendments.

Incorporation of Consolidation Acts, §§ 2, 3.

Local Board, § 4.

Limits of Act, § 5.

Commencement of Act, § 6.

Repeal of recited Acts, § 7.

The Reading Gas Company incorporated, § 8.

Gasworks and Property of Union Company and Gas Company vested in Company, § 9.

Company to represent the present Companies, §§ 10, 11.

Saving of Rights and Liabilities under recited Acts, §§ 12 to 21.

Meetings ; Directors, &c., §§ 22 to 30. Digitized by Google

31. The Capital of the Company shall be 40,000*l.*, consisting of the following Particulars ; (that is to say,) Capital.

Stock created by this Act to bear not exceeding	£
8 <i>l.</i> per Centum per Annum Dividend	20,000
Stock created by this Act to bear not exceeding	
5 <i>l.</i> per Centum per Annum Dividend	5,000
Shares to be created under this Act to bear not exceeding	
7 <i>l.</i> per Centum per Annum Dividend	15,000
	£40,000
	£40,000

32. The prescribed Rates of Profits under the Provisions “with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit,” of “The Gasworks Clauses Act, 1847,” are as follows: Prescribed Rates of Dividend on Stock and Shares.

On the 20,000*l.* Stock, 8*l.* per Centum per Annum :

On the 5,000*l.* Stock, 5*l.* per Centum per Annum :

On the Amount from Time to Time paid up in respect of the 15,000*l.* Capital, 7*l.* per Centum per Annum :

And if a larger Dividend shall be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the prescribed Rate, such Deficiency shall not be made up at any Time after the Expiration of Two Years from the Period when the same occurred.

33. Ten thousand Pounds Stock, Part of the 20,000*l.* Stock by this Act created, and 2,500*l.* Stock, Part of the 5,000*l.* Stock by this Act created, are by this Act respectively appropriated to and vested in the several Persons who immediately before the Commencement of this Act were the registered Holders of the 500 Shares of 20*l.* each of the Union Company's Capital of 10,000*l.*, and each of those Sums of 10,000*l.* Stock and 2,500*l.* Stock is so appropriated to and vested in them respectively in rateable Proportion to their respective Shares of the Union Company's Capital. Stock vested in Union Company's Shareholders.

34. Ten thousand Pounds Stock, Residue of the 20,000*l.* Stock by this Act created, and 2,500*l.* Stock, Residue of the 5,000*l.* Stock by this Act created, are by this Act respectively appropriated to and vested in the several Persons who immediately before the Commencement of this Act were the registered Holders of the 1,000 Shares of 10*l.* each of the Gas Company's Capital of 10,000*l.*, and each of those Sums of 10,000*l.* Stock and 2,500*l.* Stock is so appropriated to and vested in them respectively in rateable Proportion to their respective Shares of the Gas Company's Capital. Stock vested in Gas Company's Shareholders.

Stock vested to be deemed fully paid up, § 35.

Stock so vested to be subject to same Trusts as present Shares, § 36.

Company to issue new Certificates of Stock, §§ 37 to 40.

Power to raise 15,000*l.* by preferential Shares at 6*l.* per Cent., §§ 41 to 44.

Power to cancel unissued Shares, §§ 45 to 51.

Shares to be offered by Public Auction, § 52.

- Monies received to be applied to Purposes of Company, § 54.
 When Shares not sold to be offered to Shareholders, § 55 to 59.
 Disposal of Shares for Extinction of Debt, § 60.
 General Power to dispose of new Shares, § 61.
 Incidents of Capital, § 62.
 Dividends on Stock and Shares, § 63.
 Power to borrow 10,000*l.*, §§ 66 to 70.
 Power for Company to maintain and improve Gasworks of present Companies, §§ 71, 72.
 Power for Company to lay down Gas Mains, &c. § 73.
 To contract with Public Bodies, &c. for Supply of Gas, § 74.
 As to lighting public Lamps, §§ 75 to 80.
 Company to supply Gas in certain Event on Request of Owners or Occupiers, § 81.
 Security for Payment of Rate, §§ 82 to 85.
 Limit of Price of Gas, § 86.
 Illuminating Power of Gas, § 87.
 Experimental Meter, § 88 to 92.
 Pipes to be kept charged, § 93.
 Mode of consuming Gas supplied to public Lamps, § 94.
 For Settlement of Disputes between Local Board and Company, § 95.
 Meters, § 96 to 102.
 Cutting off Gas, § 103.
 Removal of Meters and Fittings, § 105.
 Penalties, &c., §§ 106 to 111.
 Saving Rights of Mortgagees and Creditors of present Companies, § 112.
 Provision as to General Acts relating to Gasworks and Public Health, § 113.
 Saving Rights of Local Board, § 114.
 As to fouling Water, § 115.
 Local Board may require Company to raise, &c. Mains, &c. § 116.

Cap. lxxxv.

“The North-eastern Railway Company’s (Beverley Branch) Act, 1862.”

- Proposes to enable the North-eastern Railway Company to construct Branch Railways from Market Weighton to Beverley and at Hull, to raise additional Capital, and for other Purposes.
 Consolidation Acts incorporated, §§ 2, 3.
 Power to make Railways and Works, § 4.
 Power to cross Road on a Level, §§ 5 to 7.
 Power to alter the Rate of Inclination of Road, § 8.
 Power to purchase Land for extraordinary Purposes, § 9.
 Lands not to be purchased compulsorily after Three Years, § 10.
 Works to be completed within Five Years, §§ 11, 12.
 Communications with the Railways of the Hull and Selby and Hull and Holderness Companies to be made to their Satisfaction, §§ 13 to 16.
 Power to raise additional Capital of 88,000*l.*, §§ 17, 18.

Power to borrow 29,300*l.*, §§ 19 to 21.

Rights of new Shareholders to be in proportion to the Value of new Shares or Stock, § 22.

Power to assign Preference, not exceeding 5*l.* per Cent., to new Shares or Stock, § 23.

Dividends to be a Charge against joint Revenue, § 24.

Saving Rights of Holders of existing Preference Shares, § 25. Calls, § 26.

Tolls of "The North-eastern Railway Company's Act, 1854," to be taken, § 27.

Power to apply Monies raised under other Acts to the Purposes of this Act, § 28.

Saving Rights of the Hull and Selby Railway Company, § 33.

Cap. lxxxvi.

"The Hatfield and Saint Albans Railway Act, 1862."

Proposes the making of a Railway from the Great Northern Railway at Hatfield to the London and North-western Railway at Saint Albans ; and for other Purposes.

Incorporation of Consolidation Acts, § 2.

Company incorporated, with Capital of 70,000*l.* in 10*l.* Shares and Power to borrow 23,000*l.*, §§ 3 to 9.

Meetings ; Directors, &c., §§ 11 to 20.

Power to make Railway, §§ 21, 22.

Substitution of Bridge for level Crossing at Hatfield, § 23.

Agreement of the 16th April 1862 confirmed, § 24.

Level Crossing, §§ 25 to 29.

Three Years for compulsory Purchase of Lands, § 30.

Four Years for Completion of Works, §§ 31, 32.

Tolls, §§ 33 to 40.

Communications and Arrangements with Great Northern Railway Company, §§ 41 to 44.

Power to enter into Working Agreements with Great Northern Railway, §§ 45 to 51.

User of Portion of Great Northern and of London and North-western Railways, §§ 52 to 55.

Power to Great Northern Company to subscribe Funds, §§ 56, 57.

And to raise Money for that Purpose with preferential Dividend at 5*l.* per Cent., §§ 58, 59.

Cap. lxxxvii.

"The Alford Valley Railway Amendment Act, 1862."

Recites that in 1856 a Company was incorporated for "the making of a Railway from the Great North of Scotland Railway to Alford, in the County of Aberdeen ;" that the said Railway has been for some Time past made and opened to the Public ; but in constructing the Railway it has been made to terminate more immediately in the Village of Alford than is authorized by the said Act, involving a Deviation for One Mile and a Half or thereby beyond the Limits of Deviation shown upon the deposited Plans of the said

Railway; that the Deviation was made with the Concurrence of the Landowners affected thereby, and it affords better Accommodation to Alford than the authorized Line would have done, and it is expedient that the Company should be authorized to maintain their Railway as it has been constructed; that the estimated Cost of the Alford Valley Railway was 85,000*l.*, and the Company were empowered by the said Act to raise 85,000*l.* by the Creation of 8,500 Shares of 10*l.* each, and 28,000*l.* by borrowing; that the whole of the said Share Capital was subscribed for and the Company have borrowed and now owe on Mortgage 27,962*l.* 3*s.*; but only 3,195 out of the said 8,500 Shares have been paid in full; and the Company have only received 12,779*l.* 5*s.*, instead of 53,050*l.*, upon or in respect of the remaining Shares, and these Shares are liable to be forfeited; but if sold, they would not realize the Arrears of Calls with Interest due thereon; that the Company in the Construction of their Railway have incurred Debts and Liabilities, for the Liquidation of which the whole of the unpaid Share Capital of the Company will be required, and it is expedient that further Powers should be conferred upon the Company with respect to the Forfeiture of Shares, and that they should be authorized to attach a Preference to their unissued Shares and to issue Preference Shares in the Place of those to be forfeited or cancelled; and that none of the existing Shares of the Company are Preference Shares.

Incorporation of Consolidation Acts, § 1.

Power to maintain the Railway as same has been constructed § 2.

Deviation to be Part of Company's Undertaking, § 3.

Company to abandon certain Portion of authorized Railway, § 4.

Compensation to be made where Contracts have been entered into or Notice given, § 5.

Shares forfeited may be cancelled, § 6.

Company may accept Surrenders of Shares, § 7.

Merger of such Shares, and Power to issue new Shares instead of those cancelled or surrendered, § 8.

Preference not exceeding 6*l.* per Cent. may be attached to new and unissued Shares, §§ 9 to 13.

Cap. lxxxviii.

“The Deeside Railway Act, 1862.”

Recites that in 1846 the Deeside Railway Company were incorporated, and authorized to make a Railway commencing by a Junction with the Line of the Aberdeen (now Scottish North-eastern Railway) at or near Ferry Hill, in the County of Aberdeen, and passing by or near Banchory Ternan, in the County of Kincardine, and Kincardine O'Neil, in the County of Aberdeen, and terminating at or near Aboyne, in the last-mentioned County, and by the said Act the said Company were empowered to raise a Share Capital of 220,000*l.*, and to borrow 73,333*l.* 6*s.* 8*d.*; that by their Act

of 1852 the recited Act was repealed, and the Shareholders in the said Company were re-incorporated by the same Name of the Deeside Railway Company, and a Portion of the then authorized Line between Banchory Ternan and Aboyne was abandoned, and the other Portion of the Line, with some Alterations, was authorized to be constructed according to certain Plans and Sections deposited as referred to in the original Act, and the Share Capital of the Company was reduced to 106,250*l.*, divided into Shares of 10*l.* each, and the Borrowing Power of the Company was also reduced to 35,400*l.*; that the original Railway to Banchory, as authorized by the Act of 1852, has long been open to the Public; that by their Extension Act, 1857, the Company were authorized to extend the Railway as originally contemplated from Banchory to Aboyne, but by a different Route, and for that Purpose to raise an additional Share Capital of 80,000*l.*, and to borrow on Mortgage or Bond the additional Sum of 26,600*l.*, which Share and borrowed Capital was to be kept distinct from the original Share and borrowed Capital of the Company for all Purposes of Expenditure and Dividend, and the Holders of such Extension Share Capital constitute a separate and distinct Class of Shareholders of the Company, and in like Manner the Holders of the Extension Loan Capital constitute a separate Class of Creditors of the Company; that the Extension Railway has been constructed, but it was found necessary to construct the Aboyne Terminus thereof, including the Portion of Line within the Station at that Terminus, about Half a Mile in Length beyond the Limits of the Line as laid down on the Plans thereof deposited, as referred to in the Extension Act, and it was also found necessary to construct a Portion, about 1 Mile 2 Furlongs and 8 Chains in Length, of the said Extension Railway in the Parish of Kincardine O'Neil, beyond the Limits of Deviation laid down on the said deposited Plans of the Extension Railway; that the said Extension Railway is now open to the Public, and has proved of great local and public Advantage; that the Company, under Powers for that Purpose contained in the Extension Act, subscribed out of the original Capital the Sum of 5,000*l.* towards the Extension Capital, and also provided additional Rolling Stock and Plant for working the Extension Railway, and in consequence of the Increase of Traffic on both the original and Extension Railways the Company have been obliged to provide additional Station Accommodation, and to construct a Goods Station in Aberdeen, not originally contemplated, and other Works; that the Company have received the Sum of 101,526*l.*, Part of the original Share Capital of 106,250*l.*, and the Sum of 4,724*l.*, the Residue thereof, remains to be paid up for the Purposes of the original Undertaking; that they have raised the whole of the original Loan Capital of 35,400*l.* authorized by the original Act, and have expended the whole of the Sums so raised for the Purposes of the original Act, and, including the Sum of 5,000*l.* subscribed to the Extension Railway, they have

expended a further Sum of 19,000*l.* and upwards for Purposes in connexion with the original Railway; that an additional Sum of 10,350*l.* will be required to provide additional Rolling Stock and Workshops, and other Accommodation for the Business of the Company; that there are no Preference Shares in the original Capital of the Company, and to meet the before-mentioned Expenditure it is expedient that the Capital for the Purposes of the original Act should be increased by the Creation of Preference Shares to the Amount of 24,000*l.*, and that further Monies should be raised by borrowing on the Credit of the Revenue of the original Railway; that it is expedient that the Company should be authorized to raise by the Creation of Debenture Stock a Sum sufficient to pay off the original Debt of the Company and to make the Dividend on such Debenture Stock rank *pari passu* with the unpaid Portion of such original Debt, and prior to the Dividends on the Preference and original Shares in the original Capital; that the Company have raised the Sum of 24,300*l.*, Part of the Sum of 26,600*l.* by the Extension Act authorized to be raised by Loans, the Sum of 2,300*l.*, the Residue thereof, being represented by the Value of Feu Duties granted by the Company on the Purchase of Lands for the Extension Railway; that it is also expedient that the Company should be enabled to raise by the Creation of Debenture Stock a Sum sufficient to pay off the Extension Debt of the Company for the Time being, and to make the Dividend on such Debenture Stock rank *pari passu* with the unpaid Portion of such Extension Debt, and prior to the Dividends on the original Shares in the Extension Capital, and that the Acts should be amended.

Incorporation of certain Provisions of the Companies Clauses (Scotland) Act, § 2.

Power to raise 24,000*l.* by Preference Shares for original Railway, § 3.

Provision as to Preference Shares in original Capital, § 4.

Dividends on Preference Shares of original Undertaking, how to be paid, § 5.

Votes in respect of Preference Shares, § 6.

Original Capital not to be increased beyond authorized Amount of 130,250*l.*, § 7.

Power to borrow 8,000*l.* more on original Undertaking, § 8, 9.

Power to create Debenture Stock at 5*l.* per Cent. to pay off original Debt and Extension Debt, §§ 10 to 20.

Provisions of Extension Act and of Railways Clauses (Scotland) Act incorporated, § 23.

Power to maintain Portions of Railway beyond Limits according to deposited Plans, § 24.

Describing Portions of Railway, § 25.

Tolls of Extension Railway to be taken on Portions authorized by this Act, § 26.

Ordinary Meetings to be held and Dividends declared half-yearly, § 27.

Cap. lxxxix.

“The Furness Railway Act, 1862.”

Recites that by 33 Geo. 3. c. 105. a Body Corporate was created by the Name of “The Company of Proprietors of the Ulverstone Canal Navigation;” that an Act was passed in 1855 to repeal and consolidate the several Acts relating to the Furness Railway Company, to enable the said Company to raise a further Sum of Money, and to give further Powers to the said Company; that it is expedient that the said Furness Railway Company should be enabled to make a Branch Railway from their Line in the Township of Hawcoat, in the County of Lancaster, to a certain Stone Quarry called “Hawcoat Quarry,” and to raise additional Capital for the Purpose, and that the Undertaking of the said Company of Proprietors of the Ulverstone Canal Navigation should be transferred to and vested in the Company, and that Powers should be given to the Company to enable them to purchase and hold Steam Vessels in the Manner and for the Purposes herein-after mentioned; that the Company require further Sums of Money for the general Purposes of their Undertaking and for other the Purposes herein-after mentioned; that in 1857 the Coniston Railway Company were incorporated, and authorized to make a Railway from Broughton, in the Parish of Kirkby Ireleth, in the County Palatine of Lancaster, to Coniston, in the Parish of Ulverstone, in the same County; that by a Bill now pending in Parliament it is proposed that the Company and the Coniston Company should be united so as to form One Company; and in the event of such Union taking place it is expedient that the Company should be empowered to raise 30,000*l.* in order to discharge certain Liabilities of the Coniston Company.

Incorporation of Consolidation Acts, § 2.

Description of new Branch, § 3.

One Year for compulsory Purchase of Lands, § 4.

Description of Railway, § 5.

Admiralty Provisions, §§ 6 to 8.

Two Years for Completion of Works, §§ 9, 10.

Tolls, § 11.

Transfer of Ulverstone Canal to Furness Railway Company, § 12.

Saving Monies due to Canal Company, § 13.

Powers of Canal Company to be exercised accordingly, § 14.

Payment by Furness Railway Company to Canal Company, § 15.

Canal Company to be wound up and dissolved, § 16.

Distribution of Assets, §§ 17 to 25.

Furness Railway Company to represent Canal Company, § 26.

Saving of Rights under Canal Act, §§ 28 to 35.

36. It shall be lawful for the Directors of the Company from Time to Time or at any One Time, with the Authority of any General or Special General Meeting of the Company, to lay out

Power to purchase and hold Steam Vessels.

any Portion of the Capital herein-after authorized to be raised or any Funds for the Time being belonging to the Company, not exceeding in the whole the Capital Sum of 25,000*l.*, in the Purchase of One or more Steam Vessel or Steam Vessels, and also from Time to Time to expend and apply out of the general Revenues of the Company such annual Sum as may be necessary for the Expenses of the Maintenance of the Steam Vessels now belonging to the Company or which shall be so purchased, and from Time to Time, with such Authority as aforesaid, to sell such Steam Vessels and purchase others in the Place of the Vessels which may be so sold, and also from Time to Time to expend and apply out of the general Revenues of the Company any Sum which may be authorized to be expended and applied by any General or Special General Meeting in chartering or hiring any Steam Vessel or Steam Vessels: Provided always, that such Steam Vessel or Steam Vessels shall not be employed by the Company in plying between any other Ports or Places than between Barrow, Piel Pier, and Fleetwood.

Certain Sections of 18 & 19 Vict. c. clxxiii. repealed.

37. The 57th, 58th, 59th, 60th, 61st, 62d, and 63d Sections of "The Furness Railway Act, 1855," (except so much of the 61st Section as relates to the Profits accruing in respect of Piel Pier,) shall be and the same are hereby repealed.

Powers of Directors as to Steam Vessels, § 38.

Extending Provisions of 17 & 18 Vict. c. 31. to Steam Boats of Company, § 39.

For securing Equality of Payment by Passengers, § 40.

Provision for Cessor of Powers as to Steam Ships on Report from Board of Trade, § 41.

As to Profits of Steam Vessels, § 42.

The Company empowered to make Byelaws, § 43.

Rates and Byelaws to be published, § 44.

Power for the Company to raise Money by new Shares.

45. For the Purposes of this Act the Company from Time to Time may raise, by the Creation and Issue of new Shares in their Undertaking any additional Capital not exceeding 160,000*l.*: Provided always, that 30,000*l.* (Parcel of the said Sum of 160,000*l.*) shall not be raised by the Company unless the Coniston Company shall by an Act passed in the present Session of Parliament be amalgamated with and form Part of the Undertaking of the Company, and it shall not be lawful for the Company to raise such Sum of 30,000*l.*, or any Part thereof, except by the Creation and Issue of new Shares having a fixed or preferential Dividend not exceeding the Rate herein-after mentioned, and such Sum of 30,000*l.*, or so much thereof as shall be raised under the Provisions of this Act, may and shall be applied exclusively for the Purposes of liquidating or otherwise satisfying the Debts and Liabilities of the Coniston Company.

Power to attach a Preference to new Shares not exceeding 5*l.* per Cent., §§ 46 to 50.

Cancelling and re-issuing of Shares, §§ 51 to 60.

Power to borrow 40,000*l.*, §§ 61 to 64.

Cap. xc.

“The Keighley and Worth Valley Railway Act, 1862.”

Proposes the making of a Railway from the Midland Railway in the Township and Parish of Keighley to the Township of Haworth, in the Parish of Bradford, in the West Riding of the County of York ; and to authorize Agreement with the Midland Railway Company.

Incorporation of Consolidation Acts, §§ 2, 3.

Company incorporated, with a Capital of 36,000*l.*, and with Power to borrow 12,000*l.*, §§ 4 to 11.

Meetings ; Directors, §§ 12 to 19.

Power to take Lands, § 20.

Power to make Railway, § 21.

Regulating Inclination of a certain Road, § 22.

As to Span and Height of Arch, § 23.

Power to alter Engineering Works, § 24.

Purchase of Lands for additional Stations, &c., § 25.

Three Years for compulsory Purchase of Lands, § 26.

Four Years for Completion of Works, §§ 27, 28.

Tolls, §§ 29 to 38.

Confirmation of Agreement with Midland Railway Company, §§ 39 to 41.

Schedule (Agreement).

Cap. xci.

“The Midland Railway (Rowsley and Buxton Extension) Act, 1862.”

Recites that it is expedient that the Midland Railway Company should be empowered to construct a Railway to connect the Rowsley and Buxton Line of their Railway with the Marple, New Mills, and Hayfield Junction Railway with Two Branches from such intended Railway ; that by “The Manchester, Sheffield, and Lincolnshire Railway (Additional Works) Act, 1861,” the Manchester and Sheffield Company were empowered to construct, among others, a new Line of Railway to commence in the Parish of Glossop, in the County of Derby, by a Junction with the Line of Railway authorized by “The Marple, New Mills, and Hayfield Junction Railway Act, 1860,” at or near New Mills, and to terminate in the Parish of Chapel-en-le-Frith, in the same County ; that the Construction of the Railways by this Act authorized, with Power for the Sheffield Company to work over and use the Portions thereof herein-after mentioned, will render unnecessary the Construction of Part of the Railway authorized by the said first-mentioned Act ; and it is expedient that so much of the said first-mentioned Act as empowers or requires the Sheffield Company to construct such Portion of Railway should be repealed, and that the Sheffield Company should be empowered to work over and use the Portions herein-after mentioned of the Railways by this Act authorized ; and that the Company should be empowered to raise a further Sum of Money for the Purposes of this Act.

Incorporation of Lands and Railways Clauses Acts, § 2, 3.

Power to take Lands, § 4.

Power to make Railways; as to Junction with the Marple, New Mills, and Hayfield Junction Railway, §§ 5 to 11.

Regulating Inclination and Diversions of Roads, §§ 12, 13.

Power to alter Engineering Works, § 14.

Provision for Construction of certain Lines at Junction, and Acquisition of Lands, § 15.

Company not to proceed for Six Months to acquire certain Lands authorized to be taken for Buxton Extension, § 16.

Company not to take Lands required for Buxton Extension, § 17.

Regulations as to Crossings, Bridges, &c., §§ 18 to 22.

Company to acquire only Easements in Lands of Stockport Company, § 23.

Regulations as to Bridge under Disley and Hayfield Railway, §§ 24, 25.

Company to acquire Easements only in Lands of Disley and Hayfield Railway Company, § 26.

Lands for extraordinary Purposes, § 27.

Period for
Completion of
substituted
Railways.

29. The Railway by this Act thirdly authorized, and the Portion of the Railway by this Act first authorized, between its Junction with the Marple, New Mills, and Hayfield Junction Railway and its Junction with the Railway by this Act thirdly authorized, shall be completed within Five Years from the 28th Day of June 1861 (being the Period limited for the Completion of the Railways authorized by "The Manchester, Sheffield, and Lincolnshire Railway (Additional Works) Act, 1861)," and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

Period for
Completion of
Residue of
Railways.

30. The Residue of the Railways by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same or otherwise in relation thereto shall cease, except as to so much thereof respectively as shall then be completed.

Suspension of Dividend, if Railways not completed within Time limited, § 31.

Parts of Companies Clauses Act incorporated, § 32.

Power to raise 380,000*l.* by new Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 33 to 44.

Power to borrow 126,000*l.*, §§ 44 to 48.

Repeal of Provisions of "The Manchester, Sheffield, and Lincolnshire Railway (Additional Works) Act, 1861," as to Construction of a Portion of the Line of Railway first therein described, §§ 49, 50.

Power for Sheffield Company to work over and use Portions of the intended Railways, § 51.

Power for Company, Sheffield Company, and Marple, New Mills, and Hayfield Junction Railway Company to enter into Agreements, §§ 52 to 57.

Saving Rights of Crown and of Duchy of Lancaster, § 60.

Cap. xcii.

"The Leeds, Bradford, and Halifax Junction Railway Act, 1862."

Recites that the Company were incorporated in 1852 for constructing a Railway from Bowling near Bradford to Wortley near Leeds in the West Riding of the County of York, and for other Purposes; that in 1853 they were authorized to construct a Branch Railway from the Main Line at Laister Dyke to Gildersome Street, and another Branch Railway from Laister Dyke to the Town of Bradford; that in 1854 they were empowered to construct a Railway (in extension of the Gildersome Branch) to East Ardsley; that in 1855 they were authorized to raise additional Capital, and in 1859 to convert their Mortgage or Bond Debt into Debenture Shares or Debenture Stock; that in 1861 the Company were authorized to construct a Railway (to be called "the Batley Branch") from the Gildersome Branch to join the Birstal Branch of the London and North-western Railway, and to pass over and use with their respective Engines and Carriages of every Description so much of the London and North-western Railway as lay between the Point of Junction therewith of the Railway by the Act now in recital authorized and the Station at Batley of the London and North-western Railway, and the Stations, Watering Places, Sidings, Platforms, Booking and other Offices, Warehouses, Buildings, Conveniences, and Accommodations upon the said Portion of Railway, or connected therewith, including the said Station at Batley, upon such Terms and Conditions, and on Payment of such Tolls, Charges, Rent, or other Consideration as might from Time to Time be agreed upon, or (failing Agreement) as should be determined by Arbitration; that it is expedient that the Company be authorized to construct the Railway herein-after described in substitution for Part of the Batley Branch, and to raise further Money for that Purpose; that the proposed Railway is intended to join the London and North-western Railway, and it is expedient that Provision should be made for the User of the Railway of the London and North-western Railway Company from the Point of Junction up to the Station at Batley of that Company, and of the Works and Conveniences connected therewith, including the Batley Station of that Company; that it is expedient that the Periods limited for the Sale of the superfluous Lands of the Company should be extended; and to sanction and give effect to Contracts between the Company and the Bradford, Wakefield, and Leeds Railway Company with respect to the User by each of those Companies of certain of the Railways of the other of them, and the Construction, Maintenance, Ownership, Arrangement, Management, and Use of a Joint Station or Stations at Batley, and the adjoining Portions of their respective Railways.

- Power to construct Railway according to deposited Plans, § 4.
 Arrangements for Railway to communicate with London and North-western Railway, §§ 5 to 9.
 Communications with the Bradford, Wakefield, and Leeds Railway, §§ 10 to 13.
 Power to alter Engineering Works, § 14.
 Two Years for compulsory Purchase, § 15.
 Three Years for Completion of Works, § 16.
 Tolls, § 18.
 Abandonment of Part of authorized Works and Compensation, §§ 19, 20.
 Company may apply Corporate Funds for Purposes of this Act, § 21.
 Power to raise additional Capital of 15,000*l.*, §§ 22 to 27.
 Power to borrow 5,000*l.*, §§ 28 to 31.
 Power to use London and North-western Railway from Junction to Batley and Batley Station, § 32.
 Terms of User, § 33.
 Provision for Arbitration, § 34.
 Repealing Powers to use the London and North-western Railway from the abandoned Point of Junction, § 35.
 Power to enter into Traffic Arrangements, §§ 36 to 42.
 Extending Time for Sale of superfluous Lands to 1870, § 43.
 Saving Rights, &c. of Lancashire and Yorkshire Railway Company, § 44.

Cap. xciii.

“The Vale of Clwyd Railway Act, 1862.”

- Proposes to enable the Vale of Clwyd Railway Company to extend their Railway to the North-west Shore of the River Clwyd at Foryd; to divert a Portion of the Line of their present Railway, and to raise further Capital.
 Incorporation of Consolidation Acts, §§ 3, 4.
 Power to execute Works as described, §§ 5 to 8.
 Protection of Chester and Holyhead Railway, §§ 10, 11.
 Irish Mail not to be delayed; Penalties, § 12.
 Admiralty Provisions, §§ 13 to 16.
 Provisions as to Minerals belonging to the Crown, §§ 17, 18.
 One Year for compulsory Purchase of Lands, § 19.
 Two Years for Completion of Works, §§ 21, 22.
 Tolls and Pier Charges, §§ 23, 24.
 Power to raise 10,000*l.* by new Preference Shares at 5*l.* per Cent., §§ 25 to 31.
 Power to borrow 3,300*l.*, §§ 32, 33.

Cap. xciv.

“The Burton-upon-Trent Railways Act, 1862.”

- Recites that by “The Midland Railway and Burton-upon-Trent Bridge Act, 1859,” the Midland Railway Company were empowered to construct certain Railways therein men-

tioned within the Town of Burton-upon-Trent, and by "The Midland Railway (Burton Branches) Act, 1860," certain Alterations in those Railways and other Railways were authorized, and Messrs. Samuel Allsopp and Sons were empowered to construct certain Railways in that Act mentioned, and therein described as "Connexion Railway No. 1," and "Connexion Railway No. 2," for affording more convenient Access between their Breweries and Works and the Railways of the Midland Railway Company, and also for facilitating the Transmission of Traffic between their Breweries and Premises in one Part of the said Town and their Breweries and Premises in other Parts thereof; that the said Connexion Railways have been completed and are in use by Messrs. Samuel Allsopp and Sons, and by means of the Facilities thereby afforded in the Transmission of Goods to and from their Breweries and Premises a considerable Diminution in the Passage of Traffic along the Streets of the said Town has been effected, and such Traffic will be further decreased when the Railways of the Midland Railway Company authorized by the recited Acts, with which the said Connexion Railways will communicate, have been completed and opened for Traffic; that a still greater Diminution of the Traffic along the Streets of the said Town would result from the Construction of other Railways within the said Town in connexion with the said Railways of the Midland Railway Company and with other Breweries and Premises; and it is expedient that Powers should be conferred upon Messrs. Bass and Company and Messrs. Worthington and Robinson respectively to make and maintain such Railways.

Incorporation of Consolidation Acts, § 2.

Power to Messrs. Bass to make certain Railways, § 3.

Power to Messrs. Worthington and Robinson to do the like, § 4.

Junctions with Midland Railway, §§ 5 to 9.

Level Crossings, §§ 10 to 13.

One Year for Purchase of Lands, § 14.

Three Years for Completion of Works, § 15.

The Railways to be private Property, § 16.

Cap. xc.

"The Hereford, Hay, and Brecon Railway Act, 1862."

Proposes to enable the Hereford, Hay, and Brecon Railway Company to make and maintain Deviations in the Line and Levels of their Railway.

Consolidation Acts incorporated, § 1.

Description of Works and Alterations; Compensation, §§ 3 to 11.

Compulsory Purchase of Lands limited to One Year, § 12.

Completion of Works by 6th August 1864, § 13.

Provision with respect to Bridge at Hay, § 14.

Cap. xcvi.

“The South-eastern Railway (Tunbridge and Dartford Lines, &c.) Act, 1862.”

Proposes to enable the South-eastern Railway Company to make Railways to Tunbridge and Dartford respectively, and to widen a Portion of their North Kent Line of Railway, and to purchase additional Lands for the Purposes of their Undertaking.

Incorporation of Consolidation Acts, § 2.

Powers to make new Railway, § 3.

To alter and widen North Kent Railway, § 4.

To alter Engineering Works, § 6.

Protection of Land of J. R. West and J. E. W. Rolls, Esquires, § 7.

Three Years for compulsory Purchase of Lands, § 9.

Five Years for Completion of Works, §§ 10, 11.

Protection of New Cross Turnpike Roads, §§ 13, 14.

As to Mottingham Lane, §§ 15, 16.

Saving Rights of Metropolitan Board of Works, § 17.

Protection of Estate of S. Scott, Esq., §§ 18, 19.

Of Lands of N. W. J. Strode, Esq., §§ 20 to 22.

Tolls, §§ 23, 24.

Power to raise further Capital of 1,200,000*l.* by new Shares, with Preference Dividend at 5*l.* per Cent., §§ 25 to 30.

Power to borrow 400,000*l.* on Mortgage, §§ 31, 32.

Saving Rights of the Crown, § 36.

Cap. xcvi.

“The Lancashire and Yorkshire Railway (Additional Powers) Act, 1862.”

Proposes to enable the Lancashire and Yorkshire Railway Company to construct a Branch Railway to Shawforth, and other Works; to purchase additional Lands, and to raise further Capital.

Incorporation of Consolidation Acts, § 3.

Power to make Railways and alter Works, §§ 5 to 7.

Protection of Rochdale and Burnley Turnpike Road, § 8.

Of Works of Rochdale Water Company, § 9.

Supply of Water to Wardleworth Wells, § 10.

Bridge over Yorkshire Street, § 11.

Power to stop up Streets in Rochdale, § 13.

To alter and widen Sowerby Viaduct, § 15.

Three Years for compulsory Purchase of Lands, § 16.

Five Years for Completion of Works, §§ 17, 18.

Tolls, § 19.

Power to raise 187,750*l.* by new Shares, with Preference Dividend of 5*l.* per Cent., §§ 20 to 26.

Power to borrow 62,500*l.*, §§ 27, 28.

Certain Parts of Companies Clauses Act incorporated, § 29,
Regulation as to Use of Proxies, § 30.

Cap. xcviiii.

“The Oldham, Ashton, and Guide Bridge Junction
Railway Leasing Act, 1862.”

Recites that by an Act of 1857 the Oldham, Ashton-under-Lync, and Guide Bridge Junction Railway Company were incorporated, and were authorized to raise a Capital of 140,000*l.* by Shares, and to borrow not exceeding 46,600*l.* on Mortgage or Bond, and to make and maintain certain Railways; and that by such Act the Manchester, Sheffield, and Lincolnshire Railway Company were authorized to subscribe towards the Undertaking of the Oldham Company to any Extent not exceeding 50,000*l.* and to enter into and carry into effect Contracts or Arrangements with respect to the Working and Use by the Sheffield Company of the Undertaking of the Oldham Company; that by “The London and North-western Railway (New Works) Act, 1859,” the London and North-western Railway Company were authorized to subscribe towards and to take and hold Shares in the Undertaking of the Oldham Company to any Extent not exceeding 50,000*l.*, and to enter into Agreements in reference to the Working, Management, Maintenance, and Use by the North-western Company of the Railway of the Oldham Company; that the Sheffield Company and the North-western Company have respectively subscribed towards the Undertaking of the Oldham Company to the Extent of 50,000*l.* each, and are Holders of Shares therein to that Amount, and are, as to the User of the Oldham Line, entitled to equal Powers, Rights, and Privileges in all respects; that the Residue of the Capital in Shares of the Oldham Company, amounting to 40,000*l.* is held by divers Shareholders and has been fully called up; that it is expedient that the Undertaking of the Oldham Company should be vested by Lease in the Sheffield and North-western Companies jointly for the Term and upon the Conditions hereinafter mentioned, and that Powers should be granted to them for the Purchase absolutely of the said Undertaking.

Vesting Railway in the Two Companies, § 3.

Lease of Oldham Railway not to affect Third Parties, § 4.

As to Rent, § 5.

Payment of Rent, § 6.

Contributions by Two Companies respectively; Remedies for Nonpayment, § 7.

Saving Preference in Capital of the Two Companies, § 8.

As to Disputes between Oldham Company and Two Companies, § 9.

The Joint Committee to keep Registers of Oldham Holders of Stock, and pay Dividends to them, § 10.

Power to sell, § 11.

Form and Effect of Conveyance, § 12.

Provision for Cession of Powers of Oldham Company upon Execution of Conveyance, § 13.

Tolls to be taken by the Two Companies, § 14.

- Providing for Dissolution of Oldham Company, §§ 15 to 18.
 Provisions of other Acts continued ; Saving of Rights and Liabilities, §§ 19 to 25.
 As to Management of Railway, § 26.
 As to Vacancies in Committee, § 27.
 Meetings of Committee, § 28.
 Books of Account to be kept by Committee, § 29.
 Receipts upon Oldham Railway to be carried to a Common Fund, § 30.
 As to Expenses of managing Railway, § 31.
 Arbitrator to be appointed, § 32.
 As to Settlement of Disputes between Sheffield and North-western Companies, § 33.
 Either of the Two Companies paying more than their rateable Share of joint Liabilities may recover from the other of the Two Companies, § 34.
 As to Station Accommodation, § 35.
 User of Oldham Railway by the Two Companies, § 36.
 Power to the Two Companies to apply Corporate Funds to the Purposes of this Act, § 37.
 Power for Sheffield Company to raise additional Capital, § 38.
 Shares so created may be Preference Shares, § 39.
 New Shares to be subject to same Incidents as ordinary Shares, § 41.
 Dividends on new Shares, § 42.
 Votes and Qualifications in respect of new Shares, § 43.
 Power for Sheffield Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class, § 44.
 Calls on new Shares, § 45.
 Saving existing Preference Shares of Sheffield Company, § 46.
 Power for North-western Company to raise additional Capital, § 47.
 Calls on new Shares, § 48.
 New Capital to be subject to same Incidents as ordinary Capital, § 49.
 Dividends on new Shares, § 50.
 Votes and Qualifications, § 51.
 Aggregate of Capital of the Three Companies not to be increased, § 52.
 Saving Rights of Lancashire and Yorkshire Railway Company, § 55.
 Saving Rights of Great Northern Railway Company, § 56.

Cap. xcix.

“ The Wakefield Waterworks Act, 1862.”

Recites that by an Act of 7 Will. 4. the Wakefield Waterworks Company were incorporated and authorized to construct Waterworks for supplying the Inhabitants of the Town and Township of Wakefield, and the Townships of Alverthorpe-

with-Thornes, Stanley-cum-Wrenthorpe, and Sandal Magna with Water ; that by that Act and an Act of 4 & 5 Vict. the Company were authorized to raise 25,000*l.* by the Creation of Shares and 10,000*l.* more by Mortgage or by Shares, with Power to convert their Loans into Share Capital ; that they raised 21,000*l.* by the Creation and Issue of 840 Shares of 25*l.* each, and 7,500*l.* by the Creation and Issue of 600 Shares of 12*l.* 10*s.* each, entitled to preferential Dividends at the Rate of 4*l.* per Centum per Annum, and have borrowed on Mortgage Sums amounting together to 6,409*l.* or thereabouts ; that they have expended upon their Undertaking, and chargeable to Capital Account, the said Sums of 21,000*l.*, 7,500*l.*, and 6,409*l.*, making together the Sum of 34,909*l.*, and have moreover incurred Liabilities chargeable to Capital Account and not secured by Mortgage amounting to more than 1,500*l.*, and it is expedient that they should be authorized to raise more Money, as well for paying off such Liabilities as for improving their Undertaking, and that they should be empowered to create Debenture Stock and that the Provisions of the said Acts should be consolidated and amended.

Incorporation of Consolidation Acts, §§ 1, 2.

Repeal of Acts, § 3.

Company incorporated, § 4.

Continuance of Rights and Liabilities, §§ 5 to 12.

Present Capital 28,500*l.*, § 13.

Saving Rights, &c. in respect of old Shares, § 14.

Power to create new Shares to the Amount of 26,500*l.*, and to attach Preference of 5*l.* per Cent., §§ 15 to 19.

Power to borrow 13,700*l.*, §§ 20 to 22.

Power to raise Money by Debenture Stock at 4*l.* 10*s.* per Cent., §§ 23 to 29.

Meetings ; Directors, §§ 30 to 37.

Company may maintain and improve their existing Water-works, § 39.

Power of Justices to order Inquiry into State of Reservoirs, §§ 40 to 49.

Limits of Act for Water Supply, § 50.

Rents for Domestic Supply, § 51.

Rate to be according to the Rackrent, § 52.

Definition of domestic Purposes, § 53.

Charge for Waterclosets, &c., § 54.

For preventing the fouling of Water, § 55.

Supply of Water ; Penalties, §§ 56 to 67.

Gas Pipes to be laid Four Feet from Water Pipe in a particular Manner, § 69.

Penalty on permitting the Escape of Gas, § 70.

Protection of Wakefield Gaslight Company, §§ 71, 72.

Saving the Right of the Lord of the Manor to work Mines, &c. and saving Manorial Rights, § 75.

Saving Right of Aire and Calder Navigation Company, § 76.

Cap. c.

“The Hull and Hornsea Railway Act, 1862.”

- Incorporation of Consolidation Acts, § 1.
- Subscribers incorporated, with a Capital of 70,000*l.*, and with Power to borrow 23,000*l.*, §§ 3 to 9.
- Meetings ; Directors, §§ 10 to 17.
- Power to make Works according to deposited Plans, § 18.
- Power to alter Engineering Works, § 20.
- Lands for extraordinary Purposes, § 21.
- Lands to be purchased by Compulsion within Three Years, § 22.
- Four Years for Completion of Railway, § 23 and § 42.
- Level Crossings, §§ 24 to 27.
- Power to use Portion of the Line and Hull Station of the North-eastern Railway Company, § 28.
- Until the Company exercise their running Power, the North-eastern Company to work their Traffic, § 29.
- Lands of North-eastern Company not to be taken, nor their Railway to be interfered with except for forming a Junction therewith, § 30.
- Mode of effecting Communication with the North-eastern Railway, §§ 31 to 34.
- Regulating Works affecting Sutton and Main Lowland Drains, § 35.
- Regulating Works affecting Old Lambwith, Sutton Cross, and Swine-Church Drains, § 36.
- Free Passage of Water not to be interfered with, § 37.
- Plans to be submitted to Commissioners of Sewers before Drains, &c. interfered with, § 39.
- Commissioners to certify as to Construction of Works affecting Drains, &c. ; and if Company dissatisfied, Board of Trade to decide, § 40.
- Act not to affect Jurisdiction of Powers of Commissioners of Sewers, § 41.
- Tolls, §§ 43 to 49.
- Power to enter into Agreements with the North-eastern Railway Company, §§ 50 to 58.

Cap. ci.

“The Ceylon Railway Company’s Dissolution Act, 1862.”

Preamble recites Incorporation of the Company under 19 & 20 Vict. c. ci., and a provisional Contract made between the Government of Ceylon and the Company for the Construction of the authorized Railway under a Guarantee of Interest on the Capital from the Government, but that the Government and the Company had subsequently come to an Agreement that the Undertaking should be abandoned, and the Contract between them rescinded.

The Company to pay the undistributed Residue of its Capital into the Court of Chancery, § 1.

Payment to be made to the Shareholders on summary Application, § 2.

On the Payment into Court the Company to be dissolved, and in the meantime to be incapable of contracting new Liabilities, § 3.

Dissolution not to invalidate the Titles and Rights acquired by the Ceylon Government, § 4.

Schedule (Names and Addresses of Shareholders).

Cap. cii.

“North British and Mercantile Insurance Company’s Act, 1862.”

Recites that the North British Insurance Company were established as a Fire and Life Insurance Company by Articles of Copartnery dated the 2d November 1809 and subsequent Dates, and incorporated by Royal Charter the 6th February 1824 ; that by a supplementary Contract of Copartnery or Deed of Accession and Agreement dated the 4th May 1824 and subsequent Dates, the Purchasers of new Stock of the Corporation became Shareholders or Members of the Corporation ; that 8 & 9 Vict. c. xxviii. was afterwards passed with respect to the Corporation, but was repealed by the Act next herein-after recited ; that by “The North British Insurance Company’s Act, 1860,” the Object and Business of the Corporation as a Fire and Life Insurance, Reversion, and Trust Company were declared, and they were authorized to transact their Business in the United Kingdom of Great Britain and Ireland, in the East Indies, in Her Majesty’s Colonies and Dependencies abroad, and in Foreign Countries and States, and their principal Office or Place of Business was required to be within the City of Edinburgh or the Parliamentary Boundaries thereof ; and it was enacted that the then Capital Stock of the Corporation being 1,000,000*l.* Sterling in 5,000 Shares of 200*l.* each, upon each of which 25*l.* had been paid, should thereafter be held to consist of and to be divided into 10,000 Shares of 100*l.* each, upon each of which 12*l.* 10*s.* should be held to have been paid ; and various Provisions were made with respect to the Appointment, Retirement, and Re-election of Directors, the holding of General Meetings, and Appointment of Boards of Management and Agents of the Company in the Colonies or in Foreign Parts, and also for the Corporation suing and being sued by the Name of “The North British Insurance Company,” and for the Acquisition by the Corporation of the whole or any Part of the Business of any other Fire or Life Insurance Corporation, Company, or Society desirous of being dissolved or of relinquishing the whole or any Part of their Business ; that the whole of the Capital Stock of the Corporation of 1,000,000*l.* in 10,000 Shares of 100*l.* each, is held by registered Shareholders, and those Shares are held as being paid up to the Extent of 12*l.* 10*s.* a Share, the aggregate of 125,000*l.* having been actually paid up on that Capital Stock, leaving 875,000*l.* residue

thereof unpaid ; that the Corporation having regard to the actual and expected Increase of their Business became desirous of increasing their Capital Stock ; that in consequence of an extensive Fire which happened in London in the Summer of the Year 1861 the principal Fire Insurance Companies simultaneously united in raising to a large Amount the Premiums on London Mercantile Fire Risks ; that divers Merchants and others who were largely engaged in Mercantile Transactions in London, being of opinion that the raising of the Premiums was not justified by the Circumstances, thought it desirable that a new Fire Insurance Company should be established in London, and they with others accordingly established a new Fire Insurance Company under the Name "The Mercantile Fire Insurance Company," with a large subscribed Capital, the Shares of which were taken to a great Extent by London Merchants ; that the new Company established special Rates of Fire Insurance Premiums for London Mercantile Risks considerably below the Rates so increased by the principal Insurance Companies, whereby the Public were greatly benefited ; that the Corporation and the new Company agreed on a Union of their respective Interests, and the new Company have agreed to transfer their Business to the Corporation, and have made Arrangements for their own Dissolution and the winding up of their Affairs, and for taking Shares in the Corporation ; that it is expedient that the Name of the Corporation should be changed from their original Name of Incorporation to the Name "The North British and Mercantile Insurance Company ;" that it is expedient that the Capital Stock of the Corporation be increased, and the nominal Amount of every Share of the Capital Stock of the Corporation be 50*l.* ; that for some Time after the passing of the Act of 1860, the Business of the Corporation in England was conducted by a Local Board of Management in London, acting under the Authority of that Act, but the Corporation are desirous and it is expedient that the Number of Directors forming their General Board be increased to 24, One Half of them to act as a Board to meet in Edinburgh, and the other Half of them to act as a Board to meet in London, and that Provision be made for the Regulation of the General Board and those Boards respectively ; and also for holding General Meetings of their Shareholders in London as well as in Edinburgh.

Name of Corporation changed to "The North British and Mercantile Insurance Company," § 3.

General Saving of Rights, notwithstanding Change of Name of Corporation, § 4.

Present Capital in 100*l.* Shares divided into 50*l.* Shares, § 5.

Corporation to issue Certificates of Shares divided, § 6.

Corporation may require present Certificates to be exchanged for new Certificates, § 7.

Present Certificates available till new Certificates issued, § 8.

Capital to be 2,000,000*l.* in 40,000 Shares of 50*l.* each, consisting of present Capital and additional Capital created by Act, § 9.

Corporation Stock and Shares to be Personal Estate, § 10.

Holders of Shares of Capital of 2,000,000*l.* to be Shareholders of Corporation, § 11.

Power to issue Shares of additional Capital of 1,000,000*l.*, § 12.

Calls on Shares of additional Capital, § 13.

Limit of Calls on Shares of present Capital, § 14.

Number of Shares to be held for Corporation, § 15.

Provisions of Act of 1860 apply to Capital of 2,000,000*l.*, &c., § 16.

Directors; General Board; Edinburgh Board; London Board, §§ 17 to 22.

Superintending Powers of General Court, § 23.

Powers of General Court as to Conduct of Business, § 24.

Ordinary Powers of General Court, § 25.

Meetings of General Court, §§ 26 to 29.

Powers of Edinburgh Board and London Board, § 30.

Power to appoint Officers, § 31.

Meetings of Edinburgh and London Boards, § 32.

Committees of Directors, § 33.

Remuneration for Directors, § 34.

Special General Meetings in Edinburgh and in London, § 35.

Voting Proxies to be used at Special General Meetings in London, § 36.

Contracts of Copartnery and Royal Charter to remain in force, § 37.

Cap. ciii.

“Ashborne and Belper Turnpike Trust Act, 1862.”

Recites 11 Geo. 4. c. cxxx. that considerable Sums of Money, amounting in the whole to 5,399*l.* 11*s.* 8*d.*, or thereabouts, have been borrowed and are now due on the Credit of the Tolls arising on the Road comprised in the recited Act, or are otherwise owing on account of the said Road.

Repeal of recited Act, § 1.

Tolls, §§ 11 to 21.

Trust continued for 25 Years, § 30.

Cap. civ.

“The London and North-western Railway Company’s (Capital) Act, 1862.”

Preamble recites that it is expedient to define in One Act the Powers of the London and North-western and Chester and Holyhead Railway Companies respectively, for raising Money by Shares or Stock, and by borrowing; that by “The London and North-western Railway (Additional Powers) Act, 1861,” the Capital in Shares and Stock of the London and North-western Railway Company (including the Buckinghamshire Railway Company’s Capital), prior to the

Commencement of the last Session of Parliament was fixed and determined as follows :

	£
London and North-western ordinary Stock -	25,710,666
Huddersfield and Manchester Shares entitled to Seven Tenths of the ordinary Dividend	1,041,570
Leeds, Dewsbury, and Manchester Shares entitled to Seven Tenths of the ordinary Dividend - - - -	600,000
Coventry and Nuneaton Shares entitled to a fixed Dividend of Five Pounds per Centum per Annum - - - -	270,000
	<hr/>
	27,622,236
Buckingham Shares - - - -	1,245,000
	<hr/>
	28,867,236
Permanent London and North-western De- benture Stock - - - -	1,719,526
	<hr/>
	<u>£30,586,762</u>

That by the same Act the Powers of the London and North-western Railway Company for raising Money by borrowing, including Debenture Stock and Debenture Bonds, and Money raised for the Purposes of the Buckinghamshire Railway, was fixed at the aggregate of the Sums of 1,719,526*l.* and 10,488,324*l.*; that the London and North-western Railway Company were authorized by the following Acts passed in the last Session of Parliament to raise by Shares and by Loan the several Sums following :

	Shares. £	Loan. £
By "The London and North-western Railway (Cheshire Lines) Act, 1861" - - - -	133,500	44,500
By "The London and North-western Railway (Lines near Liverpool) Act, 1861" - - - -	1,000,000	333,000
By "The London and North-western Railway (Eccles, Tyldesley and Wigan) Act, 1861" - - - -	350,000	115,000
By "The London and North-western Railway (Additional Powers) Act, 1861" - - - -	100,000	33,000
By "The Saint George's Harbour Act, 1861" - - - -	70,000	—
By "The Oswestry, Ellesmere, and Whitechurch Railway Act, 1861" - - - -	30,000	—
By "The North London Railway (Widening) Act, 1861" an additional Capital for the Purposes of that Act, not exceeding -	66,666	—

	Shares.	Loan.
	£	£
By "The North London Railway (City Branch) Act, 1861" an additional Capital for the Purposes of that Act, which Power has been exercised to the full Extent, amounting to - -	766,667	—
And by "The West London Extension Railway Act, 1861" - -	35,000	—
	£2,551,833	

That the Capital in Shares or Stock of the Chester and Holyhead Railway Company now consists of the following :

Preferential Stock entitled to 5 <i>l.</i> per Cent.	£
Dividend - - - - -	725,000
Preferential Stock entitled to 5 <i>l.</i> 10 <i>s.</i> per Cent. Dividend - - - - -	630,000
Ordinary Stock - - - - -	2,100,000
Total Capital in Stock - - - - -	£3,455,000

And the Mortgage or Debenture Debt of the Chester and Holyhead Railway Company amounts to - - - - - £1,084,332

That by "The Chester and Holyhead Railway Act, 1858," the London and North-western Railway Company and the Chester and Holyhead Railway Company were empowered to enter into Agreements for the Conversion of all or any of the Shares or Stock of the Chester and Holyhead Railway Company into ordinary Stock of the London and North-western Railway Company; and that it is expedient that further Provision should be made with reference to the Capital of the Chester and Holyhead Railway Company, and to the Debenture Stock of the London and North-western Railway Company.

2. Subject to the Provisions of this Act and of any Act which may be passed in the present or any future Session of Parliament, the Capital of the London and North-western Railway Company in Shares or Stock (including the Coventry and Nuneaton Shares and the Buckinghamshire Shares), shall be the Sum of 31,419,069*l.*, being the aggregate of their Capital in Shares and Stock as defined by "The London and North-western Railway (Additional Powers) Act, 1861," and of the Sums which by the several Acts of the last Session of Parliament set forth in the Preamble to this Act they were authorized to raise: Provided that nothing in this Act contained shall affect any of the Powers of the London and North-western Railway Company for the Conversion of the Shares or Stock of the Chester and Holyhead Railway Company or of their own borrowed Money into Shares or Stock of the London and North-western Railway Company or shall authorize the Conversion into Shares or Stock of any Part of the Debenture Stock of the Time being of the Chester and Holyhead Railway Company.

Limiting
Capital of
London and
North-western
Railway Company in
Shares or
Stock.

Limiting the borrowing Powers of London and North-western Company.

3. Subject to the Provisions of any Act which may be passed in the present or any future Session of Parliament the Mortgage or Bond Debt of the London and North-western Railway Company shall not exceed the Sum of 12,733,350*l.*, including their permanent Debenture Stock for the Time being, such Sum being the aggregate of the Amount of their Debenture Debt and permanent Debenture Stock as defined by "The London and North-western Railway (Additional Powers) Act, 1861," and of the Sums which by the several Acts of the last Session of Parliament set forth in the Preamble to this Act they were authorized to borrow.

Limiting Capital of Chester and Holyhead Company.

4. Subject to the Provisions of this and of any Act which may hereafter be passed, the Capital of the Chester and Holyhead Railway Company in Shares or Stock and by borrowing shall be the following Amounts ; (that is to say,)

	£
By Stock - - - -	3,455,000
By borrowing - - - -	1,084,332

but the nominal Amount of such Capital in Shares or Stock may be reduced as by this Act provided.

Conversion of Chester and Holyhead Shares or Stock.

5. Whereas by "The Chester and Holyhead Railway Act 1858," the London and North-western Railway Company were empowered from Time to Time, with the Consent of the Shareholders of that Company as therein mentioned, to guarantee out of the Profits of their own Undertaking the Payment of Interest on all or any Part of the Mortgage Debt and the Payment of Dividends on all or any of the Shares of the Chester and Holyhead Railway Company after such Rate or Amount as they might think fit ; provided that every such Guarantee should be in aid and not in lieu of the Receipts and Profits of the Chester and Holyhead Railway Company : And whereas under the Provisions of the same Act the Undertaking of the Chester and Holyhead Railway Company has been transferred to and is now vested in the London and North-western Railway Company, who under the Provisions of the same Act have guaranteed Dividends of various Amounts upon the Capital in Shares and Stock of the Chester and Holyhead Railway Company, and it is expedient that the whole of such Capital in Shares and Stock should be consolidated into One Stock, bearing One uniform Rate of Dividend : Therefore the Chester and Holyhead Railway Company, with the Consent of the London and North-western Railway Company, may from Time to Time agree with the Holders of any Share or Stock of the Chester and Holyhead Railway Company for the Surrender of the same in exchange for Stock bearing a fixed guaranteed Interest at the Rate of 5*l.* per Centum per Annum, such Exchange to be effected on the following Terms ; (that is to say,) for and in lieu of every 100*l.* of Shares or Stock of the Chester and Holyhead Railway Company entitled to Dividend at the Rate of 5*l.* per Centum per Annum there may be issued guaranteed Stock to the Amount of 100*l.* ; for and in lieu of every 100*l.* of Shares or Stock of the Chester and Holyhead Railway Company entitled

to Dividend at the Rate of 5*l.* 10*s.* per Centum per Annum there may be issued guaranteed Stock to the Amount of 110*l.*; and for and in lieu of every 100*l.* of the ordinary Shares or Stock of the Chester and Holyhead Railway Company there may be issued guaranteed Stock to the Amount of 50*l.*

6. The Chester and Holyhead Railway Company may create Stock bearing a preferential Dividend at the Rate of 5*l.* per Centum per Annum, to be called "Chester and Holyhead (London and North-western guaranteed) 5*l.* per Centum Stock" to an Extent not exceeding in the whole 2,468,000*l.*, and such Stock shall be applied exclusively in substitution for surrendered Shares or Stock of the Chester and Holyhead Railway Company in the Proportions herein-before mentioned, and the London and North-western Railway Company shall guarantee the Dividends on such Stock: Provided that the Rights and Interests of the Holders of any Shares or Stock of the Chester and Holyhead Railway Company which shall not be so converted shall not be prejudiced or injuriously affected by the Conversion of any other of those Shares or Stock.

Chester and Holyhead Company to create Preference Stock.

Saving Rights of all existing Preference Shares of the London and North-western Company, § 7.

Debenture Stockholders in London and North-western Company to have all the Rights of Mortgagees, § 8.

Cap. cv.

"The Red House and Weeland Roads Act, 1862."

Recites 1 Will. 4. c. xlv.; that 3,200*l.* as specified in Schedule 1 are now secured by Bonds of certain of the Trustees as Trustees of the Weeland Road or by Mortgages of the Tolls of that Road, and the several Sums specified in Schedule 2, amounting to the Sum of 3,590*l.* are now secured by the like Bonds or Mortgages of the Tolls on the Red House Road.

Act to continue for 21 Years, § 3.

Trustees appointed, § 5.

Recited Act repealed; Saving of Rights, §§ 7 to 16.

Meetings, &c., §§ 17, 18.

Bridge over Aire and Calder Canal, § 22.

Tolls, §§ 23 to 37.

When Mortgage Debts paid off both Roads to form One Trust, §§ 40, 41.

Cap. cvi.

"The Stockton and Darlington Railway Amalgamation Act, 1862."

Preamble recites that by Act 1 & 2 Geo. 4. c. xlv., the Stockton and Darlington Company were incorporated, and were authorized to make and maintain the Stockton and Darlington Railway, and other Acts were afterwards passed with respect to that Company; that by "The Stockton and Darlington Railway (Amalgamation) Act, 1858," several Acts relating to the Stockton and Darlington Company were repealed, the Company were re-incorporated as from

13th July 1849 by their original Name of Incorporation, and the respective Shareholders of the Wear Valley Railway Company, the Middlesbrough and Redcar Railway Company, the Middlesbrough and Guisbrough Railway Company, the Darlington and Barnard Castle Railway Company, and the Stockton and Darlington Company, were made Members of the Stockton and Darlington Company; and the several Railways, Docks, Works, and Property of the Five Companies respectively were vested in the Stockton and Darlington Company, as their original Undertaking; that by "The Stockton and Darlington Railway (Capital) Act, 1861," the authorized Capital of that Company was stated to have been, on the 1st December 1860, as follows :

	£
Class A. Preferential Share Capital - -	450,000
Class B. Preferential Share Capital - -	850,000
Class C. Preferential Share Capital - -	200,000
	<hr/>
Total -	1,500,000
Ordinary Capital - - - -	1,713,000
And by that Act the Stockton and Darlington Company were empowered to raise further ordinary Capital to the Amount of -	220,000
	<hr/>
Making their total authorized Capital in Shares - - - -	3,433,000
That by the same Act the Debenture Debt of the Stockton and Darlington Company was stated to have been, on the 1st December 1860 - -	572,346
And by that Act they were empowered to borrow to the Extent of - - -	67,000
	<hr/>
Making a total authorized Borrowing Power of	<u>639,346</u>

that by "The South Durham and Lancashire Union Railway Act, 1857," the South Durham and Lancashire Union Railway Company were incorporated, and were authorized to raise a Capital of 400,000*l.* by Shares, and to borrow not exceeding 133,000*l.*, and were authorized to make a Railway from a Junction with the Stockton and Darlington Railway to a Junction with the Lancaster and Carlisle Railway; that by "The South Durham and Lancashire Union Railway (Deviation) Act, 1859," the South Durham Company were authorized to make a Deviation of their Line of Railway, and to raise Part of their authorized Share Capital to the Extent of 80,000*l.* by preferential Shares, and to create Debenture Stock, but such Powers have not been exercised; that the said Company have issued Shares to the Amount of 400,000*l.*, and their Debenture Debt amounts to 133,000*l.*, and they have no Debenture Stock; that by "The Eden Valley Railway Act, 1858," the Eden Valley Railway Company were incorporated, and were authorized to raise a Capital of 135,000*l.* by Shares, and to borrow not

exceeding 45,000*l.*, and to make and maintain a Railway commencing by a Junction with the Lancaster and Carlisle Railway, and terminating by a Junction with the South Durham Railway; that the Eden Valley Company have issued Shares to the Amount of 135,000*l.*, and their Debenture Debt amounts to 45,000*l.*; that it is expedient that an Amalgamation of the South Durham Company and the Eden Valley Company with the Stockton and Darlington Company be effected, and that the South Durham Company and the Eden Valley Company be dissolved, and their respective Undertakings be by this Act vested in the Stockton and Darlington Company; that by "The Frosterly and Stanhope Railway Act, 1861," the Frosterly and Stanhope Railway Company were incorporated, and were authorized to raise a Capital of 10,000*l.* in Shares, and to borrow not exceeding 3,300*l.*, and were authorized to make and maintain a Railway from near the Frosterly Station on the Wear Valley Railway of the Stockton and Darlington Company to near the Town of Stanhope, and other Works in the same Act mentioned; and by the same Act the Stockton and Darlington Company were empowered to subscribe towards the Undertaking of the Frosterly Company, and to become Shareholders in the Capital of that Company to any Extent not exceeding 2,500*l.*, and they have become Shareholders to that Extent accordingly; that the Frosterly Company are soliciting a Bill in the present Session for authorizing a Deviation of Part of the authorized Line of their Railway, for constructing a new Branch and other Works, for abandoning Portions of their authorized Line and Approach to Stanhope, and for raising an additional Capital of 5,000*l.* in Shares and 1,000*l.* on Mortgage; that it is expedient that the Frosterly Company be dissolved, and that their Undertaking be transferred to the Stockton and Darlington Company; and also that the Stockton and Darlington Company be empowered to create additional Share Capital for the Purposes of this Act.

Dissolution of South Durham and Eden Valley and Frosterly Companies, § 2.

Effects of Three Companies vested in Stockton and Darlington Company, § 3.

Stockton and Darlington Company to represent the Three Companies, §§ 4 to 6.

General Saving of Rights under Acts, § 7.

Provisions of other Acts continued, § 8.

Provisions of Acts relating to the Three Companies not to apply to Stockton and Darlington Railway, and vice versa, § 9.

Saving of Contracts, Debts, and Liabilities, §§ 10 to 21.

Stockton and Darlington Company to create new Capital in substitution for Capital of South Durham and Eden Valley Companies, § 22.

Arrangements as to Issue of new Shares, §§ 23 to 25.

Dividends of Class D. preferential Shares, § 26.

Saving Rights of existing Preference Shares, § 27.

- Debenture Debts of Three Companies added to Debenture Debt of Stockton and Darlington Company, § 28.
 Providing for Payment to the Frosterly Company for their Undertaking, § 29.
 Confirming scheduled Agreement with London and North-western Railway Company, § 30.
 Schedule (Agreement between the Company and the London and North-western Company).

Cap. cvii.

“The Liverpool Corporation Waterworks Act, 1862.”

- Preamble recites that it is expedient to empower the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to construct additional Reservoirs and other Works, to alter the Charges for the Supply of Water within the Limits of their District, and to make other Rates and Charges in respect of such Supply; also to raise further Monies and to amend the Acts relating to the Waterworks.
- Interpretation Clause, “Lock-up Premises,” “Compound Premises,” “Dwelling House,” “Owner,” § 2.
- Incorporation of Lands Clauses Consolidation Acts and Waterworks Clauses Act, § 4.
- Power to make Waterworks according to deposited Plans, § 5.
- Limits of Deviation from Line and Levels, § 6.
- Three Years for compulsory Purchase of Lands, § 7.
- Five Years for Completion of the Works, § 8.
- For compensating the Trustees of the Liverpool, Prescott, and Ashton-in-Mackerfield Turnpike Road, § 9.
- Restrictions in constructing Works upon the Roads, §§ 10 to 12.
- Provision in “Waterworks Clauses Act, 1847,” as to breaking up Streets to extend to the Turnpike Road from Liverpool to Prescott and Ashton-in-Mackerfield, § 13.
- Power for Justices to order Inquiry into State of Reservoir and to order Repairs, §§ 14 to 23.
- Exceptions to constant Supply and High Pressure, § 25.
- Repeal of Provisions of Act of 1846 with respect to Rates, § 26.
- Power for Corporation to levy Water Rate, § 27.
- Certain Property not to be rated to more than One Fourth of net annual Value, § 28.
- Poor Rate may be inspected and copied, § 29.
- Power to levy Rates in respect of Property not included in the Poor’s Rate, § 30.
- Rates may be prospective or retrospective, § 31.
- Regulations as to making and recovering of Rates, §§ 32 to 47.
- Rents for Water, § 48.
- Appeal in case of compound Premises, § 49.
- Corporation to appoint Valuers, § 50.
- Domestic Supply not to include Supply for Trade, § 51.
- Power to let for Hire Meters, § 52.

- Powers to Corporation for ascertaining Quantity consumed by Meter, and for removing Meters, &c., § 53.
 Power to supply Ships with Water, § 54.
 Water for other Purposes to be supplied by Agreement, § 55.
 Payment in respect of Water for Public Baths, § 56.
 Recovery and Application of Rents and Charges, § 57.
 Agreements with Landowners as to Drainage, § 58.
 Council to estimate probable Expenses, § 59.
 Provision as to Rate of domestic Charge when Money owing to Corporate Estate, § 60.
 Power to borrow 49,000*l.* in addition to present Powers, §§ 61 to 64.
 Penalties for Waste, Misuse of Water, &c., §§ 65 to 69.
 As to Appointment of Treasurer, § 70.

Cap. cviii.

“The Banbridge, Lisburn, and Belfast Railway (Leasing) Act, 1862.”

- Proposes to authorize the Leasing of the Banbridge, Lisburn, and Belfast Railway to the Ulster Railway Company.
 Lease to be for Term of 21 Years with Power of Renewal, § 3.

Cap. cix.

“The Bala and Dolgelly Railway Act, 1862.”

- Proposes to authorize the Construction of a Railway from Bala to Dolgelly, in Merionethshire, and Working Arrangements with the Great Western and West Midland Company.
 Incorporation of Consolidation Acts, § 1.
 Subscribers incorporated, with Capital of 112,000*l.*, and Power to borrow 37,000*l.*, §§ 3 to 6.
 Meetings; Directors, &c., §§ 9 to 14.
 Power to make Railways, §§ 15 to 17.
 Lands to be bought by Compulsion in Three Years, § 18.
 Period for Completion of Works, § 19.
 Company not to interfere with Sluices at Bala Pool, § 20.
 Powers of Shropshire Union Railways and Canal Company as to pounding and taking Water in and from Bala Pool not to be interfered with, § 21.
 For the Protection of R. M. Richards, Esq., § 22.
 As to certain Lands belonging to Anne Hartley and T. H. Williams, § 23.
 As to Junction with Aberystwith and Welsh Coast Railway, § 24.
 Mode of constructing Junction Line through Lands of Anne Hartley and T. H. Williams, § 25.
 Company not to take any Part of Bala Green without providing an equal adjacent Area of Land, § 26.
 For the Protection of the Rhiwlas Estate, § 27.
 Level Crossings, §§ 29 to 33.
 Tolls, §§ 34 to 44.

Power to Denbigh Company to use certain Railways, §§ 45 to 47.

Power to enter into Traffic Arrangements with Great Western and West Midland Railway Companies, §§ 48 to 54.

Saving Rights of the Crown, § 58.

Cap. cx.

“The Corwen and Bala Railway Act, 1862.”

Recites that the Construction of a Railway in continuation of the Llangollen and Corwen Railway from Corwen, in the County of Merioneth, to Bala, in the same County, with Lines to connect the same near Corwen with the Denbigh, Ruthin, and Corwen Railway, would be of great local and public Advantage; that it is expedient that the Great Western Railway Company and the Vale of Llangollen Railway Company, or either of them, should be authorized to contribute to the Undertaking; and that the Company and the Llangollen and Corwen Railway Company should be authorized to make and carry into effect Agreements for the joint Construction, Use, and Management of a Station at Corwen, with all suitable Works, Approaches, and Conveniences for the Accommodation of the Traffic of the said respective Companies; that Provision should be made for enabling the Company and the Great Western Railway Company, the Vale of Llangollen Railway Company, and the Llangollen and Corwen Railway Company, or the Company and any of the said Companies, to make and enter into Agreements with respect to the Working and Use of the Lines of Railway belonging to the said Companies respectively, and the Regulation and Management of the Traffic thereon, and the Division and Apportionment of the Profits arising therefrom; and also that Provision should be made for facilitating the Interchange and Transmission of Traffic from, to, and over the said intended Railways and the Railways belonging to the Companies herein-after mentioned.

Incorporation of Consolidation Acts, § 1.

Subscribers incorporated, with a Capital of 120,000*l.*, and

Power to borrow 40,000*l.*, §§ 3 to 8.

Meetings; Directors, &c., §§ 11 to 18.

Lines of Railway, §§ 19, 20.

For the Protection of the Rhiwlas Estate, § 21.

Level Crossing, §§ 22 to 25.

Company not to take any Part of Bala Green without providing an equal adjacent Area of Land, § 27.

Communications with Llangollen and Corwen and Denbigh, Ruthin, and Corwen Railways, §§ 28 to 32.

Three Years for the compulsory Purchase of Lands, § 34.

Five Years for Completion of Works, § 35.

Tolls, §§ 36 to 45.

Power to agree with Llangollen and Corwen and Denbigh, Ruthin, and Corwen Railway Companies as to Joint Station at Corwen, § 46.

Arbitration in regard to Corwen Station, § 47.

Power to make Working and Traffic Arrangements with the Great Western and other Companies, §§ 48 to 59.

For facilitating Traffic between Railways and Llangollen and Corwen and other Railways, § 60.

Differences to be determined by Arbitration, § 61.

Power to the Denbigh, Ruthin, and Corwen Railway Company to use certain Railways, §§ 62 to 64.

Power for Great Western Railway Company to contribute towards Funds of Company, § 65.

Power for Vale of Llangollen Company to contribute towards Funds of Company, § 66.

Power for contributing Companies to raise and apply Monies for Contribution towards Funds of Company, § 67.

Payment of preferential Dividend by contributing Companies, § 68.

Saving Rights of the Crown, § 73.

Cap. cxi.

“The Launceston and South Devon Railway Act, 1862.”

Proposes to incorporate a Company for making a Railway in the Counties of Devon and Cornwall, to be called the Launceston and South Devon Railway; and recites that as the proposed Railway will communicate with the South Devon and Tavistock Railway, which is connected with the Railway of and is under Lease for a Term of 999 Years to the South Devon Railway Company, and the proposed Railway might be conveniently worked in connexion with the Undertaking of that Company, it is expedient that certain Heads of Arrangement set forth in the Schedule to this Act, which have been entered into between that Company and the Company intended to be hereby incorporated with respect to such working, and also between the last-mentioned Company and the South Devon Railway Company, and the Great Western Railway Company, the Bristol and Exeter Railway Company, and the Cornwall Railway Company respectively, with respect to the Traffic of the Companies Parties thereto, and the Division and Apportionment of the Tolls and Charges arising therefrom, should be confirmed.

Incorporation of Consolidation Acts, §§ 2 to 4.

Company incorporated, with a Capital of 180,000*l.*, and Power to borrow 60,000*l.*, §§ 5 to 11.

Directors, Meetings, &c., §§ 12 to 19.

Power to take Lands, § 20.

Power to make Railway, § 21.

Power to cross certain Roads on the Level, §§ 22 to 25.

Power to alter Engineering Works, § 28.

Three Years for compulsory Purchase of Lands, § 30.

Five Years for Completion of Works, § 31 and § 35.

Communications with South Devon and Tavistock Railway to be made to the Satisfaction of the Engineer of the South Devon Company, § 32.

Railway to be constructed on Broad Gauge, § 33.

Narrow Gauge to be laid down if required by Board of Trade, &c., § 34.

Tolls, §§ 36 to 44.

Heads of Arrangement (in Schedule) between Company and South Devon Company and the Great Western, Bristol and Exeter, and Cornwall Railway Companies confirmed, § 45.

Payment by South Devon Company of guaranteed Interest on Debenture Debt of Company, § 46.

Protection of J. Tremayne, Esq., § 48.

Saving the Rights of the Duchy of Cornwall, § 49.

Schedule (Heads of Agreement).

Cap. cxii.

“The Manchester, Sheffield, and Lincolnshire Railway Act, 1862.”

Proposes to enable the Manchester, Sheffield, and Lincolnshire Railway Company to make a new Railway in the County of Chester, to be called “The Manchester, Sheffield, and Lincolnshire (Godley and Woodley Branch) Railway.”

Incorporation of Consolidation Acts, § 2.

Power to take Lands and to make Railway, §§ 4 to 9.

Power to alter Engineering Works, § 10.

Two Years for compulsory Purchase of Lands, § 12.

Four Years for Completion of Railway, § 13.

Power for Company to raise additional Capital of 56,000*l.* by Preference Shares, §§ 15 to 20.

Power to borrow on Mortgage 18,600*l.*, § 24.

Cap. cxiii.

“The Inverness and Aberdeen Junction Railway Act, 1862.”

Recites the Acts incorporating the Inverness and Ross-shire and the Inverness and Aberdeen Junction Railway Companies, and that by “The Inverness and Aberdeen Junction Railway Act, 1861,” the Undertakings of the latter Company and of the Inverness and Nairn Railway Company were consolidated, and the Company and the Inverness and Nairn Railway Company were united and amalgamated into One Company; that the Main Line of Railway of the said united Company extends from Keith to Inverness, and forms a Junction there with the Inverness and Ross-shire Railway; that the Undertakings of the Inverness and Aberdeen Junction and the Inverness and Ross-shire Railway Companies may be more conveniently and economically and with more Advantage to the Public worked together as One Undertaking than separately, and it is therefore expedient that they should be united and placed under One Control and Management as One Undertaking; that the said Companies have provisionally agreed upon certain Terms and Conditions for such Amalgamation, and for the Application and Apportionment of the Revenues of the united Undertaking to and between the several Classes of Shareholders

in the said Undertakings respectively, and it is expedient that such Amalgamation should be sanctioned and carried into effect ; that the Share Capital of the Ross-shire Company, as authorized by "The Inverness and Ross-shire Railway Act, 1860," is 215,000*l.*, divided into 21,500 Shares of 10*l.* each, all of which Shares have been created and issued ; and that the said Company have Power under the last-recited Act to raise 71,600*l.* upon Mortgage of their Undertaking ; that the Share Capital of the other Company, as authorized by "The Inverness and Aberdeen Junction Railway Act, 1861," is 605,000*l.*, divided into 60,500 Shares of 10*l.* each, of the Nature and Denominations following respectively ; (that is to say,) first, 4,500 Shares, called "Class A Shares," with an irredeemable Preference attached thereto of 5*l.* per Centum per Annum ; second, 5,908 Shares, called "Class B Shares," with an irredeemable Preference attached thereto of 6*l.* per Centum per Annum ; third, 15,000 Shares, called "Class C Shares," with an irredeemable Preference attached thereto of 4*l.* 10*s.* per Centum per Annum ; and fourth, 35,092 Shares, being the remaining Shares of the Junction Company ; that the last-named Company have Power under the last-recited Act to raise 193,330*l.* upon Mortgage of their Undertaking ; that the said Company were authorized by "The Inverness and Aberdeen Junction Railway (Branch) Act, 1861," to raise for the Purposes of the said Act, by the Creation of Shares with or without a Preference and Priority in the Payment of Interest or Dividend attached thereto, as the Company might determine, the further Sum of 20,000*l.*, and also to borrow upon Mortgage of their Undertaking the Sum of 6,650*l.* ; that by "The Inverness and Perth Junction Railway Act, 1861," the Ross-shire Company were authorized to subscribe 30,000*l.*, and the Junction Company were authorized to subscribe 50,000*l.*, to the Undertaking by the said Act authorized, and for that Purpose to raise the said respective Sums of 30,000*l.* and 50,000*l.* by the Creation of new Shares, in addition to the Sums which they were by their respective Acts authorized to raise, and with such special Advantages with respect to Priority or Amount of Dividend payable thereon (not exceeding 5*l.* per Centum per Annum) as might be determined by the said Companies respectively ; and the said Companies have agreed to subscribe and now hold Shares in the said Undertaking to the Extent so authorized.

Defining Undertakings of amalgamated Companies, § 3.

Dissolution of Ross-shire Company, and vesting their Undertaking in the Junction Company, § 4.

Proprietors of the Two Companies united, § 5.

Amalgamation not to affect Actions, § 6.

Acts relating to Ross-shire and Junction Companies to apply to United Company, § 7.

Debts and Claims of Ross-shire and Junction Companies reserved, § 8.

Conveyances, Contracts, Actions, Submissions, and Awards relating to said Companies not to be affected, §§ 9 to 12.

- Unexecuted Works of Ross-shire Company may be completed by United Company, § 13.
- Contracts for Land entered into by Ross-shire Company to be completed by United Company, § 14.
- Monies paid into Bank or to Trustees under Acts of said Companies to be applied pursuant to those Acts, § 15.
- Officers of Ross-shire Company to be Officers of United Company, §§ 16, 17.
- Resolutions of Ross-shire Company, Registers, Books and Certificates, and Byelaws to remain in force, §§ 19 to 21.
- General Saving of Rights and Claims, § 22.
- Defining Share Capital of the Company, § 23.
- Division of Capital into Shares, § 24.
- Defining Loan Capital of the Company, § 25.
- Powers of existing Companies to raise further Share and Loan Capital vested in United Company, § 26.
- Shareholders in Ross-shire Company to be Shareholders in United Company, § 27.
- Preferential Dividend to be paid on Ross-shire Shares, § 28.
- Extending to "Ross-shire Shares" the Provisions of the 30th Section of "Inverness and Aberdeen Junction Railway Act, 1861," § 29.
- Certificates of Stock to be exchanged, § 30.
- Shares to remain subject to same Trusts, § 31.
- Mortgages and Bonds of separate Companies to be a Charge on united Undertaking, § 32.
- Creation and Issue of Debenture Stock to be regulated by Junction Act of 1860, § 33.
- Appropriation of Profits and ranking of Parties entitled to participate therein, § 34.
- Quorum of General Meetings and Rights of voting, &c. to be regulated by Junction Railway Acts, § 35.
- Number and Qualification of Directors, §§ 36 to 38.
- Place of General Meetings and Domicile of the Company, § 39.
- Tolls of amalgamated Railways, §§ 41, 42.

Cap. cxiv.

"The Enniskillen, Bundoran, and Sligo Railway Act, 1862."

- Proposes to authorize the Enniskillen and Bundoran Railway Company to extend their Railway to the Midland Great Western Railway of Ireland at Sligo, and to change the Name of the Company.
- Incorporation of Consolidation Acts, § 1.
- Change of Name of Company, § 3.
- General Saving of Rights under recited Act, §§ 5, 6.
- Power to make Railway and to acquire Lands, § 7.
- Provision as to crossing River Gill and Streets in Town of Sligo, § 9.
- Regulations as to Construction of Bridge across Sligo Harbour, §§ 10 to 16.
- Power to alter Engineering Works, § 18.

Junctions with the Midland Great Western Railway of Ireland,
 §§ 20 to 22.
 Three Years for compulsory Purchase of Land, § 24.
 Five Years for Completion of Railway, § 25.
 Tolls, § 27.
 Power to create 150,000*l.* in new Shares, §§ 29 to 33.
 Power to borrow 50,000*l.*, §§ 34, 35.

Cap. cxv.

"The Llynvi Valley Railway Act, 1862."

Proposes to enable the Llynvi Valley Railway Company to
 increase their Capital.
 Incorporation of Parts of Companies Clauses Act, § 2.
 Powers to raise additional Capital of 40,000*l.* by Creation of
 new Shares, with or without a Preference of 5*l.* per Cent.,
 §§ 4 to 7.
 Saving of existing Preference Shares, § 8.
 Power to borrow 13,300*l.*, §§ 10, 11.
 Power to convert Debt into Debenture Stock bearing 4*l.* per
 Cent. Interest, §§ 13 to 18.
 Power to consolidate Preference Shares into separate Classes
 of Stock, § 19.

Cap. cxvi.

"The Wilford Bridge Act, 1862."

Proposes to authorize the making and maintaining of a Bridge
 over the River Trent near to the Town of Nottingham (to
 be called "Wilford Bridge"), with Roads thereto, and the
 discontinuing of Wilford Ferry across the River.
 Incorporation of Lands Clauses Acts, § 2.
 Power to take Lands, § 5.
 Power to purchase Wilford Ferry, § 6.
 For ascertaining Compensation for settled Lands, § 7.
 Two Years for compulsory Purchase of Lands, § 8.
 Power to make and maintain Works, § 9.
 Power to enter on Lands for Surveys and Works, § 12.
 Power to get Materials, § 13.
 Temporary Occupation of Lands near to the Works, § 14.
 Works authorized by Act, § 15.
 Incidental Works, § 16.
 Power to cross Roads, &c., § 17.
 Power to deviate, §§ 18 to 20.
 Inclination of Road over Bridge, § 21.
 Plans of Bridge to be approved by County Surveyor, §§ 22
 to 26.
 Construction of Bridge, Toll Gates, Roads, &c., § 27.
 For preventing Obstruction to the River Trent, § 28.
 Plans to be delivered to Commissioners of the River Trent
 Navigation, § 29.
 Providing Remedy in case of Obstruction to the River Trent,
 § 30.
 Fence or Railing to be erected adjoining Towing-path, if
 required by the Quarter Sessions, § 31.

- Penalty if Undertakers fail to erect Fence, § 32.*
- Admiralty Provisions, §§ 33 to 38.*
- Five Years for Completion of Works, § 39.*
- Bridge to be public, but not County Bridge, § 40.*
- Fords to be disused, § 41.*
- Roads to Fords to be stopped up, § 42.*
- Ferry Boats in case of Accident to Bridge, § 43.*
- Power to provide Toll Gates and Toll Houses, § 44.*
- Power to take Tolls for passing over the Bridge and Roads, § 45.*
- Regulations as to Tolls, §§ 46 to 55.*
- Power to lease the Tolls, §§ 56, 57.*
- Appointment and Removal of Toll Collector, §§ 58 to 62.*
- Penalties for damaging Bridge, &c., and other Offences, §§ 64 to 72.*
- Power to borrow on Mortgage, §§ 75 to 91.*
- Saving Rights of Trent Navigation Company, § 92.*

Cap. cxvii.

“Leeds and Birstal Road Act, 1862.”

Preamble recites Act of 1 Will. 4. for maintaining the Leeds and Birstal Road; that divers Monies specified in the Schedule, amounting to 11,085*l.*, are due on Mortgage of the Tolls; and that it is expedient to renew the Act for a Term.

Act to continue in force for 25 Years, § 31.

Cap. cxviii.

“The Eden Valley Railway Act, 1862.”

Proposes to enable the Eden Valley Railway Company to construct certain Extension and Branch Railways, to use Portions of other Railways, and to raise additional Capital.

Incorporation of Consolidation Acts, § 2.

Power to make Railways, §§ 4, 5.

Diversion to be made through the Lands of the Earl of Lonsdale, § 6.

If diverted Line made, then a Passenger Station to be made thereon, § 7.

Three Years for Completion of Works, § 9.

Mode of effecting Communication with the Lancaster and Carlisle Railway, §§ 12 to 15.

Tolls of the “Eden Valley Railway Act, 1858,” to be taken, § 16.

Power to raise additional Capital of 16,000*l.*, with a Preference Dividend of 5*l.* per Cent., §§ 17 to 20.

Power to borrow 5,300*l.*, §§ 21 to 23.

Power to apply Monies raised under existing Act to the Purposes of this Act, § 24.

Power to lay down Electric Telegraph, § 30.

Powers by recited Act given to Stockton and Darlington Railway Company to work the Eden Valley Railway extended to Railways to be made or used under this Act, § 31.

Confirming Agreement set out in Schedule, § 32.

Power to enter into Arrangements as to Joint Stations, § 33.

If Company amalgamated with any other Company, then Powers and Liabilities to attach to the amalgamated Company, § 34.

Schedule (Agreement).

Cap. cxix.

“The Rotherham and Wortley Road Act, 1862.”

Recites 11 Geo. 4. & 1 Will. 4. c. lxxxiv.; that the Sums specified in the Schedule, amounting to 2,200*l.*, are owing on Mortgage of the Tolls; that it is expedient to renew the Act, and to authorize the Substitution of a new Portion of Road for a Portion proposed to be abandoned.

Act continued for 21 Years, § 3.

Deviation of Road authorized, §§ 15 to 26.

Cap. cxx.

“The North-eastern Railway Company’s (Hull and Holderness Amalgamation) Act, 1862.”

Recites that by the 16 & 17 Vict. c. xciii. the Hull and Holderness Railway Company were incorporated and authorized to make and maintain a Railway from Hull to Withernsea, with a Branch to the Victoria Dock Branch of the York and North Midland Railway Company, and to raise a Share Capital of 120,000*l.* in 6,000 Shares of 20*l.* each, and to borrow any Sum not exceeding 33,000*l.*; and by that Act the Holderness Company and the York Company were empowered to enter into such Contracts and Agreements as should be deemed expedient with reference to the Use by those Companies of the Holderness Railway, and certain Portions of the York and North Midland and Hull and Selby Railways, and of the Stations, Offices, and Works thereof respectively, and with reference to the working by the York Company of the Holderness Railway, and the Regulation and Management by them of the Traffic upon or over the same, and the Rates, Tolls, and Charges to be charged or taken by both or either of the said Companies in respect of Traffic carried by the said Railways, and the Division and Apportionment thereof between them; and it was further enacted that the several Powers and Provisions of that Act applicable to the York Company should, in the event of that Company being amalgamated with any other Company, or of its Undertaking being amalgamated with the Undertaking of any other Company, apply to the Company formed by or in consequence of such Amalgamation, and from and after any such Amalgamation the Expression the York and North Midland Railway Company in that Act should extend to or include the Company so formed; that by “The North-eastern Railway Company’s Act, 1854,” the York Company and the Leeds Northern Railway Company were dissolved, and their Undertakings vested in the York, Newcastle, and Berwick

Railway Company, which Company was in that Act and it was thereby enacted should thenceforth be styled and designated as "The North-eastern Railway Company"; and it was provided that the Capital of the Company should consist of the Capital of each of those Three Companies existing at the passing of that Act, with such Additions thereto as might thereafter be made under the Authority of any of the Acts relating to those Three Companies or that Act, but should, nevertheless, be kept wholly separate and distinct for all Purposes of Charge, Benefits, and Dividends upon or to the same respectively; that by "The North-eastern Railway Company's Capital Act, 1857," the Capital of the Company as then existing was defined, and further Provisions were made with reference to the Creation and Issue of new Shares or Stock by the Company in order to raise the Capital in that Act mentioned, and the Company were empowered to create and issue the new Shares or Stock by that Act authorized, either of one Class and with like Privileges, or of several Classes and with different Privileges, and respectively with any preferential Dividend not exceeding the Rate of 5*l.* per Centum per Annum, as they might think fit, and also to create One general preferential Stock to bear a preferential Dividend not exceeding 4*l.* per Centum per Annum, and to be called their Consolidated Preferential Stock, which, with the Assent of the Holder of any of the preferential Shares or other preferential Stock of the Company, might be allotted to him by the Company in lieu of any of his preferential Shares or other preferential Stock; and by that Act the Balance of the joint Revenue of the Company applicable to the Payment of Dividend to their own Shareholders in every Half Year was directed to be applied, first, in Payment to the Extent therein mentioned of the Dividends or Interest which the Holders of existing guaranteed or preferential Shares or Stock were respectively entitled to receive; secondly, in Payment of the Dividends or Interest on the Shares or Stock created under the Authority of that Act, and the Residue to be carried to the Credit of such of the separate Revenue Accounts respectively therein mentioned as were entitled thereto under "The North-eastern Railway Company's Act, 1854;" that an Extraordinary General Meeting of the Shareholders of the Company, held on the 25th June 1858, sanctioned the Creation and Issue by the Directors of the Company, from Time to Time when and as they thought proper, of new Stock in the Company to the Extent, if so thought fit, authorized by the said Capital Act of 1857, and to be entitled to a permanent guaranteed preferential Dividend at the Rate of 4*l.* per Annum for every 100*l.* of such Stock, payable half-yearly out of the joint net Revenues of the Company, such Stock to rank *pari passu* with any other Stock which the Company might thereafter issue under the said Act, and to complete the Purchase of the North Yorkshire and Cleveland Railway, and to effect the Amalgamation of the Bedale and Leyburn Railway

Company with the Company ; and that Meeting also sanctioned the Creation of One general preferential Four per Cent. Stock of the Company (to be called North-eastern Consolidated Four per Cent. Preferential Stock), and the Allotment thereof to the Holders of any of the different preferential Shares or Stock of the Company in exchange for such Shares or Stock in accordance with the Provisions of the Capital Act of 1857 ; that the Holderness Railway was some Time since opened for public Traffic, and is now and for some Time past has been worked by the Company in connexion with their Railways under Arrangements made between them and the Holderness Company, as authorized by the Holderness Act, and which received the Sanction of the Company at a Meeting of their Shareholders on the 14th February 1860, and of the Holderness Company on the 16th February in that Year, and under which it was agreed that the Holderness Railway should be thereafter worked by the Company, and that the Holderness Company should receive in perpetuity, as their net Share of the Rates, Tolls, and Charges in respect of the Traffic by the said Railway, such a Sum, payable half-yearly, as would, after giving Credit for any Income they should from Time to Time receive from or in respect of any of their Property, real or personal, be sufficient to discharge the Interest of their Debts and Liabilities, and secure to their Shareholders, on the Amount paid up in respect of their Share Capital, Dividends at the Rate of 3*l.* 10*s.* per Centum per Annum for the Years 1860 and 1861, and 4*l.* per Centum per Annum for the Year 1862 and every Year thereafter, with a Provision that Power should be applied for by the Company for Authority to exchange the Capital Stock of the Holderness Company for an equal Amount of North-eastern Consolidated Preferential Four per Cent. Stock ;

	£	s.	d.
That the total Amount expended by the Holderness Company on Capital Account up to the 31st December 1861 was - - -	150,024	11	6
And there are other outstanding Liabilities on Capital Account, estimated at upwards of - - -	15,000	0	0
	<hr/>		
	165,024	11	6
And the total Share Capital of the Holderness Company is - - -	120,000	0	0
	<hr/>		
	£45,024	11	6
	<hr/> <hr/>		

so that their Excess of Expenditure and Liabilities on Capital Account exceed the Sum of 40,000*l.*, or One Third of their total Share Capital, by the Sum of 5,000*l.* and upwards ; that for all practical Purposes the Railways of the said Two Companies have been worked as the Railway of One Company since the making of the said Arrangement

in February 1860, and to the Convenience and Advantage of the Public, and the Existence of the Two as separate Companies and Undertakings is unnecessary and inconvenient, and it is therefore expedient that they should be permanently united, and that the Holderness Company should be dissolved.

Hull and Holderness Railway Company dissolved, and their Undertaking vested in the North-eastern Railway Company; Chattels and Choses in Action, Debts, and Liabilities transferred to the North-eastern Company, § 2 to 11.

Powers in Holderness Act to be exercised by the Company, § 13.

Holderness Capital added to the Capital of the Company as Part of their Four per Cent. Stock, § 14.

Proprietors of Shares in the Holderness Company to become Proprietors of an equal Amount of North-eastern Four per Cent. Stock, § 15.

Surplus of the additional Stock may be issued by the Company or cancelled and re-issued, § 16.

Income of Holderness Company in hand to be divided amongst their Proprietors after satisfying its Liabilities, § 17.

Company empowered to borrow in lieu of Holderness Company, § 18.

Priority for existing Mortgages, § 19.

Cap. cxxi.

“The Bridge of Weir Railway Act, 1862.”

Proposes to authorize the making of a Railway from Johnstone to Bridge of Weir in the County of Renfrew, with Branches, to be worked by the Glasgow and South-western Railway Company.

Incorporation of Consolidation Acts, § 1.

Subscribers incorporated, with a Capital of 25,000*l.* and Power to borrow Money on Mortgage, 8,300*l.*, §§ 3 to 7.

Glasgow and South-western Railway Company may contribute Funds and hold Shares, § 11.

Power to Glasgow and South-western Railway Company to raise Money for that Purpose by the Creation of Shares, § 12.

Dividends on such Shares, how to be paid, § 13.

Meetings; Directors, &c., §§ 15 to 23.

Power to make Railways, § 24.

Power to alter Engineering Works, § 25.

As to Junction with Glasgow and South-western Railway, §§ 26 to 29.

Railway to be carried across Glasgow, Paisley, and Ardrossan Canal by a fixed Bridge, § 30.

Penalty on Company for obstructing or injuring Canal, § 31.

Saving Rights of Canal Company, § 32.

Level Crossings, §§ 33 to 36.

Two Years for compulsory Purchase of Lands, § 40.

Four Years for Completion of Works, § 41.

Tolls, § 42 to 49.

Confirming Working Agreement with the Glasgow and South-western Railway Company, §§ 50 to 55.

Authorizing Contracts as to Interchange of Traffic between the Company and the Glasgow and South-western Railway Company, § 56.

Saving Rights of the Crown, § 59.

Schedule (Agreement with Glasgow and South-western Railway Company).

Cap. cxxii.

“ The Wexford Harbour Commissioners Act, 1862.”

Recites the 6 & 7 Vict. c. xli. for improving, maintaining, and regulating the Harbour of Wexford, constituting the Wexford Harbour Commissioners, and conferring on them certain Powers for the Regulation of the Harbour ; that such Commissioners are too numerous for the efficient Management of the said Harbour, and it is expedient that another Body of Commissioners should be appointed, and that further Powers should be conferred upon the Commissioners to be elected under this Act, and that the Powers for the Management of the Pipe Water of the Borough of Wexford should be transferred to the Corporation of the said Borough.

Repeal of Part of Act of 1843, § 4.

Commissioners incorporated, § 5.

All Arrears of Rates and Monies due under Act of 1843 vested in new Commissioners, § 6.

Continuance of Rights and Liabilities of former Commissioners, §§ 7 to 12.

Incorporation of Commissioners Clauses Act, § 13.

Commissioners to be elected and appointed under this Act, § 14.

Admiralty to appoint Commissioners, § 15.

Qualification of Commissioners, § 16.

Qualification of Electors, § 17.

As to Votes of registered Shipowners being Partners, § 18.

Notice of Candidates to be given, § 19.

Collector of Rates to make a yearly List of registered Shipowners Vessels and Tonnage, and to certify its Accuracy, § 20.

Certified List to be deposited for public Inspection, § 21.

Registered Shipowners on annual certified List to be the Electors, § 22.

Annual Election of Commissioners by registered Shipowners, § 23.

Rotation and Retirement from Office of Commissioners, §§ 24, 25.

Period of Elections of Commissioners, § 26.

Meetings for Election and Procedure thereat, §§ 27 to 29.

Mode of supplying Vacancies in Commissioners, §§ 30 to 32.

First and other Meetings of Commissioners, § 33.

Quorum, § 34.

Election of Chairman and Vice-Chairman, §§ 35, 36.

Accounts of Pilotage and Ballasting Departments to be made up, § 37.

Waterworks, &c. to be transferred to Corporation of Wexford,
§ 38.

Admiralty Provisions, §§ 39 to 41.

Saving Rights of the Crown, § 42.

Saving Rights of Admiralty, § 43.

Cap. cxxiii.

“The Cardiff Borough Act, 1862.”

Recites the Expediency of conferring further Powers for the good Government of the Borough of Cardiff.

Provision of 10 & 11 Vict. c. 89., Town Police, to be in force within 10 Miles from Town Hall, § 3.

Provision for regulating Places for Dancing, Music, and other public Entertainments, § 4.

Power to make Byelaws, § 5.

Regulations with respect to internal Communications with Beershops, &c., § 6.

Penalties on Brothel Keepers and Persons resorting to Brothels, § 7.

Cap. cxxiv.

“The Garston and Liverpool Railway Amendment Act, 1862.”

Proposes to authorize the Abandonment of a Portion of the Garston and Liverpool Railway.

Lands Clauses Act incorporated, § 1.

Power to abandon certain Portion of authorized Railway, § 3.

Compensation to be made where Contracts have been entered into or Notice given, § 4.

Power to purchase additional Lands, § 5.

Garston and Liverpool Railway Committee and London and North-western Railway Company may agree as to Lands in Wavertree, § 6.

Company not to take Lands belonging to the London and North-western Railway Company without Consent, § 7.

Cap. cxxv.

“The Water Supply to Kent County Gaol and Lunatic Asylum Act, 1862.”

Recites 13 Geo. 2. c. xxvi., for making the River Medway navigable in the Counties of Kent and Sussex, which incorporated certain Persons by the Name of “The Company of Proprietors of the Navigation of the River Medway”; that the said Company have claimed, as they now claim, certain Powers, Rights, and Interests over and in the Medway in and above Maidstone; that the Asylum for the Pauper Lunatics of the County of Kent, situate at Barming Heath, in that County, stands about a Mile from and at an Elevation of about 250 Feet above a Lock constructed by the Medway Navigation Company near East Farleigh, on the Medway, about Two Miles

above Maidstone, herein-after called "Farleigh Lock"; that in 1856 the Committee of Visitors of the Asylum, having occasion to obtain a Supply of Water for the Use of the Asylum, agreed with the Medway Navigation Company to pay them the Sum of 5*l.* a Year for their Permission to take from the Medway above Farleigh Lock a sufficient Supply of Water for the Use of the Asylum, and for working Machinery necessary for raising the Supply to the Asylum; that in order to effect the Object of taking such Supply of Water from the Medway as aforesaid the Committee of Visitors agreed with the South-eastern Railway Company to purchase Land and Easements requisite in that Behalf, and erected a Water Wheel and Pumps, and laid down a Pipe into the Medway through which Water flowed from the Medway into a Cistern, whence a sufficient Portion thereof was pumped up by means of the said Water Wheel and Pumps and other Machinery (worked by Part of the Water which flowed from the Medway), and was conveyed by a Pipe to a Reservoir at the Asylum, the Residue thereof being returned into the Medway below the Lock along or through a Culvert or Channel constructed for that Purpose, all which Works were constructed with the Knowledge of the General Manager employed by the Medway Navigation Company, and according to a Plan approved of by him on the Part of that Company; that the Gaol and the House of Correction for the County of Kent are situated together in Maidstone, about Three Miles from Farleigh Lock, and the Visiting Justices of the Gaol, by Order of the Court of General Sessions, with the Concurrence of the Committee of Visitors of the Asylum, have laid down Pipes from the Asylum to the Gaol; that the supplying of Water to the Asylum and Gaol in manner aforesaid was and would be of great public Advantage, and it is expedient that such Supply should be renewed and continued, and if need be increased, and that for those Purposes the Visiting Justices of the Gaol for the Time being and the Committee of Visitors of the Asylum for the Time being should be empowered, subject to the Control of the Justices for the County of Kent at their Court of General Sessions, to maintain the said existing Works, and to construct and maintain other Works for conveying Water from the Reservoir at the Asylum to the Gaol, with necessary and proper Powers relative thereto, on Payment to the Medway Navigation Company of such Compensation as herein-after mentioned; that the Agreement made by the Committee of Visitors of the Asylum with the South-eastern Railway Company has not been completed, nor has the Money agreed to be paid for the Purchase been paid, and it may be questionable whether the said Agreement for Purchase is a valid and binding Contract; that it is also expedient that for the Purposes aforesaid the Joint Committee should be empowered to take, compulsorily or by Agreement, the Lands on which the said existing Works have been constructed, and to take other Lands for the said intended new Works.

Power to Joint Committee to take Lands and Easements, §§ 2, 3.

Incorporation of Lands Clauses Consolidation Acts, § 4.

Lands to be conveyed to Trustees, § 5.

Appointment of new Trustees, § 6.

Power to Joint Committee to maintain existing Works and construct new Works.

7. Subject and according to the Provisions of this Act, and subject to the Control of the Justices for the said County in General Sessions assembled, the Joint Committee may, on any Lands described in the said Plan and Book of Reference, make, maintain, and from Time to Time alter, improve, or amend the following Works; namely,

- (1.) A Culvert Pipe or Aqueduct commencing from the Medway about 100 Feet above Farleigh Lock, passing into and through Lands belonging to the South-eastern Railway Company, for conveying, taking, and using Water from the Medway upon or over a Water Wheel for working Pumps for conveying Water taken from the Medway or elsewhere to the Asylum into a Reservoir there; and a Culvert or Channel from the said Wheel and Works into the Medway, for returning the Water after having passed upon or over the said Wheel into the Course of the Medway at a Point about 100 Feet below the said Lock; and Wheels, Pumps, Pipes, and other Machinery, Wells, Drains, and other Works for the Purposes aforesaid:
- (2.) A Pipe or Pipes commencing from and connected with the said Pumps and Works, passing through and out of Lands belonging to the South-eastern Railway Company to and along the Highway or Road leading from Farleigh Bridge to the Asylum into a Reservoir there:
- (3.) A Reservoir in the Land of the Asylum:
- (4.) A Pipe or Pipes commencing at the said Reservoir, passing thence into and along the Turnpike Road leading from Tunbridge to Maidstone, passing over the Bridge over the Medway in Maidstone, and along the Streets there called the High Street and Weck Street unto and into the Gaol:
- (5.) A Pipe or Pipes commencing from the Reservoir at the Asylum, and passing to and crossing the Turnpike Road from Maidstone to London, near the Turnpike Gate there called the Buckland Gate, and thence to and across the Medway, and thence to and across Weck Street aforesaid unto and into the Gaol:

With all Outlets and Embankments necessary or proper for the convenient Use of the same respectively, and with all necessary and proper Approaches thereto respectively.

Incorporation of Parts of Waterworks Clauses Act, 1847, § 8.

Lateral and Vertical Deviations, §§ 9, 10.

Five Years for Completion of Works, § 11.

Before commencing Works interfering with the Medway, Plans, &c. to be deposited with Admiralty, § 12.

Admiralty may order local Survey, § 13.

If Works abandoned or fall into Decay, Admiralty may remove them, § 14.

15. The Justices of the Peace for the said County of Kent shall, by and out of the General County Rate, pay to the Medway Company the annual Sum of 25*l.*, as and for Compensation for and in satisfaction of such Rights and Interest as the Medway Company have or may claim in respect of the said River and the Navigation thereof or otherwise, and which may be prejudiced or interfered with by Acts of the said Justices done in pursuance of the Authority hereby given, the said annual Sum of 25*l.* to commence from the 24th June 1862, and to be payable on that Day in every subsequent Year.

Compensation to Medway Company.

16. The said Justices shall pay to the Medway Company the Sum of 220*l.* in full Satisfaction of their Costs, Charges, and Expenses relating to the Introduction of this Act into Parliament and to their Opposition to the passing of this Act or otherwise in relation thereto.

Costs.

17. If any Payment of the said annual Sum shall be in arrear for Three Months after the same shall become due, or if the said Sum of 220*l.*, or any Part thereof, shall be unpaid for the Space of Three Months after the passing of this Act, it shall be lawful for the Medway Company from Time to Time, and as often as Occasion shall require, to distrain all such Goods, Chattels, and Effects whatsoever as shall be in or about the said County Gaol or County Lunatic Asylum, or in or about any of the Works by this Act authorized to be maintained, altered, improved, or amended, and such Goods, Chattels, and Effects to take, lead, and carry away, and to sell and dispose of the same, in like Manner and as fully as in case of Distresses for Rent reserved on Leases for Years, and out of the Money arising by such Sale or Disposition (if any) to retain and take the Sum or Sums due, whether for Compensation or Costs or otherwise, and also the Costs and Charges of making and keeping such Distress or Distresses and the Sale thereof, rendering the Overplus (if any) to the Treasurer of the said County, to be applied by him as Part of the County Rate.

Power of Distress.

18. If the said annual Payment, or any Part thereof, shall be in arrear for the Space of Six Calendar Months after the Time of Payment thereof, it shall be lawful for the said Medway Company, on the Expiration of Twenty-one Days after they shall have given Notice in Writing to the Clerk of the Peace for the said County requiring Payment, to cut off the Supply of Water from the said River to the said Works: Provided, that the Power of Distress herein-before given to the said Medway Company shall be in nowise restricted or abridged thereby.

Power in case of continued Default to cut off Supply.

19. For the supplying of Water to the Asylum and the Gaol the Joint Committee may, by means of the said existing Works and of the said intended new Works, to the Extent and in manner following, take and use from the Medway the Water thereof; namely,

Power to take Water from Medway.

- (1.) So much of the Water as may be requisite for working the said Water Wheel, Pumps, and Machinery at Farleigh Lock, the Water so taken and used being returned into the Medway below the Lock:

- (2.) So much of the Water as may from Time to Time be needed for the Use of the Asylum :
- (3.) So much of the Water as may from Time to Time be needed for the Use of the Gaol.

Justices not to alter Level or Dimensions of Culvert.

20. Neither the said Justices nor the Joint Committee shall at any Time alter the Level or Dimensions of the Culvert already constructed for conveying Water to the said Works, nor shall they take any Water from the said River except for the Purpose of the said Works and supplying Water for the Use of the Inmates for the Time being and other Purposes of the said Asylum and Gaol ; if the Justices or the Joint Committee shall at any Time after the passing of this Act in any way alter the Level or Dimensions of the Culvert already constructed for conveying Water to the said Works without the Permission in Writing of the Medway Company under their Common Seal first for that Purpose obtained, it shall be lawful for the Medway Company forthwith to cut off the Supply of Water from the said River to the said Works.

Justices not to draw Water during Deficiency of Supply in River.

21. In case it shall at any Time occur that there shall be a Deficiency of Water in the said River for the Purposes of the said Navigation, (of which Deficiency the Fact that no Water shall be running over the Weir at Farleigh Lock shall be conclusive Evidence,) such Deficiency not being caused by the said Lock or the Gates or the Sluices thereof not being in fair ordinary working Repair and Condition, nor by the wilful Act or Default of the Medway Company, their Servants or Agents, then and in every such Case it shall not be lawful for the said Justices or the Joint Committee to use the said Works or draw any Water from the said River so long as such Deficiency shall continue.

Expenses of Works to be paid out of County Rates, and charge Asylum a fair Proportion of working Expenses.
Expenses of Act.

22. The Justices of the Peace for the said County of Kent in General Sessions assembled shall from Time to Time make Provision for the Payment of all Expenses incurred in the Execution of this Act by and out of the General County Rates, and shall charge to the Asylum such Proportion of the annual working Expenses as shall appear to them to be from Time to Time properly chargeable thereto.

23. The Expenses of and attending the passing of this Act, and incidental thereto, shall be paid out of the General County Rates.

Cap. cxxvi.

“The Liverpool Fire Prevention Acts Amendment Act, 1862.”

Recites that by 6 & 7 Vict., intituled “An Act for the better Protection of Property in the Borough of Liverpool from Fire,” which Act was in the subsequent Session of Parliament amended by an Act intituled “An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the better Protection of Property in the Borough of Liverpool from Fire,” Provision was made, amongst other things, for the safe and proper Storage and warehousing of divers Articles therein

specified, comprising Turpentine, Resin, Tar, Pitch, Naphtha, Varnish, Fireworks, Matches, Sulphuric and other Mineral Acids, Chemicals of an inflammable Nature, ardent Spirits and Preparations thereof, Oil of all Kinds (except Palm and Cocoa-nut Oil), and Brimstone; that there has recently been discovered a Fluid which is commonly called Petroleum or Rock Oil, which with its Products is being imported in large and increasing Quantities into the Port of Liverpool; that the Articles so imported are of a highly dangerous Character, and emit Gases and Vapour of an extremely inflammable and in some Cases of an explosive Nature, but no sufficient Provision is made in the said Acts for the safe Storage thereof; that by reason of the Liability of Petroleum and its Products to Ignition and Explosion, and of their other dangerous Properties, it is expedient that special Provision be made with reference to the storing and warehousing thereof within the Borough of Liverpool.

3. The Corporation may from Time to Time make Byelaws for fixing and determining the Sort and Description of Places, and the Sort, Description, and Construction of Buildings in which Petroleum and its Products may from Time to Time be deposited, stored, warehoused, and kept within the Borough of Liverpool, and for providing that such Articles respectively shall be deposited, stored, warehoused, and kept separate and apart from all other Merchandise not excepted by such Byelaws, and generally with respect to the depositing, storing, warehousing, and keeping of such Articles respectively, so as to provide as far as may be against Accidents by Fire and the Consequences resulting therefrom; and may ascertain and set down in such Byelaws such pecuniary and other Penalties and Forfeitures as shall be incurred by Persons offending against any such Byelaw, not exceeding 10*l.* for the First Offence, and 20*l.* for the Second and every subsequent Offence, and every Day's Neglect to comply with the Provisions of any such Byelaw, after a Conviction thereunder, shall be a subsequent Offence: Provided, that such Byelaws shall not extend to prevent the keeping of a limited Quantity (to be prescribed by such Byelaws) of such Articles respectively, or any of them, in the Warehouse, Building, or Place of a Retail Dealer therein for the Purpose of his Trade, nor the keeping of Samples of any of such Articles of a limited Quantity (prescribed as aforesaid) in the Warehouse, Building, Counting-house, Office, or Sample Room of any Merchant, Dealer, Broker, or Salesman in the Way of his Trade, nor to any of such Articles being received into a Manufactory or any Place or Yard immediately adjoining thereto and in the same Occupation, such Articles being bonâ fide received and held therein for the Purpose of manufacturing in the said Manufactory, Place, or Yard, or (having been manufactured therein) held therein for Sale or for Delivery after Sale thereof; provided also, that so much of Section 16 of the secondly-recited Act as provides that it shall not be lawful for any Person to carry on in any Place other than a Building detached by 75 Feet from any other Building, the Trade, Business, or Employment of the boiling

Power to Corporation to make Byelaws for the warehousing of Petroleum, &c. within the Borough.

boiling of Oil, Blubber, or Tar, or the distilling of Turpentine, or the manufacturing of Vegetable or Mineral Naphtha, or of Varnish, under the Penalty therein provided, shall extend and apply to the boiling, distilling, or manufacturing of Petroleum and its Products.

Byelaws may be repealed.

4. The Corporation may from Time to Time as they shall think fit repeal any Byelaws which may be made in pursuance of this Act, and make others in their Stead.

Byelaws to be confirmed.

5. No Byelaw made under the Provisions of this Act shall be of any Force until the Expiration of 40 Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Corporation, to One of Her Majesty's Principal Secretaries of State, and shall have been published once in Two of the Liverpool Newspapers ; and if at any Time within the said Period of 40 Days Her Majesty, with the Advice of Her Privy Council, shall disallow the same Byelaw or any Part thereof, such Byelaw, or the Part thereof disallowed, shall not come into operation : Provided also, that it shall be lawful for Her Majesty, if She shall think fit, at any Time within the said Period of 40 Days, to enlarge the Time within which such Byelaw (if allowed) shall not come into force, and no such Byelaw shall in that Case come into force until after the Expiration of such enlarged Time ; provided that a Copy of any such Byelaw under the Seal of the Corporation, with a Declaration thereon signed by the Mayor of the Borough, that the same has been sent, sealed as aforesaid, to One of Her Majesty's Principal Secretaries of State, and published in Two of the Liverpool Newspapers as aforesaid, shall be received as Evidence of any such Byelaw, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity and before all Justices.

Byelaws to be printed.

6. All Byelaws made in pursuance of this Act shall be printed, and a Copy thereof shall be affixed and continued in the Police Office of the Borough of Liverpool, and Copies thereof shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Corporation shall think fit.

Penalty on Town Clerk refusing to give Copies of Byelaws.

7. If the Town Clerk of the Borough shall not, upon the Payment or Tender of such Sum as the Corporation shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Byelaws made in pursuance of this Act, such Clerk shall for every such Offence be liable to a Penalty not exceeding 10*l.* ; and if the Person for the Time being having the Care of the Police Office of the Borough shall not permit the printed Copy of any Byelaws affixed in the said Office to be inspected at all reasonable Times by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding 5*l.*

Extending Provisions of 6 & 7 Vict.c.cix. with relation to

8. All the Provisions of the recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, which are contained in Sections 93 to 113, both inclusive, of that Act,

Act, shall extend and apply to any Byelaw made in pursuance of this Act.

Offences and Penalties.

9. Nothing herein contained shall in any Manner alter, abridge, or interfere with the Erection, Construction, or Management of the Warehouses and Transit Sheds authorized to be erected by the Mersey Docks and Harbour Board, or with the Employment by the said Board of any Person to act as Warehouseman, Porter, Lumper, or Stevedore.

Saving Rights of the Mersey Docks and Harbour Board.

Costs of Act to be paid by the Corporation, § 10.

Cap. cxxvii.

“The Great Western Railway (Additional Powers) Act, 1862.”

Proposes to authorize the Great Western Railway Company to construct Railways and to acquire additional Lands in the Counties of Stafford and Warwick.

Incorporation of Lands and Railways Clauses Acts, § 2.

Power to take Lands and to make Railways, §§ 5, 6.

Smethwick Branch not to be opened till Junction made with Birmingham, Wolverhampton, and Stour Valley Railway, § 7.

As to Bridge over the Birmingham, Wolverhampton, and Stour Valley Railway, § 8.

In Construction of Bridge Traffic not to be interrupted, § 9.

Company not to take Lands belonging to London and North-western Railway Company without Consent, § 10.

Saving Rights of London and North-western Railway Company, § 11.

Company to make Bridges or Viaducts over the Birmingham Canal in prescribed Manner, § 12.

Company to keep Bridges, &c. in repair, § 13.

Company not to alter the Course or obstruct the Navigation of the Birmingham Canals, § 14.

In case of Obstruction to Canals Railway Company liable to Damages for same, § 15.

For the Protection of the Rotten Park Feeder, §§ 16 to 18.

The Springs, &c. of the Birmingham Canal Company to be preserved, §§ 19 to 21.

As to Construction of Bridge for carrying Roebuck Lane over Railway, § 22.

Power to alter Engineering Works, § 23.

Two Years for compulsory Purchase of Lands, § 25.

Three Years for Completion of Railways, § 26.

Power to raise additional Capital of 70,000*l.*, § 28.

Additional Capital may be raised by Preference Shares, §§ 29 to 34.

Saving Rights of existing Preference Shares, § 35.

Power to borrow on Mortgage 23,000*l.*, §§ 37, 38.

Cap. cxxviii.

“The Moretonhampstead and South Devon Railway Act, 1862.”

• Recites the Expediency of making a Railway from the South Devon Railway near the Newton Station and Moreton-gle

- hampstead in the same County, to be worked pursuant to an Agreement by the South Devon Company.
- Incorporation of Consolidation Acts, § 2.
- Company incorporated, with a Capital of 105,000*l.* and Power to borrow 35,000*l.*, §§ 5 to 8.
- Directors ; Meetings, &c., §§ 12 to 19.
- Power to take Lands and to make Railway, §§ 20, 21.
- Admiralty Provisions, §§ 22 to 27.
- Level Crossings, §§ 28 to 31.
- Power to alter Engineering Works, § 35.
- Three Years for compulsory Purchase of Lands, § 37.
- Five Years for Completion of Works, § 38.
- Communications with South Devon Railway to be made to the Satisfaction of the Engineer of the South Devon Company, § 39.
- Tolls, §§ 41 to 49.
- Heads of Arrangement (in Schedule) between Company and South Devon Company and the Great Western, Bristol and Exeter, and Cornwall Railway Companies confirmed, § 50.
- Payment by South Devon Company of guaranteed Interest on Debenture Debt of Company, § 51.
- As to Tolls while Railway worked by South Devon Railway Company, § 52.
- Saving Rights of the Crown, § 53.
- Schedule (Heads of Arrangement with South Devon and Bristol and Exeter Railway Companies).

Cap. cxxix.

“The Trent, Ancholme, and Grimsby Railway Act,
1862.”

Recites that the Trent, Ancholme, and Grimsby Railway Act, 1861, authorized the Construction in Lincolnshire of a Railway forming an Extension Eastward of the South Yorkshire Railway, and connecting that Railway with the Manchester, Sheffield, and Lincolnshire Railway within a few Miles of the Port of Great Grimsby on the Humber; and the said Act authorizes the Company thereby formed to agree with the South Yorkshire Railway and River Dun Company, and with the Manchester, Sheffield, and Lincolnshire Railway Company, for the Working, Maintenance, and Management of its Undertaking; that the Capital of the Company so formed is declared by the said Act to be 120,000*l.*, and the Company are authorized to borrow 40,000*l.* upon the Security of their Undertaking; that by “The South Yorkshire Railway and River Dun Companies Act, 1861,” Powers were given to the South Yorkshire Company to pass over and use the Trent, Ancholme, and Grimsby Railway with their own Engines and Carriages and Servants, and for the Purposes of Traffic of all kinds upon Conditions and upon Payments set forth in the said Act; that the South Yorkshire Company and the Manchester, Sheffield, and Lincolnshire Railway Company are greatly interested in the Completion of the said Railway and in the efficient Maintenance and

Management thereof, and it is expedient that they should be authorized to take and hold Shares therein, and ultimately (if it shall be so agreed between the Companies) to acquire the same absolutely.

Power to South Yorkshire and Sheffield Railways Companies to subscribe, and to apply their Funds for that Purpose, § 2.

Contributing Companies may appoint Directors, § 3.

And vote at General Meetings, § 4.

Contributing Companies may raise Money by the Creation of Shares, § 5.

Power to sell Railway, § 6.

As to joint Management of Railway, § 7.

As to Vacancies in Committee, § 8.

Meetings and Functions of Committee, §§ 9 to 11.

As to Disposal of Revenue, § 12.

As to Expenses of managing Railway, § 13.

Providing Funds, § 14.

Actions, &c. with respect to Railway, § 15.

Extending certain Provisions of the Companies Clauses Consolidation Act, § 16.

Cap. cxxx.

“Wem and Bronygarth Roads Act, 1862.”

Recites Two Acts, 19 & 20 Vict. and 23 & 24 Vict., relating to the Wem and Bronygarth Roads, by the last-mentioned of which Acts Two Districts of Roads, entitled the First District and the Second District, were constituted; that in the Preamble of the said Act it is, amongst other things, recited, that the estimated Expense of making and maintaining the Roads proposed to be thereby authorized other than certain Roads (being the Roads Numbers Three and Five of the Second District) which it was thereby provided should be made only in the event of the Funds for making and also maintaining the same being separately and specially provided for, was the Sum of 6,000*l.*; and that certain Persons named in the Schedule (A.) to the said Act annexed were willing and had offered to the said Trustees to subscribe and contribute the Sums respectively set opposite to their Names in the said Schedule, making together the Sum of 2,555*l.*, towards making and completing the said Roads, upon Condition that Interest, at the Rate of Four per Centum per Annum upon the Sums to be so subscribed and contributed by them, should be paid out of the Tolls by the said Act authorized to be taken upon such Roads, preferably to the Payment of Interest on any further Sums to be raised by the Trustees for the Purposes of the said Act, and that other Persons might also be willing to subscribe further Sums on the same Conditions; that it was in the said Preamble further recited that the Cambrian Slate Company (Limited), who were (and who still are) interested in extensive Slate Quarries situate at Chwarel Ucha, in the Parish of Llan-saintffraid-Glyn-Ceiriog, in the County of Denbigh, worked by them, and which will be accommodated by some of the

Roads authorized by the said Act (being Part of the Roads thereby constituted the Second District), were willing and had offered to the said Trustees to provide One Half of the necessary Funds for completing the said Roads, and to allow to the Subscribers of the said Sum of 2,555*l.* a Preference and Priority in the Payment of Interest upon the said Sum, but upon Condition that Interest at the Rate of 5*l.* per Centum per Annum on the Sum to be subscribed by the said Company should be paid out of the Tolls and other Revenue of the same Roads as in the said Act provided, and that such Lease should be granted to them as was therein-after mentioned before Payment of their Subscription should be called for; that by the said Act the Trustees were authorized, in consideration of the Sum agreed to be advanced and subscribed by the said Company as aforesaid, and prior to calling upon the said Company for Payment of the Monies agreed to be subscribed by them as aforesaid, or any Part thereof, if and when thereto required, to grant a Lease to such Company of the several Roads constituting the Second District under the said Act, or of any Portion thereof required by the said Company, for a Period not exceeding the Term created by the said Act, upon such Terms and Conditions as might be agreed upon; that by the said Act, the Maintenance and Repairs of the Road Number Two of the Second District were made chargeable on the Revenue of the First District; that in pursuance of the said Power the said Trustees granted to the Company a Lease of the several Roads Numbers One and Four of those constituting the Second District as aforesaid, which Lease is dated the 13th April 1860, at an annual Rent of such a gross and aggregate Sum of Money as shall be sufficient to pay the Salaries, Costs, Interest, Sinking Fund, Repairs, and other Charges provided for by the 39th Section of the said Act, and which Rent the said Company thereby covenanted and are still liable to pay; that the Company contributed and have paid to the Trustees for the Purposes of the said Act the Sum of 3,000*l.*, being the whole of their Subscription, and One Half of the Funds estimated at the Time the said Act was passed to have been necessary for completing the said Roads; but the other Subscribers named in the Schedule to the said Act, instead of contributing and paying the said Sum of 2,555*l.*, have only contributed and paid in all the Sum of 1,262*l.* 10*s.*; that the Trustees proceeded, under the Powers of the said Act, to acquire the Land for the new Roads thereby authorized, and constituting the Second District (other than Roads Numbers Three and Five thereof), and to make the same, and they have in so doing and in partially defraying the Expenses of obtaining the said Act, and in carrying into effect the other Purposes thereof, expended the whole Sums of Money received by them from the said Company and from the other Subscribers, but by reason of their having failed to obtain the Contributions originally promised or other or further Contributions from the Public for the Purpose, they have been unable to complete the said

new Roads, and the Works necessary for that Purpose have been suspended for more than a Year, and the Trustees are wholly unable to obtain Funds to enable them to proceed with the same; that the present Communication between the Roads of the Second District and the Great Western Railway (which is the Railway on which the District depends for its Railway Communications with the rest of the Kingdom) is very inconvenient and circuitous, and it is therefore expedient that the new Road herein-after described should be authorized, so as to connect the said Roads with the said Railway at the Chirk Station thereon, which is a First-class Station; that the estimated Cost of such new Road is 20*l.*; that the Company have consented that the said Lease should be annulled, and that the Rate of Interest payable to them in respect of the Monies already advanced by them or to be hereafter advanced shall be 4*l.* per Centum, with the view of enabling the Trustees to borrow the Funds necessary to complete the Roads already authorized (other than the Roads Numbers Three and Five of the Second District), and to construct the proposed new Road; that it is expedient that the said Lease should be annulled, and that the Trustees and the Company should be released from the whole Covenants and Obligations thereof, and from all other Covenants and Undertakings entered into between them in regard to the Matters aforesaid.

New Road to be made according to deposited Plans; Power to deviate, §§ 3 to 7.

Lands Clauses Act not to apply, § 8.

As to Construction of certain Provisions of General Turnpike Acts, § 9.

Freehold, &c. of Land to remain in Owners of adjoining Land, § 10.

Trustees to have Power of digging and using Land, &c., § 11.

Two Years for compulsory Purchase of Land, § 12.

Three Years for Completion of Works, § 13.

Tolls to be taken during Term of Act, § 14.

Trustees may borrow a further Sum of Money on Credit of Tolls of Second District, § 15.

Application of Money to be borrowed on the Second District, § 16.

Application of Revenue of Second District, § 17.

Interest to be paid out of Revenues of each Year, § 18.

Arrears of Interest extinguished, § 19.

As to Mode of discharging Debt, § 20.

Extending Provisions of 40th Section of existing Act to Mortgages under this Act, § 21.

Where Turnpikes shall be erected, § 22.

Agreement with R. M. Biddulph, Esq., to be annulled, § 23.

Provision for shutting up disused Portion of Road, § 24.

Lease to Cambrian Company annulled, § 25.

Trustees may resolve to narrow Roads within One Year, § 26.

Acts to continue in force 31 Years, § 28.

Cap. cxxx.

"The United Kingdom Electric Telegraph Act, 1862."

Recites that under the Provisions of the Joint Stock Companies Acts, 1856 and 1857, a Company was incorporated, called "The United Kingdom Electric Telegraph Company (Limited)," for the Purposes, as stated in the Memorandum of Association of the said Company, of making, working, and maintaining Telegraphic Communication between various Places in Great Britain and Ireland, and purchasing and carrying out the Systems of one Thomas Allan in Electric Telegraphy, and making, working, and maintaining, obtaining, purchasing, selling, disposing, doing, transacting, and performing all Things necessary or incident to the carrying out of the aforesaid Objects, or any of them, with Power to sell or lease to any other Company or Person all or any of the Telegraphic Lines so made, or any of the Patents, Privileges, Easements, or Things required, or to grant any Licences in respect thereof, or to confer on any other Company or Person the Right to make, work, or maintain any Telegraph which the Company would be by the now reciting Memorandum authorized to make, and to acquire and hold any Lands or Hereditaments, Patents, Licences, Permissions, Easements, Rights, Privileges, or Authorities necessary or conducive to the carrying out of the said Undertaking, and to enter into and carry out any Arrangements with any other Person or Companies for the connecting the said Telegraphic Lines of any of them with other Telegraphic Lines, or for leasing, purchasing, or hiring the said last-mentioned Lines, and generally to do all Things whatsoever directly or indirectly incident to the above-mentioned Undertakings, or to carrying into effect the Purposes of the Company; that the Systems of the said Thomas Allan, as mentioned in the said Memorandum of Association, were certain alleged Improvements in Electric Telegraphy for which he had obtained Patents; that Agreements were entered into between the said Company, or the Directors thereof, and the said Thomas Allan relating to the purchasing and carrying out of his said Systems, but such Agreements had since been determined, and the said Company had abandoned so much of the Purposes aforesaid as relates to the said Systems; that it would be for the public Benefit if such Powers were conferred upon the Company as would enable them effectually to carry on their Undertaking, and to perform the Duties and Services of an Electric Telegraph Company.

Lands Clauses Acts incorporated, § 2.

Compensation to be ascertained under Lands Clauses Act, § 3.

Power to purchase Easements in Land, § 4.

Power to lay
Telegraphs in
Streets.

5. Subject to the Provisions of this Act the Company may from Time to Time lay, maintain, repair, and renew Telegraphs over, along, across, or under any Street, and set up, erect, place, maintain, repair, and renew in or upon any

Street any Posts, Poles, Standards, Stays, Struts, or other Apparatus for carrying, suspending, or otherwise supporting such Telegraphs, and for the Purposes aforesaid, or any of them, may open and break up any such Street, doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage which may be done in the Execution of such Powers to the Parties who shall have sustained such Damage.

6. No Telegraph shall be laid along or across any Street, or any Part of a Street, in Great Britain, otherwise than underground, except with the previous Consent in Writing of the Persons having the Control or Management of such Street under the Hand of their Clerk or Surveyor, and the Persons having such Control or Management may give such Consent upon such Terms and Conditions, pecuniary or otherwise, and subject to such Restrictions, as they may deem expedient.

No Telegraph to be laid along or across Streets otherwise than underground, except with Consent.

7. Where the Company shall propose to place Posts, Poles, or other Apparatus for carrying or supporting a Telegraph in or by the Side of any Turnpike Road in Great Britain, or any common Highway under the sole Management or Control of a Surveyor or Surveyors in England, or any Statute Labour Road in Scotland, or any Part of any such Road or Highway, the Company shall forthwith, after obtaining the Consent of the Persons having the Management or Control of such Road or Highway, publish in manner herein-after mentioned a Notice describing the intended Route of such Telegraph, and the Company shall not set up or erect any Post, Pole, Strut, Stay, or other Work connected therewith in or by the Side of any such Road or Highway as aforesaid until after the Expiration of 21 Days from the last Publication of such Notice.

After obtaining Consents of Persons having Control of Roads, Notices to be given by the Company.

8. Such Notice shall be affixed on some conspicuous Places by the Side of the said Road or Highway, or the Part thereof as aforesaid, at Distances not exceeding One Mile apart, and shall also be inserted once in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of such Road or Highway, or the Part thereof as aforesaid, and shall be left at every Dwelling House fronting on such Road or Highway, or the Part thereof as aforesaid, and within 50 Feet thereof.

Mode of giving Notices

9. If the Owner or Occupier of any Land or House adjoining either Side of such Turnpike Road or Highway as aforesaid, in or by the Side of which the Company shall propose to place any Posts, Poles, or other Apparatus as aforesaid, shall at any Time after any such Consent or Permission as aforesaid shall have been obtained, and before the Expiration of such 21 Days as herein-before mentioned, give to the Company Notice in Writing that he considers that such proposed Works will injuriously affect his said Land or House, and that he intends to appeal against such Consent or Permission as aforesaid, it shall be lawful for such Owner or Occupier to appeal against the same as herein-after mentioned, and such Owner or Occupier shall forthwith give Notice to the Board of Trade or Sheriff, as the Case may be, of such Appeal.

Owner on either Side may appeal.

Appeal when Road is situated in England or Scotland.

10. Where such Turnpike Road or Highway as aforesaid shall be situate in England, such Appeal shall be heard and determined either by the Board of Trade, who shall have Power to appoint a competent Person to inquire and report to them upon the Circumstances of the Case, or, if the Board of Trade shall think fit, by some Person to be appointed by them the Referee for that Purpose ; and where such Turnpike Road or Highway as aforesaid shall be situate in Scotland, such Appeal shall be heard and determined by the Sheriff of the County in which such Land or House as aforesaid is situate, and such Sheriff shall have Power to appoint a competent Person to inquire and report to him upon the Circumstances of the Case ; and such Appeal shall be prosecuted as soon after the Expiration of 10 Days after the giving of such Notice of Appeal as conveniently may be, the necessary Costs, Charges, and Expenses of the Referee or of the Sheriff respectively being paid by the Company.

Provision affecting Appeal.

11. It shall be lawful for the Board of Trade, or the Referee appointed by them, as the Case may be, and for the Sheriff respectively, to hear and finally determine the Matter of such Appeal, and to award such Costs, if they think any ought to be paid to the Appellant, as they shall think proper, and their and his Determination in the Premises shall be conclusive upon all Parties.

Notice to be given to Owners and Occupiers affected by proposed Alteration.

12. If the Board of Trade, Referee, or Sheriff shall consider that any Alteration proposed will affect any other Owner or Occupier of Land, he shall, unless such Owner or his Agent or such Occupier be present, adjourn the Case, and shall direct Notice to be given to such Owner or his Agent, or to such Occupier, of the Intention to propose such Alteration, and shall hear any Objections of such Owner or Occupier as if it were an original Appeal : Provided always, that the Decision on any such Appeal shall not prejudice or affect the Rights or Powers of the Persons having the Control or Management of any Street, or prejudice or affect any Persons other than the Company and the Appellant, and the Persons, if any, to whom any Notice shall be given in pursuance of such Direction as aforesaid.

Consents to Telegraphs overground in Ireland where Street not under Control of County Grand Jury.

13. Where any Street in Ireland, or the Part thereof along or across which the Company shall purpose to lay a Telegraph, is not under the Control of the Grand Jury of the County within which such Street or the Part thereof as aforesaid is locally situate, no Telegraph shall be laid along or across such Street, or the Part thereof as aforesaid, otherwise than underground, except with the previous Consent in Writing of the Persons having the Control or Management of such Street, under the Hand of their Clerk or Surveyor ; and the Persons having such Control or Management may give such Consent upon such Terms and Conditions, pecuniary or otherwise, and subject to such Restrictions, as they may deem expedient.

Consents to Telegraphs overground in Ireland where Street under

14. Where any Street in Ireland, or the Part thereof along or across which the Company shall purpose to lay a Telegraph, is under the Control of the Grand Jury for the County in which such Street, or the Part thereof as aforesaid, is locally situate,

no Telegraph shall be laid along or across such Street, or the Part thereof as aforesaid, otherwise than underground, except with the previous Approval of such Grand Jury, to be applied for in manner herein-after provided. Control of
County Grand
Jury.

15. Previously to making such Application the Company shall publish Notice of their Intention to make such Application, and such Notice shall describe the intended Route of the proposed Telegraph, and shall be published by Advertisements affixed on or immediately adjacent to the Doors of every Police Station or Barrack, and at the Places, if any, appointed by the Grand Jury for posting Notices within each Parish, and also by Advertisements to be inserted once in each of Three successive Weeks in some One and the same Newspaper of the County, or if there be none, then in the Newspaper in some adjoining County; and the Company shall deposit a Copy of such Notice with the Secretary of the said Grand Jury, the County Surveyor, and the Clerk of each Union through which the Telegraph is proposed to be laid. Notices of
Application to
Grand Jury.

16. In case the Application is made at the Spring Assizes, the said Advertisements shall be published in the Months of November and December, or either of them, and the said Deposits made on or before the 1st Day of December immediately preceding such Application; and in case the Application is made at the Summer Assizes, the said Advertisements shall be published in the Months of April or May, or either of them, and the said Deposits made on or before the 1st Day of May immediately preceding such Application. Time of giving
of Notices of
Application to
Grand Jury.

17. The said Grand Jury shall, on the Application of the Company, inquire whether the said Advertisements have been published, and Deposit made, in accordance with the Requirements of the foregoing Enactments, and shall then proceed to inquire into the Merits of the said Application; and with reference thereto the Grand Jury shall take into consideration the Report of the County Surveyor on the proposed Telegraph (who is hereby required to make Report thereon to the Grand Jury, and to deliver a Copy thereof to the Company Three clear Days at least before the Inquiry by the Grand Jury), and shall hear in opposition to the Application any Owner or Occupier of any Lands alleged to be injuriously affected thereby, and the Inhabitants of any Town, Place, or District alleged to be injuriously affected by the proposed Telegraph; and the Grand Jury shall then approve or disapprove, as they may think fit, of the proposed Telegraph with or without Modification, and such Approval or such Disapproval (with, in the Case of Disapproval, the Grounds thereof) shall be certified in Writing under the Hand of the Secretary of the Grand Jury. Proceedings
before the
Grand Jury.

18. Where the proposed Telegraph does not lie wholly within One County, the foregoing Enactments relating to Ireland exclusively shall apply equally to every County within which any Part of it lies, except that the Company may, if they think fit, deposit with the Secretary of the Grand Jury, and the Surveyor of any County, and the Clerk of any Union, Copies of so much only of any such Notice as relates to so When proposed
Telegraph in
more than One
County in
Ireland.

much of the proposed Telegraph as lies within that particular County.

Appeal to Lord Lieutenant in certain Cases in Ireland.

19. Where the proposed Telegraph does not lie wholly within One County, and is approved of by any One of the Grand Juries before whom the Application comes, but is disapproved of by any other or others of such Grand Juries, it shall be lawful for the Company to appeal against such Disapproval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of Disapproval, and allow or disallow the Appeal.

When Application shall be deemed to have failed in Ireland.

20. Where the proposed Telegraph lies wholly within One County, and the Grand Jury of that County disapproves of the same, and also where the proposed Telegraph does not lie wholly within One County, and either the Grand Juries of all the several Counties disapprove of the same, or any One of them disapproves of it, and no Appeal is brought against such Disapproval, or any Appeal brought is disallowed, then and in every such Case the Application of the Company shall be deemed to have wholly failed.

Proceedings of Grand Jury to be Part of fiscal Business.

21. Everything required to be done under this Act by the Grand Jury of a County shall be deemed to be a Part of their fiscal Business, and all Enactments for the Time being in force respecting the fiscal Concerns of a County, or the fiscal Business to be transacted by a Grand Jury before or at any Assizes, shall apply to everything done by a Grand Jury under this Act, so far as the same Enactments shall be applicable thereto.

In certain Cases where Owners of Land adjoining a Highway shall be desirous of building, Posts, &c. may be removed.

22. In any Case where any Post, Pole, Strut, or Stay, or other Apparatus as aforesaid, or Wire belonging to the Company, shall be or have been placed or carried in or upon or by the Side of any Street, and the Owner of the Land adjoining such Street on either Side thereof shall be desirous of erecting any Dwelling House or Houses, or of letting or selling such Land for the Purpose of erecting any such House or Houses, on such adjoining Land within 50 Feet from any Post or Telegraph Wire of the Company, and shall give Notice to the Company of his Intention to erect any such House or Houses, or to let or sell such Land for the Purpose of erecting any such House or Houses, and require the Company to carry the Telegraph underground, or to remove or alter the Position or Height of any Post, Pole, Strut, Stay, or other Apparatus or Wire belonging to the Company in or upon either Side of the said Street in front of or opposite to such proposed House or Houses, then in case the Company shall not, within One Month after the Receipt of such Notice, or the Commencement of the Erection of such House or Houses, which shall last happen, comply with the Terms of such Notice, it shall be lawful for such Owner to appeal to the Board of Trade if the Lands be in England, to the Sheriff if the Lands be in Scotland, or to the Chairman of Quarter Sessions in Sessions if the Lands be in Ireland; and it shall be lawful for the Board of Trade, upon the Report of their Referee, or for the Sheriff, or for the Chairman of Quarter Sessions, as aforesaid respectively, to order that any Post, Pole, Strut, Stay, or other Apparatus or Wire, specified

specified in such Notice, so far as the same shall in their or his Opinion injuriously affect the said proposed House or Houses, shall be either wholly removed, or be removed to such Place, or that the Wire suspended therefrom, or from any higher or lower Post or Pole directed to be substituted in lieu thereof, shall be raised or lowered to such Extent as shall be specified in such Order, and the Order shall be binding on the Company, and shall be obeyed by the Company within the Period to be fixed by the Order : Provided always, that such Order shall not prejudice or affect the Rights or Powers of any Persons having the Control or Management of any Street, or any other Person than the Company and the Appellant : Provided also, that if the Owner of any Land adjoining a Street builds continuously upon such Land, or builds detached Dwelling Houses the Grounds of which adjoin each other, he may, if he think proper, require the Company, by Notice in Writing, to remove any Posts, Poles, or other Apparatus of the Company in front of the Houses so built to a Distance of 50 Feet at least from any of such Houses, or to carry the Telegraph underground, and the Company, within One Month after the Receipt of such Notice, shall comply with the Terms of such Notice.

23. In any Case where any Post, Pole, Strut, Stay, or other Apparatus for carrying or supporting a Telegraph, or where any Telegraph belonging to the Company, shall be placed or laid in, upon, or under any waste or uncultivated Land forming Part or lying by the Side of any Street, and the Owner of the adjoining Land, or the Lord of the Manor within which such waste or uncultivated Land shall be situate, shall be desirous to enclose such waste or uncultivated Land, and shall give Notice to the Company of his Intention to enclose the same, and require the Company to remove all or any such Works of the Company in, upon, or under such waste or uncultivated Land, the Company shall, within One Month after the Receipt of such Notice, or within One Month after such Enclosure shall be actually completed, which shall last happen, remove all such Works as aforesaid of the Company in, upon, or under such waste or uncultivated Land or Enclosure.

24. If the Company intend to carry or lay Telegraphs over Houses or Buildings or Lands in any City, Municipal Borough, or Town, or any District or Part of such City, Borough, or Town, the Company shall submit to the Persons having the Control of the Streets therein respectively a Plan showing the Height, Course, and Direction, and the Distance between the several Supports of such Telegraphs, and, if required, shall alter such Plan so as to meet their Approval ; and all Works shall be constructed, erected, and (subject to the Provisions herein-after contained for the Protection of Owners, Lessees, and Occupiers of Houses, Buildings, or Lands) be maintained by the Company in accordance with such Plan as the same may be approved by the Persons having such Control as aforesaid ; and such Approval shall be a sufficient Authority to the Company to carry, lay, suspend, and, subject to such last-mentioned Provisions, maintain Telegraphs over any House or Building or Land within the Limits of such City, Borough, or Town, or

Poles on Waste by the Side of a Highway to be removed on Enclosure by Owner.

Notice to be given before Telegraphs laid over Houses and Plan approved.

District or Part thereof respectively: Provided always, that such Telegraph shall not be placed directly over any House, Building, or Land if the Owner or Occupier object thereto, and, if so placed, shall be removed if required by such Owner or Occupier: Provided also, that, except as is herein-after provided, the Company shall not be required to remove any such Telegraph by any such Owner or Occupier after the Expiration of Twelve Months from its Suspension, unless Two Justices of the Peace, upon the Application of such Owner or Occupier, and after hearing the Company, think there are reasonable Grounds for its Removal.

Notice to be served before breaking up Streets.

25. Before any Street shall be opened or broken up by the Company they shall give to the Persons under whose Control or Management such Street may be, or to their Clerk or Surveyor, Notice in Writing of their Intention to open or break up the same Three Days at least before the Commencement of such Operation, where the Telegraph is intended to be laid otherwise than underground, and the Consent of such Persons shall have been previously obtained as aforesaid, and 10 Days at the least where the Telegraph is intended to be laid underground (except in case of Emergency for the Purpose of repairing or renewing a Telegraph previously laid under the Provisions of this Act, in which Case Notice shall be given as soon as possible after such Emergency shall have arisen); and every such Notice shall specify the Time when such Street is intended to be opened; and every such Notice which shall relate to the first laying of any Telegraph underground shall specify the Course and Direction in which and the Depth at which it is intended to be laid under such Street; but no Street within the Limits of the Metropolis, defined as herein-after mentioned, shall be opened or broken up for the Purpose of laying new Telegraphs during any Part of the Months of December, January, and February, without the Consent of the Vestry or District Board under whose Control or Management such Street may be.

Streets to be broken up under Superintendence.

26. Every such Street shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, and any underground Telegraph shall be laid at such Depth, and in such Course, Position, or Direction, as shall be agreed upon between such Persons or their Officer and the Company or their Servants, or, in case of any Difference as to Depth, Course, Position, or Direction, as shall be determined by Two Justices, or any Person to be nominated by them, or, if the Street be in Scotland, by the Sheriff or any Person to be nominated by him: Provided that if the Persons having such Control or Management, or their Officer, do not, within Ten Days after receiving such Notice as aforesaid, by Writing under their or his Hand, signify to the Company their or his Objections to the proposed Operations as specified in such Notice, and specify in such Writing the Course, Position, or Direction in which and the Depth at which they or he desire that such Telegraph should be laid, they or he shall be deemed to have agreed to the proposed Operations as specified in such Notice; but if such Objections

be so signified, the said Telegraph shall be laid at the Depth, and in the Course, Position, or Direction, specified in such Writing, unless the Company shall require the Depth or Course, Position or Direction, to be determined as aforesaid, and in that Event the said Telegraph shall be laid at the Depth, and in the Course, Position, and Direction, which shall be so determined ; and after any such Objections shall have been signified, or such Depth, Course, Position, and Direction shall have been determined by the Justices or Sheriff as aforesaid, the Company shall give to the Persons aforesaid, or their Officer, a fresh Notice in Writing of the Time at which the Work is to be commenced Three Days at least before such Commencement : Provided also, that if such Persons or their Officer, having received any such original Notice as herein-before mentioned, or such fresh Notice as aforesaid (as the Case may be), fail to attend at the Time thereby fixed for the opening of any such Street, or refuse or neglect to superintend the Operation, the Company may perform the Work without the Superintendence of such Persons or their Officer : Provided further, that the Company shall pay all reasonable Expenses to which the Persons having the Control or Management of any Street shall be put in reference to such Superintendence as aforesaid.

27. All Tubes or Pipes laid by the Company underground shall be marked so as to distinguish the same from the Tubes or Pipes of any other Company.

Pipes to be marked.

28. When any Street shall be opened or broken up by the Company they shall, with all convenient Speed, complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Surface of the Street so opened or broken up, and restore the same to as good a Condition as that in which it was before being so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Street shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the Part of the said Street so broken up or opened a sufficient Light during every Night during which such Street shall be continued open or broken up, and shall pay all reasonable and proper Expenses of keeping the Street or Pavement which has been so opened in good Repair for Six Months after replacing, restoring, and making good the same, in so far as such Expenses shall have been occasioned in consequence of the said Street or Pavement having been so opened or broken up : Provided always, that in lieu of such last-mentioned Payment, the Company, in respect of any Turnpike Road under the Jurisdiction of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or the Trustees of the Surrey and Sussex Turnpike Roads, or the Trustees of the New Cross Turnpike Roads respectively, shall, within Seven Days from the Restoration thereof, and in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, pay to the Commissioners or Trustees having the Control of the same Turnpike Roads respectively such Sum as they shall reasonably require, not exceeding Sixpence for every

Streets broken up to be reinstated without Delay.

Superficial Square Yard broken up by the Company within the Limits of the Metropolis, and not exceeding Fourpence for every Superficial Square Yard so broken up beyond those Limits; and the Company shall keep in repair the Roads and Footpaths, so far as they are interfered with and injured, for a Period of 10 Days after the same shall have been filled in.

Penalty for
Delay in rein-
stating Streets.

29. If the Company shall (except in case of Emergency as herein-before provided) open or break up any Street without giving such Notice as aforesaid, or in a Manner different from that which shall have been consented to, approved of, or determined as aforesaid, or without having obtained the Consent of the Persons having the Control or Management of the Street where any such Consent is by this Act required, or without having obtained the Consent herein-after required in the Case of certain Cities or Municipal Boroughs, or if the Company make any Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Street or Pavement so opened or broken up, or in restoring the same to such good Condition as aforesaid, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Street or Pavement has been broken up to be properly fenced, guarded, and lighted as herein-before mentioned, the Company shall forfeit to the Persons whose Consent is so required, or having the Control or Management of the Street in respect of which such Default is made, a Sum not exceeding 5*l.* for every such Offence; and the Company shall forfeit an additional Sum of 5*l.* for each Day during which any such Delay as aforesaid shall continue, without Prejudice to the Rights of any Parties interested to enforce specific Performance of the Requirements of this Act.

Company to
make good
any Damage to
the Streets.

30. If in the making or laying down any of their Works the Company do or cause any Injury or Damage to any Street, or to any Brick or other Drain, Sewer, Cesspool, Water Channel, or other Convenience connected therewith, and do not forthwith proceed to repair and make good the Injury or Damage to the Satisfaction of the Persons having the Control or Management of the same respectively, or of their Surveyor, or if by reason of the making or laying down any of the Works by this Act authorized or required any Alteration of any Street, or of the Drains, Sewers, Cesspools, or Water Channels connected therewith, is in the Judgment of such Persons or of their Surveyor, rendered necessary, then and in every such Case such Persons or their Surveyor may cause all such Repairs or Alterations to be made as they or he in their or his Discretion may think fit; and all Expenses thereof shall be paid on Demand by the Company, or, in default of Payment for 21 Days after Demand, may be recovered by the Persons aforesaid by summary Proceeding before a Justice or Justices, or before the Sheriff, as the Case may be, as in this Act provided.

Traffic not to
be stopped
during Com-
pany's Works
in any Street.

31. The Company shall not, at any Time during the making or laying down of any Works by this Act authorized or required, shut up or in any way impede the public Traffic along a greater Width of any Street than shall be necessary for the proper

proper Performance of the Work, nor in any Case more than One Third in Width of any Street at the same Time ; and if the Two Thirds of the Street so left open be not wide enough to allow Two Carriages to pass each other, then and in every such Case not more than 50 Yards in Length of the other Third of the Street shall be occupied by the Company's Works at the same Time, unless by special Permission of the Surveyor of the Persons having the Control of the Street.

32. The Company shall, at their own Expense, do all such Things in the way of watching, lighting, fencing, and other precautionary Measures during the making of any Works by this Act authorized or required as are necessary for the Public Safety and the Convenience and Protection of any Street and of the Traffic thereon ; and the Company shall be answerable for all Accidents and Damage happening through the Default of the Company, or any Person in their Employ, by reason or in consequence of any of the Works of the Company.

33. The Company shall not raise, sink, or otherwise alter the Position of any Watercourse, Main, or Pipe used for supplying Water or Gas to the Inhabitants of any House adjoining or near to any Telegraph of the Company, nor remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any Body Corporate, Company, or Society authorized to supply Water or Gas, or do anything whereby the Passage of Water or Gas into or through any such Watercourse, Main, or Pipe shall be impeded, without the Consent in Writing of the Body Corporate, Company, or Society having the Control and Management of such Watercourse, Main, or Pipe, or of One of their Officers, nor after obtaining such Consent without giving Notice in Writing to the Body Corporate, Company, or Society 14 Days at least before commencing the Works which will necessitate the Alteration of their Mains or Pipes as aforesaid ; and if the Company shall offend against this Provision they shall for every such Offence forfeit and pay a Penalty of 20*l.*

34. All Works in connexion with the raising, sinking, or other Alteration of any such Watercourse, Main, or Pipe shall (except upon the Default of the Body Corporate, Company, or Society as herein-after mentioned) be executed, under the sole Superintendence of the Engineer for the Time being of the Body Corporate, Company, or Society, by such Person or Persons and in such Manner in all respects as he in his absolute Discretion shall think fit to appoint and direct ; and all the Expenses incurred by such Body Corporate, Company, or Society in or in any way relating to the Execution of such Works shall be repaid to them by the Company ; provided that if the Body Corporate, Company, or Society shall for 10 Days next after the Day named in the Notice served by the Company for the Commencement of the Works interfering with or affecting any Watercourse, Main, or Pipe as aforesaid, fail to commence or at any Time thereafter fail to proceed with reasonable Despatch in the Execution of the Works, the Company (at their own Expense) may execute all such Works as shall be requisite

Precautions to be taken by Company during Works in Streets.

Company not to alter Position of Gas or Water Pipes except Service Pipes.

Works to be done by Water or Gas Company, or in their Default by Company.

requisite for preventing any Interruption for the Supply of Water or Gas, as the Case may be, and may remove, alter, or otherwise interfere with such Watercourse, Main, or Pipe in such Manner and to such Extent as shall be necessary.

Company to
reinstate Ser-
vice Pipes and
pay Compensa-
tion for all
Damage.

35. The Company shall, with as little Delay as possible, reinstate all private Service Pipes that may be removed or interfered with by them, and shall also make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with any Watercourse, Main, Pipe, or Work of any Body Corporate, Company, or Society as aforesaid, or with any private Service Pipe of any Person supplied by them with Water or Gas; and such Compensation shall be in addition to any Penalty that may have been incurred by the Company under the Provisions of this Act.

Saving Rights
of Water and
Gas Com-
panies.

36. Nothing in this Act contained shall limit, control, or in any Manner affect any Power, Right, or Privilege vested in any Water Company or Gas Company now acting under Act of Parliament or Royal Charter, but all such Powers, Rights, and Privileges shall be and remain in full Force and Effect as if this Act had not been passed.

Telegraphs not
to be laid in
City of London
without Con-
sent.

37. It shall not be lawful for the Company to lay any Telegraph along, across, over, or under any Street in the City of London or the Liberties thereof, or to set up, erect, place, or maintain in or upon any such Street any Posts, Poles, Standards, Stays, Struts, or other Apparatus, without the Consent in Writing of the Commissioners of Sewers of the City of London and Liberties thereof, under the Hand of their Clerk, first had and obtained for that Purpose, and under and subject in all respects to the Powers and Provisions contained in "The City of London Sewers Act, 1848," and "The City of London Sewers Act, 1851;" and nothing in this Act contained shall extend to prejudice, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of London, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Company not
to lay Tubes,
&c. in any City,
&c. without
Consent.

38. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to break up or open any Street situate within the Limits of any City or Municipal Borough or any Town the Population of which exceeds 10,000 Inhabitants, or any Land therein laid out as a Street, although not dedicated to public Use, or to lay any Tubes, Wires, or other Apparatus, or to erect or execute any other Work, under or over, upon, along, or across any such Street or Land laid out as aforesaid within such Limits, except with the Consent in Writing previously had and obtained of the Corporation of the City or Borough acting by their Council, or of the Improvement Commissioners, or Persons (if any) having the Management or Control of the Streets, as the Case may be, within such Limits as aforesaid, who may give such Consent on such Conditions and subject to such Restrictions as they may deem expedient.

For Protection
of Sewers of
Metropolitan

39. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of or so as to interfere with any Sewer, Drain, Water-
course.

course, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the Metropolis Local Management Act, 1855, or with any Sewers or Works to be made or executed by the said Boards or Vestry, or either of them, or shall or may in any way prejudicially affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, 14 Days previous Notice in Writing of their Intention to commence the same by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within 14 Days after Service of the said Plan, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Directions and Regulations of the respective Board or Vestry in the Execution of the said Works, and shall provide, by new, altered, or substituted Works, in such Manner as such Board or Vestry may deem necessary, for the proper Protection of and for preventing Injury or Impediment to the Sewers and Works herein-before referred to by or by reason of the said intended Works, or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby; and all such Works shall be done by or under the Directions, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Company, and all Costs, Charges, and Expenses which the said Metropolitan Board or any District Board or Vestry may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to such Boards or Vestry by the Company on Demand; and when any new, altered, or substituted Works as aforesaid, or any Works or Defence connected therewith, shall be completed by or at the Costs, Charges, or Expenses of the Company under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Boards and Vestry respectively as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Boards or Vestries, or any of them, or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

and other
Boards.

Company to alter or remove Works when so required for Sewerage, &c. Purposes by Metropolitan Board or Vestry or District Board.

40. If and when, for the Purposes of any Work of Sewerage, Drainage, Paving, Repair, or otherwise, the Metropolitan Board or any such Vestry or District Board as aforesaid shall in exercise of any Power vested by Law in them, or any or either of them, proceed to break open or interfere with the Soil or Pavement of any Street along or across which any Part of the Works of the Company shall pass, every such Board and Vestry may, where it may be necessary for the Execution of any such Work, require the Company to raise, sink, alter, or remove any Part of the said Works belonging to the Company in such Manner and within such reasonable Time as shall be specified in such Notice; and the Expenses of and incident to such raising, sinking, Alteration, or Removal shall be borne by the Company; and if such Notice be not complied with such Board or Vestry may proceed to execute the necessary Works at the Expense of the Company, and any reasonable Costs, Charges, or Expenses which they or either of them may be put to or incur thereby shall be payable to them by the Company on Demand, and shall be recoverable either by Action at Law or summary Proceeding before a Justice, at the Option of the Vestry or Board; provided, except in case of Emergency, that no Alteration of such Work shall be required or made which will permanently injure the Work without Two clear Days previous Notice in Writing to the Company, at their principal Office for the Time being, stating the Name of the Street, and the particular Part thereof, and the Part of the Work which may be proposed to be raised, sunk, altered, or removed, is situate: Provided always, that every such Board or Vestry shall proceed with or complete any Works which they may require to execute with all reasonable and convenient Speed, but no such Board or Vestry shall be liable to make Compensation to any Body or Person whatever for or on account of any Loss or Damage arising from or consequent upon any Stoppage or Obstruction of the Works from any of the Causes aforesaid.

Persons having Control of Streets may require Alteration of Telegraphs on Improvements and Works.

41. If any Persons having the Control or Management of any Street shall be desirous of executing any Alteration or Improvement thereof or Work therein, with which Improvement or Work any Telegraph of the Company, or Support or Work connected therewith, laid or placed over, along, across, under, in, or upon such Street will interfere, such Persons may, by Notice in Writing, require the Company within a reasonable Period to be specified in such Notice, to alter or remove any such Telegraph, Support, or Work, so far as may be necessary for carrying such Improvement or Work into effect; and any Dispute between such Persons and the Company with reference to this Provision shall be settled by Two Justices, or, if in Scotland, by the Sheriff.

As to laying Telegraphs in, over, &c. Lands, Buildings, Railways, Canals, &c.

42. Subject to the Provisions of this Act, it shall be lawful for the Company, by Agreement with the Owners, Lessees, and Occupiers of any Land, House, or Building, or with the Proprietors or Lessees of any Railway, Navigation, Canal, or navigable River, or the Undertakers, Directors, Conservators,

Trustees,

Trustees, Commissioners, or other Persons interested in or having the Charge of such Canal, Navigation, or River, or the Tolls thereof, and according to the Terms of such Agreement, to lay, maintain, repair, and renew Telegraphs, and set up, erect, affix, place, maintain, repair, and renew any Posts, Poles, Standards, Stays, Struts, or other Apparatus for carrying, suspending, or otherwise supporting such Telegraphs in, upon, over, along, across, or under such Land, House, Building, Railway, Navigation, Canal, or navigable River; but none of the Powers or Provisions of this Act shall extend or apply to any Railway, Navigation, Canal, or navigable River, or any of the Stations, Towing-paths, Lands, Wharves, Works, or Buildings belonging to or connected therewith respectively, except with the Consent in Writing of the Company, under their Common Seal, or of the Person to whom the same respectively shall belong, or of such Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons as aforesaid, first had and obtained; but this Provision shall not extend to prevent the Company from laying Telegraphs along, across, or over any Street, although such Street may cross or be crossed by a Railway, Navigation, Canal, or navigable River: Provided that such Telegraphs do not in anywise damage and are not calculated to damage the Railway, Navigation, Canal, or navigable River, or any of the Works connected therewith, or interfere with any Alteration or Improvement thereof, and do not at all interrupt or interfere with, and are not calculated to interrupt or interfere with, the Use, Alteration, or Improvement thereof, or the Passage and Conveyance of Traffic along the same.

43. No Telegraph, or any Support or Work connected therewith, shall be so laid, placed, or continued along any Railway as to stop the Access thereto for Engines and Carriages from any other Railway forming a Junction therewith, or along any Navigation, Canal, navigable River, or Dock, so as to stop up, prevent, or otherwise interfere with the Access thereto for Vessels, Barges, or Boats, whether with or without Masts, from any other Navigation, Canal, or navigable River, or any Dock, Basin, or Cut communicating therewith, or in any way impede the Traffic passing to or from any such Railway, or to or from any such Navigation, Canal, navigable River, or Dock, Basin, or Cut.

44. If at any Time after any Telegraph of the Company shall be laid in, under, over, or along any Navigation, Canal, or navigable River any Persons having Power to construct Docks, Basins, or other Works upon any Land adjoining or near to such Navigation, Canal, or navigable River shall construct or be desirous and proceed to construct any Dock, Basin, or Works on such Land, but shall be prevented from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Works and any such Navigation, Canal, or navigable River, or if the Business of any such Dock, Basin, or other Works, or of any such Navigation, Canal, or navigable River, shall be interfered with by reason or in consequence of any such Telegraph, or

Telegraphs and Works not to be so placed as to impede the Traffic passing from one Railway or Canal, &c. to another.

Providing for Access from future Docks to Canal or River.

any Support or Work connected therewith, the Company, at the Request of such Persons, and upon having reasonable Facilities and Permission given them by such Persons to lay their Telegraph round the said Docks, Basin, or other Works in and upon Land belonging to or under the Control of such Persons, shall remove and lay their Telegraph accordingly, so as to allow free Passage for Vessels entering or departing from the Dock, Basin, or other Works from or into the Navigation, Canal, or navigable River, and the Business thereof respectively to be conveniently carried on ; and if any Dispute shall arise between the Company and such Persons as to the Facilities to be granted to the Company, or as to the Direction in which the Telegraph should be laid, such Dispute shall be determined by Two Justices.

Houses and Lands not to be entered except with Consent:

45. This Act, or any Powers acquired by the Company under this Act, shall not authorize or enable the Company to enter upon, take, or use any House or Building or Land, other than Land under any Street, except with the Consent of or by Agreement with the Owners, Lessees, and Occupiers thereof.

Telegraphs and Works not to pass within Ten Yards of any House.

46. No Telegraph of the Company, or Support or other Work connected therewith, shall be laid aboveground in the Street of any Town, or in any Street between Land continuously built upon, or across any Avenue or Approach to any House of the annual Value of 20*l.* or upwards, or within 10 Yards of any such House, without the Consent of the Owner or Occupier of such House : Provided always, that the Consent of the Occupier shall in all Cases be obtained, but if his Consent only be given the same shall not be deemed to give any Right to the Company beyond the Period of his Tenancy.

Wires, &c. to be removed when they may interfere with Improvement, &c. of Property.

47. If any Company or Persons, being the Proprietors or Lessees of any Railway, Canal, navigable River, Navigation, Docks, Basins, Gas or Water Works, or any Corporation, Commissioners, Board, Undertakers, Conservators, Trustees, or other Body, who shall for the Time being be entitled to make use of, or to execute, construct, maintain, alter, or improve, any Works, or any Waterway or other Way, or Road or other Easement, within or upon any House or other Building, or Land or Street, or if any Owner, Lessee, or Occupier for the Time being of any House or other Building, or Land in, over, or under which House or other Building, or Land or Street, any Tube, Wire, or other Apparatus may pass, shall state in Writing to the Company that it is necessary for the Improvement or other Use of, or for the Execution, Construction, Maintenance, Alteration, or Improvement of, any Work or Water or other Way, or Road or Easement, which any such Owner, Lessee, or Occupier, Company, Corporation, Commissioners, Board, Undertakers, Conservators, Trustees, or other Body shall be entitled to make, execute, construct, maintain, alter, improve, or use within or upon any such House or other Building, or Land or Street, or for the Use or Enjoyment of any such Work, Water or other Way, or Road or Easement, as aforesaid, or for the Objects or Purposes of any such Works, Water or other Way, or Road or Easement, that the Tube,

Wire, or other Apparatus, should be displaced, the Company shall, with all convenient Speed, after any such Notice, remove such Tube, Wire, or other Apparatus, so far as such Removal may be necessary to avoid Interference with any such Improvement or other Use of, or the Execution, Construction, Alteration, Improvement, or Maintenance of, any Works, Water or other Way, or Road or Easement, which any such Party may be entitled to make, or the Use or Enjoyment of the said Works, Water or other Way, or Road or Easement, and the Objects and Purposes thereof, within or upon any such House or other Building, or Land or Street.

48. In any Case in which, previous to the passing of this Act, any Persons having the Control or Management of any Street, or any Owners, Lessees, or Occupiers of any House, Building, or Land, or any Company, or the Owners, Proprietors, or Lessees of any Railway, Navigation, Canal or navigable River, or the Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons interested in or having the Charge of such Railway, Canal, Navigation, or River, or the Tolls thereof, shall have given any Consent or entered into any Agreement with the Company which they respectively would have been enabled or authorized to give and enter into if this Act had, previously to the giving of such Consent or entering into such Agreement, been passed, the Company shall not, so far and for such Time and on such Conditions as shall be expressly provided for by any such Consent or Agreement, but not further or otherwise, be required again to obtain the Consent of or to enter into a fresh Agreement with any such Parties as aforesaid, but every such Consent and Agreement so given or entered into as aforesaid shall be binding on the Company, and such Owners, Lessees, and Occupiers, Company, Owners, Proprietors, Lessees, Undertakers, Directors, Conservators, Trustees, Commissioners, and other Persons as aforesaid respectively, and shall be as valid and effectual, and of the same force, to all Intents and Purposes, as the same would be under the Provisions of this Act in case it were given or entered into subsequently to the passing of this Act: Provided that no such Consent or Agreement given or entered into previously to the passing of this Act shall be binding upon the Person (other than the Company) who have given or entered into the same, in case such Person shall, within Three Months after the passing of this Act, give Notice to the Company determining such Consent or Agreement.

As to Consents
and
Agreements
entered into
previously to
this Act.

49. The Company may from Time to Time lay and place Telegraphs and Supports, and other Works connected therewith, and maintain, repair and renew the same, in, upon, over, across, along, or under any Estuary or Branch of the Sea within the Limits of this Act, and for that Purpose may exercise such Powers as may be necessary, doing as little Damage as may be in the Execution of such Powers, and making Compensation for any Damage which may be done in the Execution of such Powers: Provided always, that no such Powers shall be exercised with reference to any such Estuary or Branch of the

Power to lay
Telegraphs
under Estuary,
&c.

Sea, except with the Consent of all Persons having any Rights of Property, or other Rights, Powers, Authorities, or Jurisdictions, in, over, or relating to the same, which may be affected by the Exercise of such Powers.

Admiralty Provisions, §§ 50 to 52.

For protecting Navigation of the Thames and Rights of Conservators, §§ 53 to 56.

Company not to interfere with River Mersey or Docks and Harbour Board without Consent, § 57.

Saving Rights of the Mersey and Irwell Navigation Company, § 58.

Power for Company and other Companies to enter into Agreements.

59. Subject to the Provisions of this Act, it shall be lawful for the Company, and any Company or any Persons in any Part of the United Kingdom, from Time to Time to enter into Agreements with respect to the Construction, or laying, placing, Maintenance, Repair, or Use, of any Telegraphs and Supports, or other Works connected therewith, of the Company, in, upon, across, along, over, or under the Streets, Property, or Works belonging to or under the Control or within the Limits of the Jurisdiction of any such Company or Persons Parties to the Agreement, upon such Terms and Conditions as shall be agreed upon: Provided that every Company or Person with whom any such Agreement shall be entered into shall be bound by and perform all Contracts and Agreements which shall have been entered into by the Company, and be then in force, so far as the same are affected or interfered with by any new Agreement: Provided also, that no such Agreement shall relieve the Company from any Liabilities which shall attach to them under the Provisions of this Act.

Power to buy Telegraphs or let any Wire.

60. The Company may from Time to Time purchase any Electric Telegraph and Works, or any Part of any Electric Telegraph and Works, or let any Wire, or any Right to use the same, upon such Terms and in such Manner as to the Company shall seem fit, and may maintain the Works and carry on the Business of an Electric Telegraph Company: Provided that if any Lease or Agreement for a Lease shall be made, under the Provisions herein-before contained, to or for the Benefit, either directly or indirectly, of any other Electric Telegraph Company, such last-mentioned Company shall, during the Continuance of any such Lease or Agreement, be bound to continue and keep open for Use the Electric Telegraph, or such Part thereof as shall be comprised in such Lease or Agreement, and so far as regards the Electric Telegraph or such Part thereof as shall be comprised in such Lease or Agreement, be subject to all and singular the Provisions of this Act in relation to the Transmission of and Charges for Messages, and in all other respects: Provided also, that no such Lease or Agreement shall relieve the Company from any Liabilities which shall attach to them under the Provisions of this Act.

Telegraph to be used without Preference.

61. The Use of any Telegraph and Apparatus erected or formed under the Provisions of this Act for the Purpose of receiving and sending Messages shall, subject to the prior Right of Use thereof for the Service of Her Majesty, and subject

subject to such Charges and reasonable Regulations as may be from Time to Time made or entered into by the Company, be open for the sending and receiving of Messages by all Persons alike without Favour or Preference.

62. Any Officer, Agent, or Servant of the Company or of any other Company, upon or near to whose Property or Undertaking any Electric Telegraph of the Company, or any of the Apparatus thereof, or any Part thereof respectively, may be erected or placed, and all Persons called by any such Officer, Agent, or Servant as aforesaid to his Assistance, may seize or detain any Person who shall or may have broken, injured, or obstructed the working of any Electric Telegraph of or belonging to the Company, or any Wire, Tube, Pipe, Casing, Coating, Post, Pole, Standard, Stay, Strut, or Apparatus, or other Part of any Electric Telegraph belonging to the Company, or laid or placed or authorized under or by the Provisions of this Act, or any Works connected therewith respectively, or who shall have committed any other Offence against the Provisions of this Act, and whose Name or Residence shall be unknown to such Officer, Agent, or Servant, and may convey such Offender with all convenient Speed before some Justice without any Warrant or Authority other than this Act, and such Justice shall proceed with all convenient Speed to the hearing and determining of the Complaint against such Offender.

Power to apprehend unknown Offenders.

63. The Company shall save harmless and indemnify the Trustees of any Turnpike Road against any Costs, Losses, Damages, or Expenses incurred by them by reason of any Injury arising by, through, or in consequence of any Act or Default of the Company.

Indemnity to Trustees of Turnpike Roads.

64. The Company shall free and relieve the Persons having the Management or Control of any Street, collectively and individually, and their respective Officers and Servants, of all Claims and Damages arising in any manner of way from any Act or Default of the Company, or in consequence, directly or indirectly, of the Exercise by them of any of the Powers of this Act.

Company to relieve Road Trustees and their Officers of Damages arising from their Acts or Default.

65. If any Person shall carelessly remove, throw down, injure, or destroy any Electric Telegraph of or belonging to the Company, or any Wire, Tube, Pipe, Casing, Coating, Post, Pole, Standard, Stay, Strut, or Apparatus laid or placed or authorized under or by the Provisions of this Act, or any other Part of any such Electric Telegraph, or any of the Works connected therewith, and shall not make sufficient Satisfaction for the Damage thereby done, then it shall be lawful for any Justice to summon before him the Person against whom a Complaint shall be thereupon preferred, and upon hearing the Allegation and Proofs on both Sides, or on Non-appearance of the Person complained against, such Justice may award such Sum of Money, not exceeding 5*l.*, to be paid by the Offender or Person complained against to the Company or Person injured for such Damage as such Justice shall think reasonable; and in case of Neglect to pay any Sum so awarded within Two Days afterwards, it shall be

Satisfaction for accidental Damage how to be recovered.

lawful for any Justice to cause the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Persons so complained against as aforesaid.

Provisions of 8 & 9 Vict. cc. 20. & 33. as to Recovery of Damages, &c. extended to this Act.

66. The Clauses and Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Clauses and Provisions of the "Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall so far as the same are applicable be incorporated with this Act.

Electric Telegraphs to be open to the Use of Her Majesty's Government at all reasonable Times.

67. And whereas it is expedient that Provision should be made for the Conveyance of Intelligence for the Service of Her Majesty by the Electric Telegraphs of the Company at a reasonable Rate of Charge to the Public: Therefore every Electric Telegraph already made or in progress or to be hereafter made within the United Kingdom, and for the Time being belonging to or possessed by the Company, shall at all reasonable Times be open for the Transmission of Intelligence for Her Majesty's Service, and the Company shall receive, take, and convey by every or any such Electric Telegraph all such Signals or Intelligence as shall from Time to Time be tendered to them, or any of their Officers, Servants, or Agents, by or on behalf of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, in this Act called the Board of Trade, or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in this Act called the Admiralty, or otherwise, on or for Her Majesty's Service, and all Messages at any Time sent to any Station of the Company for Transmission and Delivery on or for Her Majesty's Service shall have Priority over all other Messages whatsoever, and it shall be imperative on the Company and their Officers and Servants to transmit and deliver such Messages accordingly, and to suspend the Transmission of all or any other Messages from such Station until the said Messages on or for Her Majesty's Service shall first have been transmitted.

Company to be entitled to Remuneration, which shall be fixed between them and the Board of Trade.

68. The Company shall be entitled to such reasonable Remuneration for the Use of any Electric Telegraph for the Service of Her Majesty as aforesaid, and for the Assistance of the Company in respect thereof, as shall be fixed by Agreement between the Board of Trade or the Admiralty, as the Case may be, and the Company, or in case of Difference of Opinion between them, then as shall be determined by Arbitration in the Manner herein-after provided: Provided nevertheless, that the Services which may be required to be performed by the Company as aforesaid be not suspended, postponed, or deferred by reason of such Remuneration not having been then agreed on or determined.

Mode of fixing Remuneration.

69. In all Cases in which the Board of Trade or the Admiralty and the Company shall not be able to agree on the Amount of Remuneration to be paid to the Company for

the Use of any Electric Telegraph, and for the Services of the Company in respect thereof, the same shall be referred to the Award of Two Persons, One to be named by the Board of Trade and the other by the Company, if the Disagreement be between the Board of Trade and the Company, or if such Disagreement be between the Admiralty and the Company, then One of such Two Persons is to be named by the Admiralty and the other by the Company, and if such Two Persons cannot agree on the Amount of such Remuneration, then the Umpirage of some Third Person to be appointed by such Two first-named Persons previously to their entering on the Inquiry, and the said Award or Umpirage shall be binding and conclusive on the Parties in difference and their respective Successors and Assigns.

70. In every such Reference each Party in difference shall nominate his or their Arbitrator within 14 Days after Notice from the other Party requiring such Nomination, or in default it shall be lawful for the Arbitrator appointed by the Party giving Notice to name the other Arbitrator, and such Arbitrators shall proceed forthwith in the Reference, and make their Award therein within 28 Days after their Appointment, or otherwise the Matter shall be left to be determined by the Umpire; and if such Umpire shall refuse or neglect to proceed, or shall not make his Award for the Space of 28 Days after the Matter shall have been referred to him, then a new Umpire shall be appointed by the Two first-named Arbitrators, who shall in like Manner proceed and make his Award within 28 Days, or in default be superseded, and so toties quoties.

Appointment
of Arbitrator.

71. And whereas Emergencies may arise in which it may be expedient for the Public Service that the entire Control over the Operations of the Company and the Conveyance of Signals shall be vested in Her Majesty's Government: Therefore at all Times hereafter, and whenever in the Opinion of One of Her Majesty's Principal Secretaries of State for the Time being such an Emergency as aforesaid shall have arisen, it shall be lawful for such Secretary of State, by Warrant under his Hand, to cause Possession to be taken of all the Telegraphs and Telegraphic Apparatus at the various Stations of the Company for the Space of One Week from the Date of such Warrant, for the Purpose of preventing any Communication being made or Signals given, save such as shall be directed and authorized by any such Principal Secretary of State, and also by further successive Warrants to cause Possession of the said Telegraphs and Telegraphic Apparatus to be retained from Week to Week so long as any such Secretary of State shall deem such Possession expedient for the Public Service: Provided always, that for every Week during which Possession shall be so retained the Company shall receive and be paid from and by the Lords Commissioners of Her Majesty's Treasury the same Amount of Profits as the Company would have made in case they had continued the working of the said Telegraphs, such Profits to be computed upon an Average of the weekly Profits of the Company for Three Months immediately preceding the issuing of the first of the said Warrants.

Power to take
possession of
the Telegraphs
in case of public
Emergency.

Punishing negligent Officers of the Company.

72. If any Person in the Employment of the Company shall wilfully or negligently omit or delay to transmit or deliver any Message or Signal, or shall wilfully or negligently do any Matter or Thing whereby the Transmission or Delivery of any Message or Signal shall not take place, or shall be delayed or prevented, or shall wilfully or negligently omit to do or perform any Act, Matter, or Thing by reason whereof any Message or Signal shall not be transmitted or delivered, or shall be delayed in its Transmission or Delivery, or shall improperly divulge the Purport of any such Message or Signal to any Person, every such Person shall for every such Offence forfeit a Sum of Money not exceeding 20*l*.

Power of Prosecution given to the Law Officers of the Crown.

73. Whenever it shall appear to the Board of Trade or Admiralty that any of the Provisions of this Act have not been complied with on the Part of the Company, or any of their Officers, and that it would be for the public Advantage that the due Performance of the same should be enforced, the Board of Trade or Admiralty shall certify the same to Her Majesty's Attorney General for England or Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, recover such Penalties or Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of this Act: Provided always, that no such Certificate as aforesaid shall be given by the Board of Trade or Admiralty until 21 Days after they shall have given Notice of their Intention to give the same to the Company.

Company not to sell their Undertaking.

74. It shall not be lawful for the Company to sell or transfer their Undertaking to any other Company or Person without the Authority of Parliament, nor, after the passing of this Act, to lease any Wire, except with the Consent of the Board of Trade.

Limiting Rate for Telegraphic Messages.

75. The Charges to be made by the Company from Time to Time for Telegraphic Messages sent from one Station of the Company to any other Station of the Company, whether in Great Britain or Ireland, shall not exceed the Rates specified in the Schedule to this Act.

When Company's Operations extend to Scotland, they shall have a registered Office there.

76. Before opening or breaking up any Street, or laying, erecting, or placing any Telegraphs or other Apparatus, in Scotland, the Company shall have a registered Office in Edinburgh or Glasgow, to and at which all Communications for the Company, and all Summonses, Notices, Writs, or other Proceedings requiring to be served upon the Company in relation to or arising out of any Operations or intended Operations of the Company in Scotland, or any Default of the Company occurring there, may be addressed and served; and all the Provisions of the Joint Stock Companies Acts, 1856 and 1857, with respect to the registered Office of the Company, shall apply to such registered Office in Edinburgh or Glasgow.

77. If the Company shall be wound up or dissolved, or shall cease for Six Months to carry on Business, it shall be lawful for the Council of any Borough or Town within which any Works or Apparatus of the Company shall have been laid or placed, and for the Body or Persons having Control over any Streets in, upon, over, along, across, or under which any Telegraph, Apparatus, or Works of the Company may have been laid or placed, after leaving at the last known Office or Place of Business of the Company One Month's Notice of their Intention so to do, to remove and take away all such Telegraphs, Apparatus, and Works, and to dispose of and sell the same, and to reimburse themselves out of the Proceeds of such Sale all the Costs and Expenses of and incident to such Removal and Sale, and the Expenses of making good all such Streets which may have been broken up or injured in so taking up and removing the same.

Removal of
Telegraphs
upon Dissolu-
tion of Com-
pany.

Company to be subject to Provisions of General Acts, § 78.
Saving Rights of the Crown, § 79.

80. The Powers and Provisions of this Act shall extend to England, Scotland, and Ireland.
Schedule (Rates and Charges).

Provisions of
Act to extend
to United
Kingdom.

Cap. cxxxii.

“The Dartmouth and Torbay Railway Act, 1862.”

Recites the Expediency of extending the Period limited for the Completion of a Portion of the Railway of the Dartmouth and Torbay Railway Company, and authorizing them to raise a further Sum of Money.

Period for Completion of Part of Company's Railway extended to Three Years after the passing of the Act, § 2.

Dividends suspended in case Railway not completed, § 3.

Part of Companies Clauses Act incorporated, § 4.

Power for Company to raise additional Capital of 52,500*l.* by new Shares, § 6.

Certain Sections of Act of 1861 to apply to new Capital, § 7.

New Shares of different Classes, § 8.

Saving for existing preferential Shares, § 9.

Power to raise Capital under any other Act and this Act by new Shares of One Class, § 10.

Defining Profits applicable to preferential Dividends, § 11.

Restrictions as to new Shares, § 12.

Incidents of new Capital under Act, § 13.

Power to borrow 17,500*l.*, §§ 14 to 16.

Power to lease Undertaking to South Devon Railway Company; Sanction of Shareholders to Lease, § 18.

Effect of Leases, § 19.

Power to enter into Contracts, § 20.

Lease may supersede Working Contracts, § 21.

Cap. cxxxiii.

“The Furness and Coniston Railways Amalgamation Act, 1862.”

Recites that by 7 & 8 Vict. c. xxii., the Furness Railway Com-
pany were incorporated, and were authorized to make and

maintain the Furness Railway, and for that Purpose to raise by Shares a Capital of 75,000*l.*, and to borrow the Sum of 25,000*l.*; that by "The Furness Railway Extensions Act, 1846," the Furness Company were authorized to extend their Line to Broughton and to Ulverstone, and to make certain Branches therefrom, and for that Purpose to raise by Shares an additional Capital of 100,000*l.*, and to borrow the further Sum of 33,600*l.*; that by "The Furness Railway Amendment Act, 1848," the Furness Company were authorized to raise by Shares an additional Capital of 100,000*l.*, and to borrow the further Sum of 33,333*l.*, and to purchase Steam Vessels; and by "The Furness Railway Act, 1853," they were authorized to purchase Piel Pier, and to raise by Shares a further Capital of 15,000*l.*; that by "The Furness Railway Act, 1854," the Company were empowered to raise by Shares an additional Capital of 50,000*l.*, and to borrow the further Sum of 10,000*l.*; and that by "The Furness Railway Act, 1855," the recited Acts were repealed, and the Furness Company were re-incorporated by their original Name of Incorporation, and were authorized, amongst other things, to provide additional Stations and to purchase additional Lands, and empowered to raise a further Capital of 120,000*l.*, and to borrow the further Sum of 38,000*l.*; that by "The Coniston Railway Act, 1857," the Coniston Railway Company were incorporated, and were authorized to raise 45,000*l.* in Shares of 10*l.* each, and to borrow on Mortgage of their Undertaking to the Extent of One Third of their Capital, and to make a Railway from Broughton in the Parish of Kirkby Ireleth in the County Palatine of Lancaster to Coniston in the Parish of Ulverstone in the same County, and the Furness Company were authorized to take and hold Shares of the Coniston Company's Capital to an Amount not exceeding 10,000*l.*, and to raise by new Shares the Money required for the Purpose, and the said Sum of 10,000*l.* has been accordingly raised by the Furness Company; that the Capital and Debenture Debt raised by the Two Companies respectively on the 31st December 1861 stood as follows; (that is to say,)

<i>Furness Company.</i>	£
Consolidated Stock - - - -	240,000
Preferential Shares, bearing Five per Centum per Annum Dividend, under "The Furness Railway Act, 1848" - - - -	100,000
Preferential Shares, bearing Five per Centum per Annum Dividend, under "The Furness Railway Act, 1855" - - - -	60,000
Ordinary Capital under "The Furness Railway Act, 1855" - - - -	51,795
Preferential Shares, bearing Five per Centum per Annum Dividend, under "The Coniston Railway Act, 1857" - - - -	10,000
Debenture Debt - - - -	138,961

Coniston Company.

Ordinary Shares	-	-	-	-	25,000
Guaranteed Shares, bearing Two and a Half per					
Centum per Annum Dividend	-	-	-	-	10,000
Debenture Debt	-	-	-	-	15,000

That it is expedient that the Furness Company and the Coniston Company should be amalgamated.

Certain Provisions of the Companies Clauses Act incorporated, § 2.

Amalgamation of Companies, and Repeal of the Coniston Railway Act, § 3.

4. "The Coniston Railway Act, 1857," shall and is hereby declared to apply to the Furness Company in like Manner in all respects as before the passing of this Act it applied to the Coniston Company, and as if the Furness Company had been originally named and referred to therein instead of the Coniston Company, and the Railway and Works by the said Act authorized shall henceforth form Part of the Undertaking of the Furness Company.

Coniston Railway Act to apply to Furness Railway Company.

5. The Furness Company shall and are hereby declared to be seised and possessed of and entitled to all the Buildings and Works of every Description, whether completed or not, and all the Lands, Tenements, Hereditaments, Goods, Debts, Chattels, and Effects whatsoever, Real and Personal, whereof the Coniston Company were seised or possessed, or were entitled to immediately before the passing of this Act.

Property vested in Furness Railway Company.

Rights and Liabilities of the Coniston Company to remain in force, §§ 6 to 10.

Coniston Railway Shares to be Shares in Furness Railway Company, § 11.

12. All Calls paid up, or Monies paid in advance of Calls, in respect of any Shares created by the Coniston Company prior to the passing of this Act, shall after the passing thereof be considered as paid up or paid in advance, as the Case may be, in respect of the Shares into which such Coniston Shares are hereby converted; and all Calls made by the Coniston Company, and remaining unpaid at the Time of the passing of this Act, shall be considered as having been made by the Furness Company at the respective Times when such Calls were respectively made by the Coniston Company, and to become due to the Furness Company at the several Times when they respectively would have become due to the Coniston Company if this Act had not been passed; and all Calls which the Furness Company may hereafter make in respect of such Shares shall, both with respect to the Amount and Period of Payment, be the same as the Coniston Company might have made if this Act had not passed.

As to Calls and Monies paid.

13. The Holders of all Coniston Shares shall be entitled to the following Dividends upon such Shares; namely, for Two Years from the 13th Day of June 1862, a Dividend equal to One Half of the Dividend paid during such Two Years upon the ordinary Shares in the Furness Company; for Five Years

As to Dividends.

from the 30th Day of June 1864, a Dividend equal to Two Thirds of the Dividend paid during such Five Years upon the ordinary Shares of the Furness Company; and from and after the 30th Day of June 1869 the Dividends on the Coniston Shares and the Furness ordinary Shares shall be the same; and from and after the passing of this Act the Holders of Coniston Shares shall have the same Right of voting, and other Rights, Powers, and Privileges, as the Holders of the ordinary Shares of the Furness Company under "The Furness Railway Act, 1855." Provided always, that from and after the passing of this Act it shall not be lawful for the Furness Company to sell or transfer the Shares so subscribed by them as aforesaid towards the Undertaking of the Coniston Company.

Saving for existing preferential Shares, § 14.

As to the
Coniston
Copper Mine
Shares.

16. And whereas Dame Anne Frederica Elizabeth le Fleming is Lady of the Manor of Coniston, and the Owner of extensive Mines of Copper in the Neighbourhood thereof, and John Barrett, James Hambleton, and Joseph Mason are the Lessees of the Mines: And whereas the said Lady Anne Frederica Elizabeth le Fleming subscribed for Shares to the Amount of 4,000*l.* in the Capital of the Coniston Company, and the said John Barrett, James Hambleton, and Joseph Mason subscribed for Shares to the Amount of 6,000*l.* therein: And whereas by "The Coniston Railway Act, 1857," it was enacted that the Holders of the Shares so subscribed for, and amounting together to 10,000*l.*, should not be entitled to any Dividend out of the Profits of the Coniston Company exceeding the Rate of 2*l.* 10*s.* per Centum per Annum on the Amount from Time to Time paid on those Shares, and if and whenever the Coniston Company did not for any Half Year declare and pay a Dividend at the Rate of 1*l.* 5*s.* per Centum on the Amount so paid up, the Furness Company should, in priority to any Dividend for that Half Year on the ordinary Shares in their Capital, and to any Dividend for that Half Year on any preferential Shares in their Capital created or issued by them after the passing of the said Coniston Railway Act, 1857, but not in priority to any Dividend on any preferential Shares in their Capital created or issued by them before the passing of the last-mentioned Act, pay to the Holders of those Shares such a Sum as should be sufficient to make the Dividend thereon for that Half Year equal to 1*l.* 5*s.* per Centum; and it was provided that the Coniston Company should issue the Certificates for those Shares on such Terms as should sufficiently indicate the special Provisions of the said Coniston Railway Act, 1857, with respect to the Dividends to be paid thereon: And whereas the aforesaid Arrangement is not intended to be interfered with by the Amalgamation hereby authorized: Be it enacted, That the Furness Company shall, in priority to any Dividend on the ordinary Shares in their Capital, and to any Dividend on any preferential Shares in their Capital created or issued by them after the passing of the said Coniston Railway Act, 1857, but not in priority to any Dividend on any preferential Shares in their Capital created or issued by them before the passing of the last-men-

tioned Act, pay to the Holders of the said Shares for which the said Sums of 4,000*l.* and 6,000*l.* were so subscribed as aforesaid a Dividend in each Half Year equal to 1*l.* 5*s.* per Centum, and the Holders of such Shares shall not be entitled to any further or other Dividend than the said fixed Dividend of 2*l.* 10*s.* per Centum per Annum.

Cap. cxxxiv.

“The Sheffield and Chapel-en-le-Frith Roads Act, 1862.”

Recites the 6 Geo. 4. c. xlv., and that a Provisional Order was made in 1854, confirmed by 18 & 19 Vict. c. 102. for reducing the Rate of Interest on the Mortgage Debt and extinguishing Interest in arrear; that a Sum of 22,593*l.* still remains due on Mortgage of the Tolls; that it is expedient to extend the Term now about to expire.

Recited Act repealed, § 1.

Tolls, §§ 9 to 24.

Act to continue in force for 21 Years, § 31.

Cap. cxxxv.

“The Edinburgh and Glasgow and Dumbartonshire Railways Amalgamation Act, 1862.”

Recites that the Caledonian and Dumbartonshire Junction Railway Company were incorporated by “The Caledonian and Dumbartonshire Junction Railway Act, 1846,” and further Powers were conferred on the said Company by “The Caledonian and Dumbartonshire Junction Railway (Deviation and Branches) Act, 1847;” that they were by the recited Acts authorized to raise by the Creation and Issue of Shares and Stock the Sum of 650,000*l.*, and by borrowing on Mortgage or Bond the Sum of 216,000*l.*; that the paid-up Capital of the said Company consists of 12,234 Shares of 16*l.* each, and the Sums raised and received by the said Company for the Purposes of their Undertaking amount to 238,731*l.* 15*s.* 5*d.*, as set forth in the Schedule to this Act annexed; that the Edinburgh and Glasgow Railway Company were incorporated by “The Edinburgh and Glasgow Railway Consolidation Act, 1852,” and further Powers were conferred on the said Company by subsequent Acts of the Reign of Her present Majesty; that a Portion of the Caledonian and Dumbartonshire Junction Railway intervenes between and connects Two Portions of the Glasgow, Dumbarton, and Helensburgh Railway which is worked partly by the Caledonian and Dumbartonshire Junction Railway Company and partly by the Edinburgh and Glasgow Railway Company, and the Caledonian and Dumbartonshire Junction Railway might be conveniently and economically, and to the public Advantage, worked by the Edinburgh and Glasgow Railway Company; that the said Companies have agreed that the Undertaking of the Caledonian and Dumbartonshire Junction Railway Company should be transferred to and vested in the Edinburgh and

Glasgow Railway Company, on the Terms and Conditions herein-after specified.

Certain Provisions of Companies Clauses Act (Scotland) incorporated, § 3.

Caledonian and Dumbartonshire Junction Railway transferred to Edinburgh and Glasgow Railway Company.

4. From and after the 31st Day of July 1862 the Caledonian and Dumbartonshire Junction Railway, and the whole Undertaking, Stations, Works, Lands, Leases, and Plant, and the whole Powers, Rights, and Privileges of and belonging to the Dumbartonshire Company, shall, subject to the Provisions of the recited Acts and this Act, be and the same are hereby transferred to and vested in and constituted a Part of the Undertaking of the Edinburgh and Glasgow Railway Company, and the Dumbartonshire Company shall be dissolved and cease to exist; and the surplus Funds of the Dumbartonshire Company shall be divided among the Persons, Companies, and Corporations who at the Date of Amalgamation shall be the Proprietors of the said 12,234 Shares of the Dumbartonshire Company, rateably and proportionally according to the Number of Shares held by each such Proprietor.

Writs and Title Deeds to be delivered up by Dumbartonshire Company.

5. The Dumbartonshire Company shall, as soon as conveniently may be after the Date of Amalgamation, deliver to the Edinburgh and Glasgow Railway Company all Writs and Title Deeds in their Possession relating to their Undertaking, and in so far as the Titles relating thereto have been already executed the same shall be accepted by the Edinburgh and Glasgow Railway Company as their Title thereto, and in so far as any Title may not be completed and executed in favour of the Dumbartonshire Company at the Date of Amalgamation the same shall be taken in Name of the Edinburgh and Glasgow Railway Company; and the Dumbartonshire Company shall also deliver to the Edinburgh and Glasgow Railway Company all Plans of the said Undertaking or any Portion thereof, and all other Documents and Papers in their Possession relating to or available for the Maintenance and Use of the said Undertaking.

Saving of Rights and Liabilities, §§ 6 to 12.

Shareholders of Dumbartonshire Company to be entitled to preferential or ordinary Shares in Edinburgh and Glasgow Railway Company.

13. Every Person, Company, or Corporation who at the Date of Amalgamation shall be the Proprietor of One or more of the said 12,234 Shares in the Dumbartonshire Company, on which the Sum of 16*l.* has been paid up, and who shall not have intimated to the Directors of that Company, on or before the 31st Day of January 1862, the Option to take ordinary Shares or Stock in the Edinburgh and Glasgow Railway Company, in lieu of such Share or Shares, shall for and in respect of each such Share in the Dumbartonshire Company become and be the Proprietor of a preferential Share of 16*l.* or of preferential Stock of the same Amount in the Edinburgh and Glasgow Railway Company, subject to the Provisions herein-after contained; and every Person, Company, or Corporation who at the Date of Amalgamation shall be the Proprietor of One or more of the said 12,234 Shares in the Dumbartonshire Company, and who shall have intimated to the Directors of that Company, on or before the 31st Day of January 1862, the

Option

Option to take ordinary Shares or Stock in the Edinburgh and Glasgow Railway Company in lieu of such Share or Shares, shall, for and in respect of each such Share in regard to which the Option to take ordinary Shares or Stock has been so intimated, become and be the Proprietor of an ordinary Share of 20*l.* or of ordinary Stock of the same Amount in the Edinburgh and Glasgow Railway Company ; and it shall be lawful for the Edinburgh and Glasgow Railway Company to create and issue such Number of Shares or such Amount of Stock in their Undertaking, either preferential or ordinary, or partly preferential and partly ordinary, as may be required for the Purposes aforesaid.

14. The preferential Shares or Stock in the Edinburgh and Glasgow Railway Company which shall be created and issued as aforesaid shall be held to be fully paid up, and shall bear and be entitled to a fixed Dividend, to be paid by the said Company, at the Rate of 5*l.* per Centum per Annum, payable half-yearly in equal Moieties on the same Days in the Months of March or April and September or October on which the other preferential Dividends of the said Company shall be payable, commencing the Payment of the first half-yearly Dividend on the same Day in the Month of March or April 1863 on which such other preferential Dividends for the Six Months preceding the 31st Day of January 1863 shall be payable, with Interest upon such Dividend from each respective Period of Payment till paid ; and such Dividend shall be paid preferably to any Dividend on the ordinary Shares or Stock in the said Company, and *pari passu* with the Dividend on any other preferential Shares or Stock which may be created and issued by the said Company after the passing of this Act under the Authority of "The Edinburgh and Glasgow Railway Amendment Act, 1861," or of any Act passed or to be passed in the present Session of Parliament: Provided that if in any Half Year ending on the 31st Day of January or the 31st Day of July there shall not be Profits of the said Company available for the Payment of the full Amount of such preferential Dividend, the Deficiency or any Part thereof shall not be made good out of the Profits of any subsequent Half Year, or out of any other Funds of the said Company.

Dividend on preferential Shares or Stocks.

15. The preferential Shares or Stock in the Edinburgh and Glasgow Railway Company which shall be created and issued as aforesaid shall confer and impose on the Holders thereof all such Rights and Privileges, Liabilities and Obligations, as shall be conferred and imposed on the Holders of any preferential Shares or Stock which may be created and issued by the said Company in pursuance of "The Edinburgh and Glasgow Railway Amendment Act, 1861," or of any Act passed or to be passed in the present Session of Parliament.

Rights of Holders of preferential Shares or Stock.

Conditions to be stated on Certificates of preferential Shares or Stock, § 16.

Former Grants of Preference not to be affected, § 17.

Proprietors of ordinary Shares or Stock to have same Rights as other Shareholders of Edinburgh and Glasgow Railway Company, § 18.

Certificates of Shares to be delivered to Proprietors, § 19.
 No additional Capital of Dumbartonshire Company to be raised
 by Shares or borrowing, and Forfeiture of Shares on which
 Calls are unpaid, § 20.

SCHEDULE.

STATEMENT of Capital of Caledonian and Dumbartonshire
 Junction Railway Company.

CAPITAL AUTHORIZED.				CAPITAL RAISED AND RECEIVED.		
	Shares of £25 each.	Amount.	Loans.	Shares of £16 each.	Amount.	Loans.
9 & 10 Vict. c. 81. -	24,000	£ 600,000	£ 200,000	12,234	£ 195,744 0 0	Nil.
10 & 11 Vict. c. 83. -	2,000	50,000	16,600	—	—	—
	26,000	650,000	216,600	12,234	195,744 0 0	—
Sum paid on forfeited Shares held by the Company - }				8,014	42,987 15 5	—
				21,148	238,731 15 5	—

Cap. cxxxvi.

“The Caledonian Railway (Cleland Extension and Branches Deviation, &c.) Act, 1862.”

Recites that by “The Caledonian Railway (Cleland Extension and Branches) Act, 1861,” the Caledonian Railway Company were authorized to make and maintain an Extension to Morningside of the Cleland Branch of that Portion of their Undertaking known as the Wishaw and Coltness Railway, and a Branch Railway therefrom to the Omoa Ironworks and certain other Branch Railways; that by the last-recited Act it was enacted, that none of the Powers thereby granted to the Company for the Purchase of Lands or Construction of Railway should, as regards certain Lands in the Parish of Bothwell, which belonged to the Earl of Stair, and certain other Lands in the Parish of Shotts, which belonged to Lord Belhaven and Stenton, be exercised by the Company before the 30th August 1862, except as therein mentioned, without the Consent in Writing of the said Earl of Stair and of the said Lord Belhaven respectively or of their Successors; that it was further enacted that if the Company should in the then next Session of Parliament obtain an Act for authorizing a Deviation Northward of the Cleland Branch Extension which should not interfere with the Lands above specified, then and in such Case all the Powers granted to the Company by the said last-recited Act in respect to those Lands should cease and determine; and it was further enacted, that in that Case the said Earl of Stair, or his Heirs or Successors, should sell to the Company,

at such Price as should be fixed under the Provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," all the Lands belonging to him which the Company might require for the Purposes of such Deviation; that it was further enacted that the Company should bonâ fide promote and prosecute a Bill in the then next Session of Parliament for authorizing such Deviation; that it is expedient that the Company should be authorized to make Deviations of the said Cleland Branch Extension and Omoa Branch, so as to avoid the taking of the said Lands; and that they should be authorized to take and acquire additional Lands for enlarging and improving the Station at Brocket's Brae on the Line of Railway from the Motherwell Branch of the Clydesdale Junction Railway to the Lands of Bankend, which forms Part of the Lesmahagow Branches of their Undertaking.

- Incorporation of Lands and Railways Clauses Acts, § 2.
 Power to execute Deviations and to acquire Lands for the Purposes thereof, and for improving the Brocket's Brae Station, § 3.
 Description of Deviation Lines of Railway, § 4.
 Power to alter Engineering Works, § 5.
 Regulating Inclinations of certain Roads, § 6.
 Certain private Railways may be stopped up, § 7.
 Parts of former Lines to be abandoned; Compensation, §§ 8, 9.
 Lands to be purchased before 1st August 1864, § 10.
 Period for Completion of Works 1st August 1866, §§ 11, 12.
 Tolls upon Deviation Lines of Railway, § 14.

Cap. cxxxvii.

"The Caledonian Railway (Leith Branches) Act, 1862."

- Recites that it is expedient to enable the Caledonian Company to make a Branch Railway from their Granton Branch to Leith.
 Incorporation of Lands and Railways Clauses Acts, § 3.
 Power to execute Works and acquire Lands, § 4.
 Description of Branch Railways, § 5.
 Restricting Interference with Lands and Works of Edinburgh, Perth, and Dundee Railway Company, § 6.
 Saving Rights of Edinburgh, Perth, and Dundee Railway Company, § 7.
 Rails may be laid on Level of Quays, § 8.
 Locomotive Engines, &c. not to be used on Quays, § 9.
 Confirming Agreement with Leith Dock Commissioners, § 10.
 For Protection of Road to Granton Harbour, § 11.
 Power to make certain Bridges of specified Dimensions, § 12.
 Power to alter Engineering Works, § 13.
 Saving Rights of Her Majesty's Principal Secretary of State for the War Department, § 14.
 Admiralty Provisions, §§ 15 to 21.
 Three Years for compulsory Purchase of Lands, § 22.
 Five Years for Completion of Works, § 23.
 Tolls, § 24.

Power to raise 150,000*l.* by Creation of Shares, § 25.

Dividends on new Shares, how to be paid, § 26.

Power to borrow 49,950*l.*, § 28.

Parts of Companies Clauses (Scotland) Act incorporated, § 29.

Power to enter into Traffic Arrangements with Leith Dock Commissioners and Duke of Buccleuch, §§ 30 to 34.

Power to enter into Arrangements with the same Parties as to Lands and Works, § 35.

Saving Rights of the Crown, § 39.

Cap. cxxxviii.

“The Edinburgh and Glasgow and Helensburgh
Railways Amalgamation Act, 1862.”

Recites Acts of Incorporation and subsequent Acts relating to the Two Companies ; that by “The Glasgow, Dumbarton, and Helensburgh Railway Act, 1855,” the Glasgow, Dumbarton, and Helensburgh Railway Company were authorized to raise by the Creation and Issue of Shares the Sum of 240,000*l.*, and to borrow on Mortgage or Bond the Sum of 60,000*l.* ; that the Edinburgh and Glasgow Railway Company were by the last-recited Act authorized to take and hold in perpetuity Shares in the Capital of the Glasgow, Dumbarton, and Helensburgh Railway Company to the Amount of 80,000*l.*, and to work the Traffic on the said Railways, and the Edinburgh and Glasgow Railway Company have accordingly taken and now hold 8,000 Shares of 10*l.* each in the Capital of that Company ; that 12,619 Shares of 10*l.* each are now held by the Shareholders of the Glasgow, Dumbarton, and Helensburgh Railway Company, exclusive of the Shares held by the Edinburgh and Glasgow Railway Company, and the paid-up Capital of the Glasgow, Dumbarton, and Helensburgh Railway Company amounts to 206,190*l.*, and the said Company have borrowed on Mortgage the Sum of 45,160*l.* ; that the Glasgow, Dumbarton, and Helensburgh Railway Company have completed the Railways authorized by the last-recited Act, and the same were opened for Traffic on the 31st May 1858, and the Traffic thereon is now worked by the Edinburgh and Glasgow Railway Company ; that it would be of public Advantage and Convenience if the Glasgow, Dumbarton, and Helensburgh Railway Company were amalgamated with the Edinburgh and Glasgow Railway Company ; that for the Purpose of defraying the Expense of Works connected with the Glasgow, Dumbarton, and Helensburgh Railway which require to be completed, and of paying off the Mortgages granted by the Glasgow, Dumbarton, and Helensburgh Railway Company and other Debts and Liabilities of that Company subsisting and unpaid, it is expedient that the Edinburgh and Glasgow Railway Company should be authorized to raise by means of Preference Shares in their own Undertaking, and by borrowing, such Monies as might have been raised by the Glasgow, Dumbarton, and Helensburgh

- Railway Company by means of Shares or borrowing, under the Authority of the last-recited Act.
- Incorporation of Provisions of Companies Clauses Act, § 3.
- Glasgow, Dumbarton, and Helensburgh Railway transferred to Edinburgh and Glasgow Railway Company, § 4.
- Rights, Powers, and Liabilities of Helensburgh Company transferred to Edinburgh and Glasgow Company, §§ 5 to 14.
- Shareholders of Helensburgh Company to be entitled to preferential or ordinary Shares in Edinburgh and Glasgow Railway Company, § 15.
- Proportional Number of ordinary Shares to be given to Shareholders of Helensburgh Company, and fractional Parts to be paid in Money, § 16.
- Dividend of 6*l.* 10*s.* per Cent. to be paid to Proprietors of Shares in Helensburgh Company in 1862, § 17.
- Dividend on preferential Shares or Stock, § 18.
- Rights of Holders of preferential Shares or Stock, § 19.
- Proprietors of ordinary Shares or Stock to have same Rights as other Shareholders of Edinburgh and Glasgow Railway Company, § 20.
- Certificates of Shares to be delivered to Proprietors, § 21.
- Unissued Capital of Helensburgh Company may be raised by Edinburgh and Glasgow Railway Company, § 22.
- Power to confer on new Shares Right to preferential Dividend, § 23.
- Rights of Holders of new Shares, § 24.
- Disposal of new Shares, § 25.
- Power to Edinburgh and Glasgow Railway Company to re-borrow the Sum of 45,160*l.*, and to borrow 14,840*l.* in addition, § 27.
- Saving Priority of existing Mortgages, § 28.
- Debt may be funded, § 29.
- Company may issue Preference Shares in lieu of borrowing, § 30.
- Application of Money raised, § 31.
- Former Grants of Preference not to be affected, § 33.

Cap. cxxxix.

“The Irish North-western Railway Act, 1862.”

Recites that by “The Dundalk and Enniskillen Railway Act, 1845,” the Dundalk and Enniskillen Railway Company were incorporated and were authorized to make and maintain a Railway from Dundalk by way of Clones to Enniskillen, with Two Branches therefrom, but the Company were restrained from making the Portion thereof between Clones and Enniskillen, in the event, which happened, of the making of a Line of Railway between Clones and Enniskillen by the Newry and Enniskillen Railway Company being authorized; that the Company made their Line of Railway from Dundalk to Castleblaney; that the Newry and Enniskillen Railway Company did not make the Line of Railway between Clones and Enniskillen which they were authorized to make; that the Company were by sub-

sequent Acts authorized to make Extensions of their Line of Railway to Enniskillen, and from Shantonagh to Cavan, and to the Steam Packet Quay at Dundalk; that by "The Dundalk and Enniskillen Railway Act, 1859," the Company were authorized to make the Clones and Cavan Extension and the Belturbet Branch; and that it is expedient that the Periods by that Act limited for the compulsory Purchase of Lands, and the Execution of Works for the Belturbet Branch, be extended, and that the Company be authorized to make at Dundalk the Quay Extension of their Railway by this Act authorized; that by "The Londonderry and Enniskillen Railway Act, 1845," the Londonderry and Enniskillen Railway Company were incorporated and were authorized to make and maintain a Railway from Londonderry to Enniskillen; and by "The Londonderry and Enniskillen Railway Act Amendment, 1846," they were authorized to make at Londonderry an Extension of their Railway to the Bridge over the Foyle and a Branch Railway to Omagh; that by "The Londonderry and Enniskillen Amendment Railway Act, 1848," they were authorized to abandon the making of a Part of their authorized Line of Railway between Omagh and Enniskillen, and by "The Londonderry and Enniskillen Railway Acts Amendment, 1850," to make an Extension of their Railway from Strabane to Omagh; that by "The Londonderry and Enniskillen Railway Consolidation Act, 1852," the recited Acts relating to the Londonderry Company were repealed, but with a Saving of Rights thereunder, and the Londonderry Company were re-incorporated, and their Railways, Works, and Property were re-vested in them, and they were authorized to make and maintain an Extension of their Railway between Londonderry and Strabane; and by "The Londonderry and Enniskillen Railway Act, 1854," to make and maintain a Branch Railway to Fintona, and an Extension of their Railway and other Works at Londonderry; that by "The Dundalk and Enniskillen Railway Act, 1859," Provision was made for a Sale and Transfer or a Lease of the Undertaking of the Londonderry Company to the Company; that the Londonderry Company have delivered Possession of their Railways and Works to the Company, who are maintaining and working the same; and it is expedient that the Company be authorized to make and maintain the Enlargement of the Station and other Works at Londonderry by this Act authorized, and to acquire Lands there; and also that further Provision be made with respect to the Sale of superfluous Lands of the Company and the Londonderry Company respectively; that it is expedient that the Company on the one hand, and the Londonderry Bridge Commissioners, and the Londonderry Port and Harbour Commissioners, or either of them, on the other hand, be authorized to enter into and carry into effect such Contracts, with respect to their respective Undertakings and Interests, as are by this Act authorized; that it is expedient that the Name of the Company be changed to the

Name "The Irish North-western Railway Company," and that the Number of Directors of the Company be increased; that by their Act of 1845 the Company were authorized to raise a Capital of 750,000*l.* by Shares, and to borrow not exceeding 250,000*l.*; that by their Act of 1847 the Capital of the Company was reduced to 450,000*l.*, and the Amount which they might borrow was reduced to 150,000*l.*; and by their Act of 1850 the Capital was further reduced to 406,800*l.*, and the Amount which they might borrow was further reduced to 135,600*l.*; that by their Act of 1852 the Company were authorized to cancel forfeited Shares, and to create and issue instead thereof new Shares; and that by the Act of 1855 they were authorized to raise a further Capital of 90,000*l.* by Shares, and to accept Surrenders of Shares, and to issue new Shares instead of the surrendered Shares, and to attach preferential Dividend to the Shares issued under the reciting Act, and to borrow further Sums not exceeding 30,000*l.*; that Shares of the Capital of the Company, to the nominal Amount of 235,380*l.*, were accordingly surrendered, and under the Authority of their Act of 1855 the Company issued First-class preferential Shares to the nominal Amount of 325,380*l.*, bearing 5*l.* per Centum per Annum Dividend; that by their Act of 1858 the Company were authorized to raise a further Capital of 75,000*l.* by Shares as preferential Capital, and to borrow further Sums not exceeding 24,900*l.*; that the Company accordingly issued Second-class preferential Shares to the nominal Amount of 75,000*l.*, bearing 5*l.* per Centum per Annum Dividend; that by their Act of 1859 they were authorized to raise an additional Capital of 130,000*l.* by Shares as preferential Capital, and the Ulster Railway Company were authorized to take Shares to the Extent of 30,000*l.*, and the Dublin and Drogheda Railway Company and the Dublin and Belfast Junction Railway Company were authorized to take Shares to the Extent of 20,000*l.* each; that the Company accordingly created Third-class preferential Shares to the nominal Amount of 60,000*l.*, bearing 5*l.* per Centum per Annum Dividend; and also created Third-class preferential Shares to the nominal Amount of 40,000*l.*, bearing 4*l.* per Centum per Annum Dividend, with an additional Dividend when the Dividend on the ordinary Capital should exceed the Rate of 4*l.* per Centum per Annum, and having equal Priority as to Payment of Dividend with the Third-class preferential Shares of the nominal Amount of 60,000*l.*, and also created "Clones and Cavan Extension Special Shares" to the nominal Amount of 30,000*l.*; that the Ulster Railway Company have taken those Special Shares to the nominal Amount of 30,000*l.*, subject to the Provisions of the Act of 1859, and the Dublin and Drogheda Railway Company and the Dublin and Belfast Junction Railway Company have taken Shares of that preferential Capital to the nominal Amount of 20,000*l.* each; that the Capital of the Company and their Debenture Debt now stand as follows; (that is to say,)

	£
First-class preferential Shares	325,380
Second-class preferential Shares	75,000
Third-class preferential Shares, 5 <i>l.</i> per Cent.	£60,000
" " 4 <i>l.</i> per Cent.	40,000
	100,000
Special Shares taken by the Ulster Railway Company	30,000
Ordinary Capital	171,420
	£701,800
Debenture Debt	190,500
	£892,300

- Incorporation of Lands and Railways Clauses Acts, § 2.
Part of Companies Clauses Act incorporated, § 3.
Change of Name of Company to "The Irish North-western Railway Company," § 6.
Railways to constitute "Irish North-western Railway," § 7.
Company to continue incorporated, § 8.
General Saving of Rights notwithstanding Change of Name, § 9.
Provisions of other Acts continued, § 10.
Contracts, &c. preserved, § 11.
Extension of Powers to take Lands for Belturbet Branch, § 12.
Extension of Powers for making Belturbet Branch, § 13.
Contracts not to be prejudiced, § 14.
Power to take and use Lands, § 15.
Periods for compulsory Purchase of Lands, § 16.
Sale of superfluous Lands, § 19.
Power to make Works authorized by Act, §§ 20, 21.
Level Crossing, §§ 22 to 25.
Vertical Deviation of Railway at the Point of crossing under Barrack Street at Dundalk, § 26.
Provision for Branch Railway on Quays at Dundalk, § 27.
Admiralty Provisions, §§ 28 to 31.
Periods for Completion of Works, § 32.
Tolls on Railway authorized by Act, §§ 34, 35.
Contracts between Company and other Bodies, &c., §§ 36 to 41.
Power for Company to raise additional Capital of 198,200*l.*, § 42.
Company may cancel unissued new Shares and forfeited Shares, §§ 43 to 48.
Company may issue new Shares instead of cancelled Shares, § 50.
Power for Company to create new Shares of different Classes, § 51.
Restrictions as to preferential Shares, § 52.
Limit of preferential Dividend, § 53.
Saving for existing preferential Shares of Company, § 54.

Saving the Rights of the Ulster Railway Company as Holders of Clones and Cavan Extension Special Shares, § 55.

Appropriation of new Shares, §§ 56 to 62.

Dividends on new Shares, § 63.

Power for Company to borrow 66,000*l.* additional, making 300,000*l.* in all, §§ 64 to 66.

Application of Shares and Mortgages in discharge of Debts, § 67.

Application of Monies by Company, § 68.

Number of Company's Directors increased to 12, § 71.

Saving Rights of Companies and Commissioners, § 72.

Saving the Rights of the Irish Society, § 73.

Saving Captain Huish's Award, &c., § 74.

Saving Rights of the Crown, §§ 75.

Cap. cxl.

"The Level of Hatfield Chase Act, 1862."

Recites that by virtue of Articles of Agreement between King Charles the First and Cornelius Vermuyden Esquire (afterwards Sir Cornelius Vermuyden), and of a Contract under the Great Seal of England between the same Parties, Sir Cornelius Vermuyden with the Aid of his fellow Adventurers or "Participants" executed certain great Works for the draining and reclaiming the Level of Hatfield Chase, in the Counties of York, Lincoln, and Nottingham, and in consideration of and by way of Compensation for those Works, and in part pursuance of the said Contract, the King by Letters Patent under the Great Seal, dated 24th March 1636, granted to the said Participants certain Lands within the said Level, Parcel of the Lands reclaimed by them; and among them Lands which are described in the First Schedule to this Act, and are known as the "Participants Scotted Lands," which Lands are subject to the Payment of Scots or Rates for the Maintenance of the said ancient Works of Drainage in the Level, and also to the Maintenance of Works executed by the Commissioners of Sewers of the Level of Hatfield Chase, with the Concurrence of the said Participants, under the Powers of Acts passed in the Years 1783 and 1787; recites also the 53 Geo. 3. c. 161, for the more effectually draining and improving Lands within the said Level, which Act, after reciting that the Lands belonging to the Participants "are chargeable with " the Expenses of supporting certain Works of Drainage " within the said Level and Parts adjacent," appoints Two Commissioners and authorizes them to execute certain Outfall Works at the River Trent and other specified as well as general Works of Drainage in the said Level, and the said Act gives to the Commissioners Powers to tax the Participants Lands during the Construction of the Works for the Purpose of defraying the Cost thereof; that the Works contemplated by the said Act have been accomplished, and that there are also within the said Level certain Lands described in the Second Schedule to this Act and known as

"The Decreed Lands," which are held in trust for the Participants by Trustees from Time to Time appointed, the Rents and Profits of which Decreed Lands are applied in the Discretion of such Trustees with the Approval of the Participants in General Meeting assembled, mainly for the Maintenance of the said Drainage Works in reduction of the said Scots; that there are within the said Level Two Districts (the North District and the South District), the North District being bounded on the North by the Stainforth and Keadby Canal and on the South by the New Torne River, the South District being bounded on the North by the said River and on the South by the River Idle and By-Carrs Dyke, and the main Outfall of the Waters from both the said Districts is into the River Trent at Keadby by Main Outlet Drains known as the North Double River, the Hatfield Waste Drain, and the South Double River Drain; that by virtue of the last-mentioned Act the Commissioners thereby appointed have erected in the South District a Steam Engine, and made Drains and Works connected therewith for conducting the Drainage Waters to the said Engine and discharging them into the Trent, and the said Engine and Works were constructed and are maintained by means of an Engine Rate levied on such of the Participants Lands as lie within the said South District in addition to the Scots; that it would be very advantageous to the Lands in and adjacent to the North District if a Steam Engine with the needful Drains and Works were constructed for the especial Drainage of that District, and it would also be advantageous to all the Lands in the said Level if the Arrangements of the said Main Outlet Drains were modified, and if Power were vested in the Participants to improve from Time to Time the Works of Drainage in the Level; that the Extension and Improvement of the ancient Works of Drainage, for the Maintenance of which the Participants Lands were liable to Scot, and the Erection of the South Engine and the Construction of other new Works of Drainage have greatly benefited Lands in the said Level other than the Participants Lands, and it is fitting that the Owners of such other Lands should contribute Funds towards the Maintenance of such Works, and should also contribute (according to the Benefit derived by them) towards the Construction of the new Engine and Works in the North District and to any Works which may hereafter be undertaken for the Drainage of the Level; that the said last-mentioned Act provides that the Commissioners thereby appointed shall, after the Works of Drainage provided for in the said Act are perfected, make an Award prescribing the Proportion or Rate at which the several Lands of the Participants are to be taxed with relation to the Construction and Maintenance of the said Works, and that after the Completion of the said Works and after the recording of the said Award in the Manner prescribed by the Act the Functions of the said Commissioners shall

cease, but no such Award has been made, and it is expedient that Provision be made for prescribing not only the said Rate or Proportion, but also the Rate at which the Lands in the said Level benefited by the Works of Drainage therein (whether such Lands belong to the Participants or not) should be assessed, and also for prescribing the Application of the Rents and Profits of the Decreed Lands, and also for closing at a definite Period the Commission under the said Act of 1813; that Makiu Durham of Thorne in the County of York and George Dyson Simpson of Loversall in the said County, Gentlemen, are the Commissioners under the said Act; and that it would contribute to the convenient Transaction of their Business and to the more efficient Maintenance and Improvement of Works of Drainage in the said Level if the said Participants were incorporated, and if the Decreed Lands were vested in them as such Corporation, and if the Owners of Lands to be taxed under the Powers of this Act other than Participants Lands formed Part of such Corporation, and if the said Corporation were empowered (subject to the Conditions herein-after contained) to execute from Time to Time Works of Drainage within the said Level, and to levy Rates and Taxes for the Maintenance and Improvement of existing Works and the Construction and Maintenance of future Works of Drainage therein, and to borrow Money for the Purposes thereof.

2. Within Two Months after the passing of this Act the Clerk of the Participants shall send to every Participant and to every Person liable to be taxed under the Powers of this Act, so far as he can ascertain the same, a Circular addressed to the usual Place of Abode of such Participant or other Person, summoning him to a Meeting for the Purpose of electing Commissioners to execute the Powers of this Act, and such Meeting shall be held in the Second Week of the Month of November 1862, and shall be presided over by some Participant nominated at the said Meeting.

Meeting to choose Commissioners.

3. Every Proprietor of Land liable to be taxed shall have One Vote in respect thereof, and every such Proprietor of Fifty Acres and upwards shall have Two Votes in respect of the first Fifty Acres and an additional Vote for every additional Fifty Acres.

Regulating Scale of voting.

4. There shall be Nine Commissioners, Six of whom shall be elected by the Participants alone, and Three shall be elected by the Owners of Lands taxable under the Powers of this Bill other than Scotted Lands, and in the Rotation of Commissioners Two of the Commissioners nominated by the Participants and One of the Commissioners nominated by such Owners shall go out of Office each Year, but shall be re-eligible, or their Places shall be supplied by such Participants and Owners respectively.

Appointment of Commissioners.

5. The said Commissioners shall be united into a Body Corporate, with perpetual Succession and a Common Seal, by the Name and Style of "The Corporation of the Level of Hatfield Chase," and by that Name may sue and be sued, plead and be impleaded, and may purchase and hold Lands and Hereditaments,

Incorporating Participants.

taments, and Goods and Chattels, and dispose thereof to the Use and for the Purposes of the said Body Corporate and of their Undertaking, and the same Body Corporate is herein-after referred to as "the Corporation."

Works of
Drainage, &c.
vested in Cor-
poration.

24 & 25 Vict.
c. clxxxv.

6. From and immediately upon such Incorporation all Drainage Works within the said Level which the said Participants are by Law now liable to make or maintain, together with all Ways, Roads, and Appurtenances, and all Lands, Rents, Tenements, Easements, Exemptions, Rights, Powers, and Privileges whatever connected therewith to which the said Participants are entitled, or which are now vested in any Person or Persons in trust for or representing the said Participants, or in the Commissioners under the said Act of 1813, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, and all Powers of executing Works and levying Taxes or of recovering Arrears of Taxes now vested in the last-named Commissioners, and all the Right or Interest of the Participants in the Sum of 1,500*l.* provided to be paid to the Trustees of the Decreed Lands by the "Thorne Moor Improvement Act, 1861," and also the Right and Estate of the Participants in 500 undivided Acres of Hatfield Moors, and also all Right, Share, or Interest held by the said Participants jointly with any other Persons, Trustees, or Corporations shall be transferred to, vest in, and thenceforth belong to the said Corporation for the same Purposes and subject to the same Debts, Charges, and Liabilities, and with the same Quality of Estate and Tenure as before the passing of this Act affected the Drainage Works, Matters, and Things so transferred, and the Corporation shall thenceforth support and maintain the same Drainage Works so transferred to them as fully and effectually as the Participants were bound to do, and all the Powers vested in and all Duties and Liabilities imposed upon the said Participants and Commissioners by the recited Acts or any of them, or otherwise for the making, Maintenance, or Renewal of Drainage Works, shall apply to the Drainage Works hereby authorized to be made and maintained by the said Corporation: Provided always, that until such Incorporation all the Powers heretofore vested in and lawfully exercised by the said Commissioners under the Act of 1813, or in the said Trustees of Decreed Lands, of maintaining the Works of Drainage in the said Level and of assessing, levying, and recovering Taxes, Rates, and Rents, or any Arrears thereof, shall remain in and be exercised by the said Commissioners and Trustees respectively as fully and effectually as though this Act had not passed; provided also that immediately after such Incorporation all Accounts of the said Commissioners under the Act of 1813 which have not already been passed and settled under the Provisions of the same Act shall be submitted to the said Corporation, who shall settle and adjust the same, and all Monies and Property of the said Commissioners shall vest in the said Corporation, who shall be liable to all the Debts and Liabilities of the said Commissioners under the same Act.

As to transfer-
ring Decreed

7. From and immediately upon such Incorporation the Decreed Lands mentioned in the Second Schedule to this Act and

and the Freehold and Inheritance thereof, and all the Rights, Easements, and Appurtenances belonging thereto, shall be and become vested in the said Corporation, and the Rents, Issues, and Proceeds thereof shall be received and recoverable by the Corporation, and it shall be lawful for the Corporation under their Common Seal to sell, convey, exchange, lease, or demise the said Lands or any Part thereof and any other Property at any Time held by them, according to the Direction of any General Meeting of the Participants.

Lands to Corporation.

8. The Application of the said Rents and annual Income shall be :

As to Application of Rents of Decreed Lands,

1st, to pay the general Expenses of the said Corporation and such Sums for any special Objects as may be from Time to Time ordered by the Corporation with the Assent of a General Meeting of the Participants :

2ndly, to pay all such Sums of Money as shall hereafter be assessed by the said Corporation or any other competent Authority on the Scotted Lands of the said Level by way of Scots :

3rdly, to pay from Time to Time such Sums as the said Corporation shall in their Discretion think fit, in improving the Drainage of Scotted Lands not comprised within the North or South Districts, and in Relief or Reduction of any Monies assessed by the said Corporation or any other competent Authority by way of Rate on the South District, or on the North District ; provided that every such Payment shall be made according to the Acreage of Scotted Lands within the respective Districts, and that no Lands other than those now liable to the Rate called Scots shall participate in such Relief or Reduction.

9. Any Capital Monies to be received by the said Corporation under the Powers of this Act shall be in the Discretion of the said Corporation applied to the Payment of any Debt of the Participants, and the Balance be laid out or invested in the Purchase of other Lands, or in Real or Government Securities, and the Corporation are hereby empowered to change from Time to Time all such Investments or Securities.

and of Capital Sum derived from them.

Acts heretofore done by Participants, &c. valid, § 10.

Nothing to affect Rights of Action, § 11.

Books, &c. to be delivered up, § 12.

Register of Participants, § 13.

As to First Meetings of Corporation, § 14.

Parts of Commissioners Clauses Act incorporated, § 15.

Votes may be given personally or by Proxies, § 16.

As to Votes of Lunatics and Minors, § 17.

Appointment of Sub-Commissioners, § 18.

Lands Clauses Consolidation Act incorporated, § 19.

Power to execute Works according to deposited Plans, § 20.

Errors and Omissions may be corrected by Justices, who shall certify the same, § 21.

22. Before the Corporation alter, deepen, or change the Direction of any Drains, or make new Drains, in pursuance of the

Certain Drainage Works to

be subject to
Revision.

the Powers herein-before granted to them, they shall prepare a Plan of such Works, and shall notify by Advertisement in Three successive Weeks in a Doncaster Newspaper, that the said Plan is open for the Inspection of any Person whose Land is liable to be taxed under the Powers of this Act; and if any such Person shall be of opinion that the proposed Works injuriously affect his Lands, or do not confer upon his Lands the Benefit to which they are entitled, and shall represent that Opinion to the Corporation, and the Corporation shall adhere to the Works objected to, the Question in difference shall be referred to Arbitration, and the Award shall declare whether the said Works ought or ought not to be undertaken with or without any Modification; and if the said Award shall declare that the said Works or any Part thereof should be altered, the Works, or the Portion thereof directed by them to be altered, shall be executed by the Corporation in accordance with such Alteration, and the following Conditions shall apply to every such Arbitration:

All the Owners objecting to the said Works, and desiring that the Question in difference shall be settled by Arbitration, shall concur in the same Reference to Arbitration, and the Arbitrator or Arbitrators or their Umpire shall take into consideration all the Objections made by such Owners, and shall make their Award or Awards thereon jointly or severally:

The Provisions of "The Railways Clauses Consolidation Act, 1845," "with respect to the Settlement of Disputes by Arbitration," shall apply to every such Arbitration, the Corporation being the one Party, and the said Owners jointly being the other Party to the Reference.

Power to set out Works, § 23.

Power to deviate from Plan to a certain Extent, § 24.

Works hereby authorized vested in Corporation, § 25.

Powers for compulsory Purchases limited to Two Years, and for constructing Works, Three Years, § 26.

Power to Sub-
Commissioners
to assess the
Lands in Level
for executing
Works of
Drainage.

27. It shall be lawful for the said Sub-Commissioners, and they are hereby authorized and required from Time to Time, until the said intended Drainage Works shall be perfected, to assess, tax, and charge, as respects all Construction Rates, the Owners and, as respects all Maintenance Rates, the Occupiers of all and singular the said Lands in the Level now known as Scotted Lands, and of all such other Lands in the said Level as are coloured Red in a Plan to be deposited with the Clerk of the Peace for the said West Riding, and signed by the Right Honourable William Pitt Earl Amherst, with such Sum and Sums of Money for the Construction and for the Maintenance of Works of Drainage as they the said Sub-Commissioners shall from Time to Time find requisite for defraying the Charges and Expenses of carrying this Act into execution; and the said Construction Rates shall be made by an Acre Rate or otherwise, according and in proportion to the Benefit which each such Owner shall be likely to receive by the Drainage Works to be constructed under this Act, and as the said Sub-Commissioners

Commissioners shall deem just and reasonable ; and the said Maintenance Rates shall be made as the said Sub-Commissioners shall deem just and reasonable, having regard to the existing Liability as to the said ancient Works of Drainage ; and all Sums of Money so to be charged and assessed upon every such Owner or Occupier shall be paid to the Treasurer of the Corporation, and at such Times as the said Sub-Commissioners shall order, direct, or appoint, they the said Sub-Commissioners first causing 21 Days Notice of the Time of Payment to be given in a Doncaster Newspaper or in some other Newspaper circulated in the said Counties of York, Lincoln, and Nottingham.

28. The Tenants and Occupiers of the said Lands so assessed shall pay every such Sum of Money as shall be so assessed upon or in respect of the respective Lands in their several Occupations to the Treasurer of the Corporation, and shall deduct and retain out of their Rents all such Sums of Money as they shall so pay under any Construction Rate ; and the Owners of such Lands are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents ; and every such Tenant or Occupier paying such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his Landlord : Provided always, that when the Lands so assessed are held under a Lease, the yearly Rent reserved by such Lease shall be increased by an Amount equal to Five per Cent. upon the Sum so assessed as a Construction Rate ; provided also, that no Occupier or Lessee of the Lands so assessed shall be required to pay in discharge of the said Assessment any greater Sum than the Rent due at the Time when the said Tax shall be demanded, or which shall become due thereafter before the said Tax shall be fully paid ; and provided lastly, that it shall not be lawful for such Tenants and Occupiers to deduct and retain out of their Rents such Sums of Money as they shall pay by way of Rate or Assessment for the Maintenance and Working of the South Engine and the Machinery and Buildings connected therewith, or for the Maintenance and Working of the Engine and the Machinery and Buildings connected therewith to be erected by virtue of this Act in the North District, or for the Maintenance of any of the Works of Drainage.

29. If any Person shall refuse or omit or neglect to pay all or any Part of the Rates and Taxes to which he is hereby made liable, such Rates or Taxes shall bear Interest at the Rate of 5*l.* per Centum per Annum from the Day on which the same are respectively made payable, and such Interest shall be recoverable in all respects as Part of such Rates and Taxes, and if such Nonpayment shall continue for the Space of One Calendar Month next after the Time limited for the Payment of the same, it shall be lawful for any Person empowered by the Corporation, by virtue of any Warrant or Precept under the Hand of any Justice of the Peace acting for the West Riding of Yorkshire (which Warrant or Precept

Tenants to pay the Taxes, and deduct the same out of their Rents.

Power of Distress in case of Nonpayment of Taxes.

such Justice is hereby authorized from Time to Time to grant and make as Occasion shall require), to levy the Taxes then in arrear by Distress for any Rent due in respect of the Lands so taxed, or by Distress of any Goods or Chattels of the Person chargeable with any such Tax whensoever and wheresoever such Goods and Chattels shall be found, and to impound and keep the same on the Premises where any such Distress shall be made, or elsewhere, for the Space of Five Days, including the Day on which the same shall be taken, at the Costs and Charges of the Person liable to pay such Taxes; and in case the Sum of Money for which any such Distress shall be made, and all Costs, Charges, and Expenses attending such Distress, shall not be paid and discharged within the said Five Days, the Person so making such Distress shall and may sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expenses attending such Distress and Sale, rendering the Overplus of the Monies arising from any such Sale, on Demand, to the Person entitled thereto.

Grounds un-occupied are to remain a Security for the Tax.

30. The said Lands to be taxed by virtue of this Act shall always remain a Security for Payment thereof; and all Goods and Chattels of the Person liable to such Tax which shall at any Time thereafter be found thereon shall and may be distrained, removed, impounded, kept, and sold in manner aforesaid, until all Arrears of the said Rates and Taxes and the Charges of such Distress shall be fully paid and satisfied.

Power to let Lands for Payment of Taxes.

31. Where any of the said Rates or Taxes shall be in arrear and unpaid by the Space of Three Calendar Months together, the Corporation shall have full Power and Authority to enter upon and let so much of the said Lands upon which any such Rate or Tax shall be so in arrear as they shall judge sufficient, for such Term of Years not exceeding Seven Years at each Letting, at such Rent and upon such Terms and Conditions as to them shall seem meet, and to apply the Rent arising therefrom in Payment and Discharge of all such Taxes and Rates and of such other Charges and Expenses as they the said Corporation shall incur or be liable to in consequence of all or any of such last-mentioned Proceedings, paying the Surplus, if any, to the Owner of the said Lands.

Power to Owners to raise Money to defray Expenses, &c.

32. And whereas some of the Owners of the assessed Lands may have Occasion to borrow Money to defray their respective Shares and Proportions of the Expenses incident to and attending such Improvement, but cannot by reason of some Incapacity or Impediment make effectual Securities for Money so to be borrowed: Be it therefore enacted, That it shall and may be lawful to and for all or any of the said respective Owners or Proprietors, Ecclesiastical or Lay, being Tenants for Life or in Tail, and also for the Husbands, Guardians, Committees, Trustees, or Attornies of or for such of the said Owners or Proprietors as shall be under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, by Writing under their Hands and Seals at

Time to Time to charge the said Lands so to be improved by virtue of this Act, with such Sum or Sums of Money as will fully defray their respective Shares and Proportions of the Charges and Expenses incident to and attending such Improvement, and for securing the Repayment of such Sum or Sums of Money with Interest, the Person or Persons borrowing the same respectively may by Indenture or other Deed under his, her, or their Hand and Seal, or Hands and Seals, and attested by Two or more credible Witnesses, grant, convey, mortgage, lease, or demise such Lands as aforesaid, either in Fee Simple with Powers of or Trusts for Sale, or for any Term or Number of Years or otherwise, unto or in trust for such Person or Persons as shall advance and lend such Money, so that every such Grant, Conveyance, Mortgage, Demise, or Security shall be made with a Proviso or Condition that the Principal Sum thereby secured shall be paid and discharged within Thirty Years from the Date of such Charge by half-yearly Payments of the Interest, and of not less than One Sixtieth Part of the Principal; and also with a Proviso or Condition to cease and be void, or with an express Trust to be assigned, surrendered, or reconveyed when such Sum or Sums of Money hereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and shall also contain a Covenant to pay and keep down the Interest of the thereby secured Money during his, her, or their respective Lives; and that no Person afterwards becoming possessed of any such Lands or Grounds shall be liable to any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, and that every Grant, Conveyance, Mortgage, Lease, or Demise so to be made shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants for Life or in Tail or other Person or Persons as aforesaid, any Law, Usage, Settlement, Will, Trust, Use, Remainder, or Limitation to the contrary notwithstanding.

33. The Monies arising from the Taxes to be raised by virtue of this Act shall be paid and applied by the Corporation in making, executing, and completing the several Works of Drainage by this Act authorized to be made, and all necessary Charges and Expenses to be incurred in or relating to the due Execution of this Act.

Application
of Taxes.

34. And whereas the Corporation may, for the Purpose of more expeditiously making the several Works by this Act authorized, find it expedient to anticipate the Payment of the Taxes by this Act authorized to be raised: Be it therefore enacted, That it shall be lawful for the Corporation, and they are hereby authorized and empowered from Time to Time or at any One Time, to borrow and take up at Interest on Mortgage upon the Credit of the said Taxes, and also of any Lands or other Property held by them, such Sum or Sums of Money, not exceeding in the whole 30,000*l.* to be owing at any one Time, as they shall consider necessary for the Purposes aforesaid, and as they shall be authorized by a General Meeting of the Participants to raise; which Money so to be borrowed shall

Power to
borrow on
Mortgage, &c.

shall be repaid to the Person or Persons lending or advancing the same, with such Interest as may be agreed upon out of the Taxes so to be pledged as aforesaid ; and the Receipt of the Treasurer of the Corporation shall be sufficient Discharge for the Money borrowed under this present Provision, and the Person advancing any such Money shall not be bound or concerned to see to the Application thereof, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be borrowed or raised for the Purposes aforesaid : Provided always, that all Monies borrowed by the Corporation shall be repaid within 30 Years after the same shall have been originally borrowed.

Former Powers of Taxation preserved.

35. Nothing in this Act contained shall take away or impair any Liability to which the Scotted Lands are now subject for the Maintenance of the ancient Works of Drainage in the Level.

Power to Sub-Commissioners, on receiving Certificate of Completion of Works, to make an Award.

36. When the Works of Drainage which the Corporation are by this Act authorized to execute are completed, the Sub-Commissioners shall, within Six Months after they shall have received from the Chairman of the Corporation a Certificate under his Hand of the Fact of such Completion, make an Award containing and declaratory of the Matters herein-after mentioned ; that is to say,

1. A Schedule of all Participant and other Lands within the Level liable to be rated, distinguishing therein—
 - a. The Rate per Acre at which any of such Lands are liable to the Drainage Rate called “ Scots ;” and the Amounts so stated shall for all Time thereafter be the Proportion in which such Lands shall be rated to raise any Monies by this Act directed to be raised on the Rate called “ Scots ;”
 - b. Whether such scheduled Lands are situate in the South District or the North District or elsewhere ;
 - c. At what Rate or Proportion per Acre the Lands in the South District, whether the same be Participant or other Lands, shall thenceforth be taxed for the Purpose of raising any Monies by this Act directed to be raised by the South District Rate ;
 - d. The like as to Lands in the North District :
2. A Schedule of the Drainage Works within the Level, stating as to each Work whether the whole or what Proportion of the Expense of maintaining the same shall be chargeable—
 - On the Rate called “ Scots ;”
 - Or on the South District Rate,
 - Or on the North District Rate :

And all the Monies to be thereafter raised by the said Corporation for the Maintenance of such several Works shall be for all Time thereafter raised and levied on the said several Rates in the Proportions defined in such Schedule.

37. All Monies to be thereafter raised for the Improvement of any of the said specific Works of Drainage shall also be raised in the same Proportion as defined in the said last-mentioned Schedule, and all new Works of Drainage which may hereafter be made by the said Corporation shall be paid for and maintained out of Monies to be raised upon such several Rates as shall be defined by the Order of the said Corporation directing such new Works to be made, in proportion to the Benefit which each of the said Districts shall receive and to the Relief which may be thereby afforded to the said Rate called "Scots," subject to Appeal as herein-after mentioned.

Schedule to
guide future
Assessments.

38. There shall be attached to the Award so to be made a Plan of the Lands affected thereby, and such Plan shall be authenticated by the Signatures of the Sub-Commissioners making the said Award.

Plan to be
attached to
Award.

39. The said Award shall be authenticated by the Seals and Signatures of the said Sub-Commissioners, and shall be delivered by the Sub-Commissioners to the Clerk of the Corporation, to be kept by him among the Muniments of the Corporation, and shall be open at all reasonable Hours to the Inspection of any Participant without Fee or Reward; and a Copy of the said Award, authenticated by the Common Seal of the Corporation, shall be deposited with the Clerk of the Peace for the West Riding of Yorkshire, and the Provisions of the Act passed in the First Year of Her present Majesty's Reign "to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament" shall apply to the said Award, as though the same were One of the Documents expressly referred to in the said Act.

As to recording
of Award
authenticated
by Sub-Com-
missioners, to
be open to
Inspection.

Copy of Award
to be deposited
under 7 W. 4. &
1 Vict. c. 83.

40. If the said Award be not made within 12 Months after the Completion of the Works as aforesaid it shall be lawful for the Corporation to declare by Vote of any Meeting, duly convened with Notice of the Matter, that the Functions of the said Sub-Commissioners have ceased, and to appoint a new Sub-Commissioner or Sub-Commissioners in their Place, and thereupon the Sub-Commissioners so superseded shall cease to be such Sub-Commissioners or to have any Rights, Powers, or Functions whatsoever, either by virtue of the said Act of 1813 or of this Act, and all such Rights, Powers, and Functions shall be exercised by such Sub-Commissioner or Sub-Commissioners so appointed.

In default of
Award Sub-
Commissioners
to cease.

41. If any Owner of Land shall deem himself aggrieved by any Assessment, Tax, or Charge of the Sub-Commissioners, or if any Owner of Land comprised in the said Award shall deem himself aggrieved by the said Award, or if any such Owner shall deem himself aggrieved by any Rate laid under this Act for any Purpose other than the Maintenance of Works of Drainage, he may appeal against the same to the General Quarter Sessions of the Peace to be holden in the County, Riding, or Division where the Lands lie to which the said Appeal relates, provided that 10 Days previous Notice of such Appeal be delivered to the Clerk of the Corporation, and that

Power to
Parties feeling
aggrieved to
appeal.

such Appeal be made within Six Calendar Months after the Notice of such Assessment or after the Award shall have been made ; and the Justices in the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order thereon and as to the Costs thereof as to them shall seem reasonable, and the Determination of the Justices shall be final and conclusive to and upon all Parties concerned, and if such Determination shall vary the said Assessment or Award, a Memorandum thereof signed by Two of the said Justices or by their Clerk shall be deposited with the said Award at the Office of the said Clerk of the Peace and with the Clerk of the Corporation, and shall have the same Effect as though it formed Part of the said Award.

Providing for
closing of
Commission.

42. When the said Award shall have been duly deposited as aforesaid, then and from thenceforth all and every the Powers and Authorities by this Act granted to or vested in the said Sub-Commissioners shall cease and determine, and all the Lands taxed by virtue of this Act or of the said Act of 1813 or of the said Award shall from thenceforth remain subject and liable to the maintaining and supporting the Works of Drainage within the said Level according to the Proportions fixed by the said Award and under the Control and Direction of the said Corporation.

Power to Cor-
poration to tax
Level.

43. After the Powers of the said Sub-Commissioners shall have ceased, it shall be lawful for the Corporation from Time to Time, and they are hereby required to rate, tax, and assess all the Lands mentioned in the said Award with such annual or other Acre Rate or Tax as shall from Time to Time be necessary for the Repayment of any Monies borrowed, or for the upholding and Renewal of the Works of Drainage within the Level, according to the Rule and Proportion specified in the said Award, and such Rates and Taxes shall be assessed separately as follows :

1. The Amount borrowed in respect of or necessary to maintain the Drainage Works or any Portion thereof by the said Award expressed to be chargeable on the Rate called "Scots" shall be raised by such Rate exclusively :
2. The Amount borrowed in respect of or necessary to maintain the Drainage Works or any Portion thereof by the said Award expressed to be chargeable on the South District Rate, shall be raised by such Rate exclusively, together with any Amount which shall be necessary to make and maintain any new Works which the said Corporation shall judge to be for the exclusive Benefit of the South District :
3. The Amount borrowed in respect of or necessary to maintain the Drainage Works or any Portion thereof by the said Award expressed to be chargeable on the North District Rate, shall be raised by such Rate exclusively, together with any Amount which shall be necessary to make and maintain any new Works which the said Corporation shall judge to be for the exclusive Benefit of the North District.

44. The Tax or Taxes so to be imposed by the Corporation shall commence and fall due on such Days as the Corporation shall from Time to Time determine, and no Tax shall be imposed for a longer Period than One Year, except Taxes laid for Repayment of Monies borrowed, which shall continue until such Monies, with all Interest thereon, shall be repaid; and such Tax or Taxes shall be paid to the Treasurer of the Corporation, except Taxes for Repayment of Monies borrowed, which shall be paid either to the said Treasurer, or any other Person specified therein, at such Places and in such Manner as the Corporation shall determine; and all the Powers heretofore granted to the Commissioners under the Act of 1813, or to the Sub-Commissioners by this Act, for the assessing and Recovery of Taxes imposed by them, shall apply to and be exercisable by the Corporation with respect to any Taxes which they are authorized to levy, as fully as though such Powers were herein repeated in favour of the Corporation.

Commence-
ment and
Duration of
Taxes.

45. The Corporation shall keep separate Accounts, as accurately as they are able, of the Expense incurred by them in the upholding and Renewal of the several Works of Drainage herein-before specified, according to the Classification thereof prescribed by the said Award.

Separate
Accounts to
be kept.

46. It shall be lawful for the Corporation to undertake and execute any additional Works of Drainage within the said Level, and for the Construction and Maintenance thereof to raise such Monies as shall be requisite by all or any of such Rates as aforesaid, according to the Relief to be afforded by such Works to the Participants Scotted Lands from the Scots assessable thereon, and according to the Benefit to be derived from such Works by the South District or the North District; and all the Powers in this Act granted to the Sub-Commissioners or to the Corporation of assessing, levying, and recovering the Rates herein-before specified, and all Powers of Distress and Entry, and of leasing Lands and of borrowing Money on the Security of Rates, and Power to Owners to borrow Money for paying such Rates, shall apply to the Rates authorized by this Enactment: Provided always, that no such Works the Cost of which shall exceed 500*l.*, shall be undertaken unless the same shall have been previously approved of by a Meeting of the Participants, convened with due Notice of the Matter; provided also, that before any such larger Works of Drainage shall be undertaken a Scheme thereof shall be prepared by the Corporation, and the said Scheme shall declare whether any Lands other than Participants Lands will be benefited by such proposed Works, and ought therefore to be subjected to Taxation for the Construction and Maintenance thereof; and if there be any such Lands then the Owners thereof shall be summoned to the Meeting at which such Scheme is to be considered in the same Manner as Participants; and they shall have a Right to take part in and to vote at such Meeting, personally or by Proxy, upon the said Scheme as though they were Participants; and if the Owners of Two Thirds in Extent of the Lands, other than Participants Lands, proposed to be taxed for the Execution thereof shall concur in such Scheme, then

Providing for
future Drain-
age Works.

then such Lands shall, upon the Deposit with the Clerk of the Corporation of a Declaration in Writing, signed by the Owners of such Two Thirds thereof, of their Concurrence, become liable to be rated and taxed under this Act as Part of the Participants Lands.

Owners of
taxed Lands
to form Part
of Corporation.

47. The Owners of all Lands other than Participants Scotted Lands within the said Level, which by virtue of any Assessment by the Sub-Commissioners under the Powers of this Act, or by virtue of the said Award, or of any Resolution of the Corporation and Declaration of Owners under the last preceding Enactment, shall be subjected to Taxation for the Execution or Maintenance of Drainage Works, shall by virtue of such Taxation be deemed thenceforth to be Participants as fully as though they were the Owners of Participants Scotted Lands: Provided always, that such Persons shall not be entitled to any Right in or Benefit from the Decreed Lands, and shall not at any Meeting of the Corporation or otherwise interfere with the Management, Disposition, or Control of the said Lands; and provided also, that such Persons shall not by becoming Members of the said Corporation, nor shall their Lands be liable to the Rate called Scots, or to the Maintenance of any Drainage Works, for the Maintenance of which the Participants as Owners of the said Scotted Lands are liable.

Limiting Area
of Taxation.

48. No Power of Taxation conferred by this Act shall (unless with the Consent of the Owner of the Land to be taxed) extend beyond the Townships and Parishes following; that is to say, Crowle, Wroot, Misson, Haxey, Epworth, Owston, Althorpe, Belton, and Keadby, in the County of Lincoln; Armthorpe, Cantley, Auckley, Finningley, Rossington, Hatfield, Blaxton, Stainforth, South or Sand Bramwith, Fishlake, Sykehouse, and Thorne, in the County of York; Finningley and Misson, in the County of Nottingham; nor shall any such Power of Taxation extend to or be exercised over the District known as Hatfield Moors, the same being bounded on the North by Hatfield Waste Drain, on the East and South by Scotted Lands, and on the West by High Lands.

Other Lands
may be ad-
mitted by
Agreement.

49. It shall be lawful for the Corporation and the Owners or the Trustees for the Drainage of any Lands adjacent to the said Level, mutually to agree for the Drainage of such Lands by the Drainage Works of the Corporation, or for the Use of the Drainage Works of such Owners or Trustees by the Corporation, upon the Payment of such Sum and Sums of Money, either in gross or annually, or both, and subject to such Stipulations, Conditions, and Regulations as shall be specified and mentioned in the Agreement which shall be entered into on that Behalf; and it shall be lawful for the Corporation and such Owner or Trustees of other Lands where the Participants or Trustees for Decreed Lands shall have heretofore entered into any such Agreement to ratify and confirm the same.

Ancient
Drainage
Liabilities
maintained.

50. All Drains not now liable to be repaired out of Scots shall, after the same may be improved under the Provisions of this Act, continue to be repaired by the same Parties and under the same Liability as before the passing of this Act.

Schedules (Description of Lands subject to Act)

Cap. cxli."The South Yorkshire Railway (Sheffield and Thorne)
Act, 1862."

Proposes to enable the South Yorkshire Railway and River
Dun Company to make Railways near Sheffield and Thorne,
and to exercise other Powers.

Consolidation Acts incorporated, § 1.

Power to make Railways, §§ 3, 4.

Power to alter Engineering Works, § 5.

Level Crossings, §§ 6 to 9.

Communications with Manchester, Sheffield, and Lincolnshire
Railway, §§ 10 to 12.

Damage occasioned by Midland Railway to be made good,
§ 13.

Other Arrangements with Midland Company, §§ 14 to 18.

Lands to be purchased within Three Years, § 19.

Works to be executed within Three Years, § 20.

Power to use Parts of Manchester, Sheffield, and Lincolnshire
Railway, §§ 22 to 24.

Saving Rights of Great Northern Railway Company under
Agreements, § 25.

Powers conferred on Company by Midland Company's Act of
1847, 10 & 11 Vict. c. cl., repealed, § 26.

Power to raise 100,000*l.* by new Shares, with Preference
Dividend of 5 per Cent., §§ 29 to 35.

Power to borrow 33,000*l.*, §§ 36, 37.

Parts of Companies Clauses Act incorporated, § 39.

Cap. cxlii.

"The Berwickshire Railway Act, 1862."

Recites the Expediency of making a Railway from the Hawick
Branch of the North British Railway near Newtown Saint
Boswells to Dunse.

Incorporation of Consolidation Acts, § 1.

Company incorporated, with Capital of 100,000*l.*, and Power
to borrow 33,300*l.*, §§ 2 to 10.

Meetings; Directors, &c., §§ 11 to 20.

Power to make Railway, §§ 21 to 24.

Junctions with North British Railway, §§ 25, 26.

Level Crossings, § 27 to 29.

Lands to be purchased within Two Years, § 33.

Works to be completed in Four Years, § 34.

Power to alter Engineering Works, § 35.

Station to be made at Marchmont, § 36.

Tolls, §§ 37 to 45.

Agreement for working of Railway by North British Company,
§§ 46 to 50.

North British Company to contribute and raise Capital for that
Purpose, §§ 51 to 54.

Schedule (Agreement with North British Company).

Cap. cxliii.

“The Bishops Waltham Railway Act, 1862.”

Proposes to incorporate a Company for making a Railway from Bishops Waltham in the County of Southampton to the Botley Station of the London and South-western Railway in the same County.

Incorporation of Consolidation Acts, § 1.

Subscribers incorporated, with a Capital of 16,000*l.*, and with

Power to borrow 5,000*l.*, §§ 3 to 9.

Meetings; Directors, &c., §§ 10 to 17.

Power to make Works, § 18.

Power to alter Engineering Works, § 19.

Lands to be purchased by Compulsion in Two Years, § 21.

Period for Completion of Railway, §§ 22 and 32.

Level Crossings, §§ 23 to 26.

Communications with the London and South-western Railway, §§ 28 to 31.

Tolls, §§ 33 to 39.

Power to enter into Agreements with London and South-western Railway Company, §§ 40 to 48.

Cap. cxliv.

“The Crystal Palace and South London Junction Railway Act, 1862.”

Recites that the making of Railway Communication, as herein-after described, from the City and West End Sections of the Metropolitan Extension of the London, Chatham, and Dover Railway, so that by means of the same, and of the Line of Railway next herein-after referred to, there may be Communication by Railway through Denmark Hill and Peckham with the Crystal Palace at Sydenham, would be of great public Advantage; that a Bill is pending in Parliament for enabling the London, Brighton, and South Coast Railway Company to make certain new Lines of Railway, and it is expedient to secure the User in connexion with the Railways by this Act authorized of a Portion of such new Lines of Railway, namely, the Portion intended to be made between the Points herein-after mentioned at the Barrington Road in the Parish of Saint Mary Lambeth and Peckham respectively, and with that Object, and for the Purpose of effecting such Railway Communication as afore-said, Provisions have been inserted in such Bill for securing to the Company and any Company lawfully working and using the Railways of the Company and the London, Chatham, and Dover Railway Company the Use of the said Portion of Railway; and that it is expedient that the Company on the one hand and the Dover Company on the other hand should be authorized to enter into Agreements as herein-after mentioned.

Incorporation of Consolidation Acts, § 2.

Company incorporated, with Capital of 675,000*l.* and Power to borrow 225,000*l.*, §§ 3 to 7.

Meetings ; Directors, &c., §§ 11 to 17.
Power to make Railway, § 19.

20. If the Brighton Bill shall not pass into a Law during the present Session, or if before the Expiration of Three Years from the passing of the Brighton Bill (if the same shall pass during the present Session) the Brighton Company shall not have completed and opened for Traffic with Four Lines of Rails so much of the Railway proposed to be authorized by the Brighton Bill as lies between the Commencement of the Railway first herein-before described and authorized and the Termination of the said Railway in the Brighton Bill called Railway No. 4. at or near Barrington Road aforesaid, then and in either of those Cases (but not otherwise) it shall be lawful for the Company to make the Portion of the Railway shown on the deposited Plans and Sections herein-after mentioned which is situate between the said Point of Commencement of the said Railway firstly herein-before described and authorized and the Termination of the said Railway in the Brighton Bill called Railway No. 4. at or near Barrington Road aforesaid.

In certain Events Company may make so much of the Line shown on deposited Plans as is situate between the Commencement of Railway No. 1. in this Act and the Termination of Railway No. 4. in the Brighton Bill.

Power to alter Engineering Works, § 22.

Powers for compulsory Purchases limited to Three Years, § 23.

Three Years for Completion of Works, § 24.

25. Provided always, That in the event herein-before mentioned of the Company being entitled, under the Provisions of this Act, to make the Portion of Railway shown on the said deposited Plans and Sections which is situate between the said Point of Commencement of the said Railway firstly herein-before described and authorized and the Termination of the said Railway in the Brighton Bill called Railway No. 4. at or near Barrington Road aforesaid, in consequence of the Failure of the Brighton Company to complete the same before the Expiration of Three Years from the passing of the Brighton Bill (if the same shall pass during the present Session), then and in such Case the Powers of the Company for the compulsory Purchase of Lands for the Purpose of the said Portion of Railway, and also the Powers of the Company for making the said Portion of Railway may be exercised, at any Time during a Period not exceeding One Year next after such Default of the Brighton Company.

As to Powers for compulsory Purchases in the event of the Brighton Bill passing this Session.

Provisions as to Junctions, &c. with Brighton Railway, §§ 27 to 29.

Junctions with London, Chatham, and Dover Railway, §§ 30 to 32.

Protection of Southwark and Vauxhall Waterworks, §§ 33 to 36.

Protection of Surrey and Sussex Roads, §§ 37 to 44.

Construction of Bridges and Roads, §§ 45 to 51.

Execution of Works in Parish of Lambeth, and Protection of Streets, §§ 52 to 58.

Tolls, §§ 60 to 69.

Traffic Arrangements with London, Chatham, and Dover Company, §§ 70 to 77.

Confirmation of Agreement with Governors of Dulwich College, § 78.

Saving Rights of Metropolitan Board of Works and of Brighton Railway Company, §§ 79, 80.

Cap. cxlv.

“The North-eastern and Carlisle Railways Amalgamation Act, 1862.”

Recites that by “The North-eastern Railway Company’s Act, 1854,” the York and North Midland Railway Company and the Leeds Northern Railway Company were dissolved, and their respective Undertakings and Property were vested in the York, Newcastle, and Berwick Railway Company, the Name of which Company was thereby changed to the Name “The North-eastern Railway Company,” and Provision was made for the Consolidation of the Malton and Driffield Junction Railway Company and their Undertaking with the Company and their Undertaking, in accordance with which the Malton Company were dissolved and their Undertaking and Property became vested in the Company; that by “The North-eastern Railway Company’s (Capital) Act, 1857,” the Capital of the Company was limited to the Sum of 18,816,487*l.* 10*s.*, and such further Amount as they should create by the Conversion of Loan into Capital, and such further Amount, if any, as might be provided by any other Act of the then Session; and the Amount to be borrowed by the Company on Mortgage or Bond was limited to 6,270,000*l.* less the Amount then already or thereafter raised by Debenture Stock, but with an Option of raising 300,000*l.* by borrowing instead of by Shares, the Amount so borrowed to be in addition to any other Amount to be borrowed under the reciting Act; that subsequently to the passing of the last-recited Act the Capital and borrowing Powers of the Company have been increased, and the total authorized Capital of the Company now is 20,167,057*l.* 10*s.*, and the total Amount which they are authorized to borrow is 6,769,333*l.* 6*s.* 8*d.*, less the Amount from Time to Time of their Debenture Stock, and less so much of the 300,000*l.* mentioned in the Capital Act as they raise by Shares instead of by borrowing; that by the Amalgamation Act an Agreement dated the 31st March 1853, under the Seals of the York, Newcastle, and Berwick Railway Company, the York and North Midland Railway Company, and the Leeds Northern Railway Company respectively, for determining and adjusting the Terms and Conditions upon which those Three Companies and their respective Undertakings were to be amalgamated, and the Application and Apportionment of the joint Revenues of the Amalgamated Companies to and among the several Classes of Proprietors therein specified, and the Charges and Outgoings to be placed to the

Account of the several Capital Stocks composing the united Capital, and to be borne by and paid out of the Revenues to be assigned respectively as therein expressed, and the Charges and Outgoings to be borne by and paid out of the Joint Revenue, and generally for defining and adjusting the Rights and Interests of the several Classes of Proprietors and several Creditors in and of the Company, was confirmed, and Provision was made with respect to the Proportions of the Receipts from the Traffic on all the Railways of the Company to be allotted to the Malton Company or their Class of Shareholders in the Company ; that by the Act 10 Geo. 4. c. lxxii. the Newcastle-upon-Tyne and Carlisle Railway Company were incorporated, and were authorized to make and maintain the Newcastle-upon-Tyne and Carlisle Railway, and several other Acts were afterwards passed with respect to the Carlisle Company ; that by "the Carlisle Act of 1854" the Capital of the Carlisle Company was declared to be their then existing 4*l.* per Centum Preference Share Capital of 150,000*l.*, and their then existing ordinary Share Capital of 1,155,000*l.*, and such further Capital as under the reciting Act the Company should raise by new Shares, and such further Capital as under the reciting Act they should raise by borrowing ; and the Company were authorized to raise by new Shares 230,000*l.*, or instead of raising the whole thereof by new Shares to borrow 75,000*l.* ; and to create Debenture Stock for paying off Debenture Debt ; and except only for enabling the Amount necessary for redeeming Debenture Debt to be raised, the whole Sum to be raised by the Carlisle Company by Shares and by Stock and by borrowing, or by any of those Means, was limited not to exceed 2,000,000*l.* ; and the Amount (if any) raised in excess of 2,000,000*l.* was to be applied forthwith and exclusively in paying off Debenture Debt ; that the Carlisle Company under "the Carlisle Act of 1854" created 1,550 Shares of 100*l.* each, with a perpetual fixed preferential Dividend of 4*l.* 10*s.* per Centum per Annum, ranking next after the 150,000 Carlisle Four per Cents. ; that the total authorized Capital of the Carlisle Company now is as follows :

	£
Carlisle Four per Cents. - - -	150,000
Carlisle Four and a Half per Cents. - - -	155,000
Carlisle ordinary Capital - - -	1,155,000

Making a total Amount of existing Share Capital of - - - - £1,460,000

And the total Amount which the Carlisle Company are authorized to borrow is - - - 540,000
less so much, not exceeding 75,000*l.*, as they raise by Shares, and less the Amount from Time to Time of their Debenture Stock

Total - - -	£2,000,000
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that the 150,000*l.* Carlisle Four per Cents. were created on the 7th May 1851, and are entitled to a Dividend of 4*l.* per Centum per Annum payable half-yearly in preference to any Dividends on the previously created Shares of the Carlisle Company, and are also entitled to participate with the Holders of those previously created Shares in any Excess of Dividend paid to those Holders over Four per Cent. ; that with a view to the Amalgamation of the Undertaking and Property of the Carlisle Company with the Undertaking and Property of the Company the following Heads of Arrangement were some Time since submitted to and received the Sanction of General Meetings specially convened of the Shareholders of the Carlisle Company and the Company respectively ; that is to say,

First. The Two Lines to be amalgamated on the Principle of each Company receiving a Proportion of the net Receipts, and out of such Proportion paying the Interest on their Debts, &c., and special Charges, and the Dividend on their Share Capital :

Second. All Engines, Carriages, and other Rolling Stock, and all Stations, Railways, Docks, and other Works belonging to or in possession of either of the Companies to become the Property of the united Company, subject to existing Agreements, Leases, &c. :

Third. Subject to the following Provisions and Stipulations, the Carlisle Share of the joint net Receipts to be 10 per Cent. and the North-eastern Share 90 per Cent. thereof :

Fourth. The gross Receipts of the Two Lines to be charged with the Working Expenses, Wayleave Rents, Passenger Duty, Rates and Taxes, Permanent Way Renewal Fund, and also the Proportions of Traffic due under the Agreements to the Malton and Driffield and Thirsk and Malton Lines, and the Balance then remaining to be divided according to the Third Clause :

Fifth. The Carlisle Section to be charged with One Tenth Part of the Interest or Dividend on the Amount expended on the Jarrow (now called Tyne) Docks, Dearness Valley, Bedale and Leyburn, and North Yorkshire and Cleveland Railways, and all the other Capital which may be expended for joint Purposes after the 1st January 1859, all such Expenditure and the entire Cost of the above Lines and Works to be transferred to joint Account :

Sixth. Out of the Proportion of 10 per Cent. the Carlisle Section to be charged with One Tenth of the Interest agreed to be allowed on the Amalgamation of the Berwick, York, and Leeds Lines, in respect of the Expenditure on the Auckland (7,500*l.* a Year), Pensher (4,250*l.*), Thirsk and Malton (1,000*l.*), and Victoria Dock Branches (1,750*l.*), amounting in the aggregate to 14,500*l.* per Annum :

Seventh. After the passing of the Act of Parliament the Mortgages, &c. of the separate Lines to become the

- Mortgages, &c. of the joint Company, each Section of Proprietors to be charged with Interest at the average Rate paid by the united Company on the Amount of Capital not provided by Shares :
- Eighth. Each Company to pay and receive the Amounts owing by and to them respectively, and provide out of their own Revenue for all bad Debts or other Charges to the 31st December 1858, and neither Company to be affected either in Principal or Interest by the unsettled Balances of the other Company ;
- Ninth. The North-eastern Company's Contingency Fund and Permanent Way Renewal Fund, and the Carlisle Company's Reserve Fund to be transferred to and become the Reserve Fund of and belong to the united Company :
- Tenth. Stores on hand on the 1st January 1859 to be taken by the joint Company at the Amount such Stores stand at in the Books of each Company, provided such Sum be found fairly to represent the Value thereof actually and comparatively, if not, according to Survey and at current Prices :
- Eleventh. Old Materials (exclusive of Rails) on hand, and which the Companies would have sold in ordinary Course had they remained separate, to be sold for the Benefit of or their Value credited to the separate Account of the Company to which they belonged ; old Rails to be collected and disposed of as may hereafter be decided, and the Value of the Stock on hand respectively on the 1st January 1859 secured to each Company when the same shall be sold or otherwise disposed of :
- Twelfth. House and Land Property belonging to each of the Companies, not required for present or probable future Railway Purposes, to remain separate Property ; the Proceeds of Sale and the Rents of such Property to be credited accordingly :
- Thirteenth. Each Company to have the exclusive Benefit of any financial Arrangements connected with its own Share Capital :
- Fourteenth. Shares held by either of the Companies in other Concerns to be separate Property :
- Fifteenth. Any Sum which may be hereafter paid for the Enfranchisement of Wayleave or Leasehold Property to be joint Capital :
- Sixteenth. An Act for the Amalgamation of the Two Lines to be applied for in the next Session of Parliament after the Sanction of the Shareholders shall have been obtained ; such Application, if needful, to be renewed in future Sessions until the necessary Powers shall be obtained to enable the Companies to carry out substantially the Agreement hereby entered into ; the Cost of the Application or Applications to Parliament to be charged to joint Revenue :

Seventeenth. Sundry Pieces of Land at Newcastle, belonging to the Carlisle Company, shown on a Tracing submitted to the North-eastern Company, and not required for Railway Purposes, to remain the separate Property of the Carlisle Company :

Eighteenth. Two Members of the Carlisle Board to have Seats at the Board of the united Company upon the Amalgamation Bill being obtained :

that the Railways of the Company and of the Carlisle Company are connected together at Newcastle-upon-Tyne and Redheugh, in the County of Durham, and it will conduce to the public Advantage and to the convenient and economical Working of those Railways that they should be united, and it is expedient that, subject to the Provisions of this Act, those Heads of Arrangement be confirmed, and the Undertaking, Railways, and Property of the Carlisle Company be amalgamated with the Undertaking, Railways, and Property of the Company, and the Carlisle Company be dissolved, and their Powers, Rights, Duties, and Obligations be transferred to the Company ; and that it will tend to the better Accommodation of the Public, that the Company be authorized to use the Citadel Station at Carlisle, and the several Lines of Railway forming the Approaches from the Newcastle and Carlisle Railway to that Station, and the several Buildings, Works, and Conveniences of and connected with that Station and those Lines of Railway, to the Extent and in manner herein-after mentioned or provided for, subject to and in consideration and on the Terms of the Agreement set forth in Schedule (A.) to this Act annexed ; and that Provisions be made for the entering into and carrying into effect for the Purposes of this Act of future Contracts and Arrangements with respect to the Citadel Station, and those Lines of Railway, Buildings, Works, and Conveniences, and the Traffic thereon and thereat, and the Receipts and Expenditure in respect of the same.

Dissolution of Carlisle Company and vesting of their Undertaking in Company, § 2.

Monies, &c. of Carlisle Company vested in Company, § 3.

Dissolution and vesting subject to Heads of Arrangement, § 4.

Company to represent Carlisle Company, § 5.

Powers of Carlisle Company under Acts to be exercised by Company, § 6.

Company to perform Duties of Carlisle Company, § 7.

General Saving of Rights under Acts, § 8.

Saving of Contracts, Rights of Action, Debts, Resolutions, Byelaws, &c., §§ 9 to 23.

Increase of Number of Directors of Company, § 24.

Rotation of additional Directors, § 25.

Carlisle Capital
added to
Capital of
Company.

26. On and after the passing of this Act the authorized Capital of the Carlisle Company, amounting to 1,460,000*l.*, shall be added to and form Part of the Capital of the Company, and shall be called the Carlisle Capital Stock, and be represented and distinguished in the Books of the Company by 150,000*l.* of 4*l.* per Centum per Annum preferential Stock, with the pro-

spective Benefits herein-after mentioned, and to be called Carlisle Four per Cent. preferential Stock, by 155,000*l.* of 4*l.* 10*s.* per Centum per Annum preferential Stock, to be called Carlisle Four and a Half per Cent. preferential Stock, and by 1,155,000*l.* ordinary Stock, to be called Carlisle ordinary Stock.

27. The several Persons who immediately before the passing of this Act were the registered Holders of Shares in the 150,000*l.* Carlisle Four per Cents., and in the 155,000*l.* Carlisle Four and a Half per Cents., respectively shall on the passing of this Act respectively become and be the Owners of an equal Amount in nominal Value of the Carlisle Four per Cent. preferential Stock and of the Carlisle Four and a Half per Cent. preferential Stock, as the Case may be, and they are in this Act called "the Carlisle preferential Shareholders;" and they shall accordingly be entitled to have the Certificates of their Shares in the Carlisle Four per Cents. and Carlisle Four and a Half per Cents. respectively exchanged for Certificates of an equal Amount of the Carlisle Four per Cent. preferential Stock and of the Carlisle Four and a Half per Cent. preferential Stock respectively in the Company, and shall be registered as Shareholders of the Company accordingly, and shall accordingly be entitled to Votes, Qualifications, and other Privileges.

Carlisle preferential Shareholders to be Holders of like preferential Stocks of Company.

Ordinary Shareholders of Carlisle Company to be Holders of Carlisle ordinary Stock of Company, § 28.

Debenture Debt of Carlisle Company added to Debenture Debt of Company, and borrowing Power of Company defined, § 29.

Priority for existing Mortgages, § 30.

Joint and separate Capital Revenue, and other Accounts to be kept, § 31.

32. From and after the passing of this Act the total Receipts of the Company from all Sources on account of Revenue shall (but so as not to affect any Rights of the existing Mortgagees or Holders of Preference Shares of the Company or the Carlisle Company) be liable to make good, and there shall from Time to Time be deducted thereout, the Expenditure of the Company for the following Purposes; (that is to say),

Deductions from total Revenue of Company.

The Working and Management of the Company and their Undertaking, Railways, Property, and Effects:

All Rents reserved by any Lease or Contract, Wayleave Rents, and like Payments from Time to Time payable by the Company:

The Duty from Time to Time payable by the Company to Her Majesty in respect of Passengers:

All other Taxes, Rates, County, Parochial, and other Assessments, and public and local Impositions and Burdens whatsoever:

The keeping up of the Permanent Way Renewal Fund of the Company which they from Time to Time determine to keep up, and any Contingency Fund of the Company:

The Proportions of the Traffic Receipts of the Company from Time to Time payable by the Company to the separate Revenue Account of the Holders of the Malton Capital Stock under the Provisions of the Amalgamation Act in that Behalf, and to the Holders of the Thirsk and Malton Shares or Stock in the Berwick Capital Stock, in pursuance of the Agreement under which those Shares were issued :

The Interest or Dividend of all Monies expended and from Time to Time owing on joint Capital Account :

Provided always, that the Rents and other Revenues of the Company which, according to the Heads of Arrangement, are to belong to the separate Revenue Accounts of the Carlisle Shareholders of the Company and of the other Classes of Shareholders of the Company, in this Act called the present North-eastern Shareholders, shall, as between those Two Classes or Bodies of Shareholders, be credited to their respective separate Revenue Accounts according to those Heads of Arrangement, and dealt with and appropriated accordingly.

Net Balance of joint Revenue to be divided into 90*l.* per Centum thereof, and 10*l.* per Centum thereof half-yearly.

33. From and after the passing of this Act, and subject to those Deductions and Appropriations, the Balance of those total Receipts shall be divided into Two Portions, one being 90*l.* per Centum of that Balance, and the other being the remaining 10*l.* per Centum thereof, and that Balance shall be so ascertained up to the 30th Day of June and the 31st Day of December in every Year, and shall be divided accordingly ; and the Amount of those total Receipts, and the Deductions and Appropriations so made thereout, and the Amount of the Balance, and the Division thereof accordingly, shall be shown by the half-yearly Accounts of the Company.

The 90*l.* per Centum of Balance to belong to the present North-eastern Shareholders.

34. The 90*l.* per Centum of the Balance, and the Rents and other separate Revenues of the present North-eastern Shareholders of the Company, and the Allowances to them in this Act mentioned, shall be dealt with and applied by the Company as the Receipts of the Company from like Sources would be dealt with and applied if this Act were not passed.

Deductions from 10*l.* per Centum of Balance.

35. The 10*l.* per Centum of the Balance shall be applied by the Company as follows ; that is to say,

In Payment to the joint Revenue Account of the present North-eastern Shareholders of the yearly Sum of 1,450*l.*, being One Tenth Part of the yearly Sum of 14,500*l.*, the aggregate Amount of the Interest which, in pursuance of the Amalgamation Act and the Agreement for Amalgamation thereby confirmed, is allowed in respect of the Expenditure on the Auckland, the Pensher, the Thirsk and Malton, and the Victoria Dock Branch Railways respectively :

In Payment to the joint Interest Account of the Company of Interest on the Amount from Time to Time of the Debts and Liabilities of the Carlisle Company and its Class of Shareholders in the Company, such Interest being calculated according to the average Rate of the Interest or Dividend from Time to Time payable by the Company

on or in respect of their joint Loan Account, and brought into their joint Interest Account.

36. Subject to those Deductions, the Residue of the 10*l.* per Centum of the Balance and the Rents and other separate Revenues of the Carlisle Shareholders of the Company shall be applied by the Company as follows ; (that is to say,)

Application of Residue of 10*l.* per Centum of Balance amongst the Carlisle Shareholders.

First, in Payment, by equal half-yearly Payments to fall due on and to be paid within 70 Days after the 1st Day of January and the 1st Day of July in every Year, of a preferential Dividend after the Rate of 4*l.* per Centum per Annum to and among the Holders of the Carlisle Four per Cent. preferential Stock, rateably in proportion to their respective Interests therein :

And subject to the Payment thereof,

Secondly, in Payment, by equal half-yearly Payments to fall due on and to be paid within 70 Days after the 1st Day of January and the 1st Day of July in every Year, of a perpetual, fixed, preferential Dividend after the Rate of 4*l.* 10*s.* per Centum per Annum to and amongst the Holders of the Carlisle Four and a Half per Cent. preferential Stock, rateably in proportion to their respective Interests therein :

And subject to the Payment thereof,

Thirdly, in Payment to and among the several Holders of the Carlisle ordinary Stock, rateably in proportion to their respective Interests therein, of such Dividend thereon, not exceeding the Rate of 4*l.* per Centum per Annum, as is from Time to Time fixed by the Half-yearly General Meetings of the Company :

Fourthly, after Payment of a Dividend at the Rate of 4*l.* per Centum per Annum to the several Holders of Carlisle ordinary Stock, in Payment to and amongst those Holders and the Holders of the Carlisle Four per Cent. preferential Stock, rateably in proportion to their respective Interests in such Stocks, of such further Dividend as is from Time to Time fixed by the Half-yearly General Meetings of the Company.

37. Subject to the Provisions of this Act, the Company shall carry into effect the 5th and the 8th to the 15th (both inclusive) and the 17th of the recited Heads of Arrangement by this Act confirmed ; and for the Purposes of those Heads respectively, and so far as the pecuniary Interests of the several Classes of Shareholders of the Company are concerned, the Carlisle preferential Shareholders and the Carlisle ordinary Shareholders shall be regarded as if they were the Carlisle Company, and all the other Shareholders of the Company shall be regarded as if they were the North-eastern Company as existing prior to the passing of this Act.

Heads of Arrangement to be carried into effect.

38. As from the 1st Day of January 1859 inclusive, all Monies, and the Value or Proceeds of all Property and Effects which according to those Heads of Arrangement would belong to or be applicable for the Benefit of the North-eastern Company as existing prior to the passing of this Act, or of the Carlisle Company respectively, as Capital or Revenue, as the Case

Application of Monies received on account of the separate Capital or Revenue Ac-

counts of the
Two Com-
panies.

may be, shall be applied respectively in or towards Payment, Satisfaction, or Discharge of the Debts, Liabilities, and Engagements on Capital or Revenue Account, as the Case may be, of the Two Companies respectively, according to whichever of the Two Companies are under the Terms of those Heads of Arrangement entitled to be credited with those Capital or Revenue Monies or Proceeds respectively, and the Surplus, if any, of those Revenue Monies or Proceeds shall be appropriated to the Class of Shareholders entitled thereto.

Accounts be-
tween the Two
Companies
from 1st Jan.
1859.

39. As from the 1st Day of January 1859 inclusive, the Accounts of the Company and the Carlisle Company respectively shall be kept, and forthwith after the passing of this Act the same shall be settled as between themselves in like Manner in all respects as if that Day had been the Day on which the Amalgamation of the Undertaking, Railways, Property, and Effects of the Carlisle Company with the Undertaking, Railways, Property, and Effects of the Company, and the several Provisions of this Act with respect to the Amalgamation, and the Incidents and Consequences thereof, had respectively taken effect.

Power to use
Citadel Station.

40. The Company may use for the Purposes of their Traffic the Joint Station at Carlisle known as the Citadel Station, and the Rails, Sidings, Booking Offices, and other Buildings, Works, and Conveniences thereat or connected therewith, and the Railways lying between that Station and the Railway of the Carlisle Company, hereafter in this Act called the Citadel Station and Premises, upon Payment of such Rent or other Remuneration, and upon the Terms and Conditions, contained in the Agreement set forth in Schedule (A.) to this Act annexed.

Agreements
between Com-
pany and Com-
panies owning
the Citadel
Station.

41. The Company and the Company or Companies owning the Citadel Station and Premises, and with respect to each of those Companies, with the Sanction of at least Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting of the respective Company specially convened for the Purpose, from Time to Time hereafter may make and carry into effect all such Contracts and Arrangements with respect to the Purposes in that Behalf by this Act authorized as the Companies, Parties to such Contract or Arrangement, think fit, and the Purposes for which any such Contracts and Arrangements may be made comprise the following, and all incidental Matters ; (that is to say,)

First, the using by the Company of the Citadel Station, and the Buildings, Sheds, Yards, Works, and Conveniences thereof, or any Part thereof, and the working over and using by the Company of the Lines of Railway, Sidings, Watering Places, Water, and other Works and Conveniences of and near to the Citadel Station, which the Company are by this Act authorized to work over and use :

Secondly, the Appropriation of any Part of the Citadel Station and Premises for the Use of the Company either exclusively or jointly with any other Company :

Thirdly,

Thirdly, the Terms and Conditions of and the Facilities to be afforded for such using or working over :

Fourthly, the Tolls, Rates, Charges, or other Considerations to be paid by the Company with respect to such using or working over :

Fifthly, the Modification of any of the Rights or Liabilities under this Act of the Company, and the other Company or Companies Party to any such Contract or Agreement as between themselves.

42. Provided always, That no such Contract or Arrangement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the respective Companies Parties thereto shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Contract or Arrangement, be entitled to the Use and Benefit of the Station, Lines of Railway, Works, and Premises to which such Contract or Arrangement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, or Charges, as they would have been in case no such Contract or Arrangement had been entered into.

Such Contracts not to affect Tolls payable by Persons not Parties thereto.

43. Subject to the Provisions of "The North-eastern Railway Company's Act, 1854," herein called "the Amalgamation Act," applicable in that Behalf, the Company may demand and take in respect of the Railways of the Carlisle Company by this Act vested in the Company, and for all Passengers, Animals, and Things conveyed thereon, and for Locomotive Engines and other Power, and for Carriages and Waggons respectively, and for all Services performed by the Company with respect to the same, a like Amount of Tolls, Fares, Rates, and Charges as by the Amalgamation Act the Company are authorized to demand and take for all like Traffic and Services and Matters on or with respect to the Railways of the Company, and in like Manner, and with and subject to the like Powers and Provisions in all respects, as if the Railways of the Carlisle Company, by this Act vested in the Company, were respectively Part of the present Railways of the Company.

Tolls on Carlisle Company's Railway.

44. Provided always, That notwithstanding anything in this Act contained, wherever, under or by virtue of any Act relating to the Carlisle Company, that Company are or may be authorized to demand, receive, and take any special or other Rates, Tolls, or Charges for or in respect of the Passage or Conveyance of Passengers, Animals, Minerals, Goods, Articles, Matters, and Things along or across any Bridge or inclined Plane upon their Railways, or for the Use of Staiths, Drops, or Spouts, or for any other special Matters or Things, the Right to demand, receive, take, and recover such Rates, Tolls, and Charges shall remain and be or become vested in the Company; and in computing any such special or other Rates, Tolls, and Charges, the general or ordinary Rates, Tolls, and Charges which the Company are by the Amalgamation Act authorized to demand and take in respect of their Railways shall be substituted for and considered as the ordinary Rates, Tolls, and

Provision as to special Rates and Tolls on Carlisle Railway.

Charges respectively authorized to be demanded or taken by the several Acts granting such special or other Rates, Tolls, and Charges respectively, and over and above or upon which ordinary Rates, Tolls, and Charges such special or other Rates, Tolls, and Charges are by those Acts respectively authorized to be charged or calculated.

As to Passengers Luggage on Railways of Carlisle Company.

45. Every Passenger travelling on the Railways of the Carlisle Company, by this Act vested in the Company, may take with him his ordinary Luggage, not exceeding 150 lbs. in Weight for First-class Passengers, and 100 lbs. in Weight for Second-class and for Third-class Passengers, without any extra Charge being made by the Company for the Carriage thereof.

Tolls where Company work over Railways of other Companies.

46. Where under this Act any Passengers, Animals, or Things are conveyed by the Company partly on their Railway and partly on any Part of the Lancaster and Carlisle Railway and Caledonian Railway, or either of them, worked by the Company for a Distance less in the whole than Six Miles, the Company may demand and take as for Six Miles the maximum Tolls, Fares, Rates, and Charges which they are by this Act authorized to take.

Power for Lords of Barony of Gilsland for the Time being to nominate a Person to whom Company shall grant a free Pass over the Railway.

47. And whereas under the Provisions of the Carlisle Acts the Earl of Carlisle, his Heirs or Assigns, Lords of the Barony of Gilsland, are empowered to appoint Directors, not exceeding Two, of the Carlisle Company, and such Power is repealed by this Act: In consideration whereof the Right Honourable George William Frederick Earl of Carlisle, and his Heirs the Earls of Carlisle and Lords of the Barony of Gilsland for the Time being, shall have the Right to nominate in Writing from Time to Time One Person to whom the Company shall, on Request for such Purpose made to their Secretary, issue and give a Ticket or Pass entitling such Person to travel free by any Passenger Train for the Time being run by the Company over any Part of their Railway, and either by a First or any other Class of Carriage attached to such Train, but subject nevertheless to the ordinary Rules and Regulations of the Company for the Time being in force respecting Passengers by such Train: Provided, that in case the said Earl shall be at any Time desirous of changing his Nominee, the free Pass then in use by his previous Nominee shall be delivered up to the Company to be cancelled on Application being made for a free Pass for such other Nominee.

Regulations as to Traffic on Carlisle Railway, § 48.
Lamps to be placed in all Carriages, § 49.

Provision as to Cattle Station to be used at Newcastle.

50. From and after the Expiration of 12 Months after the passing of this Act, so long as the Live Cattle Market of the Borough of Newcastle-upon-Tyne shall be held in a Situation West of the Central Station of the Company in the said Borough, all Cattle, Sheep, and Pigs intended for Sale or sold in the said Market, which shall be brought into or carried out of the said Borough by the Railway, shall be loaded or unloaded, as the Case may be, either at the said Central Station

Station or at some Station or Cattle Dock West of that Station.

51. Whereas the Newcastle and Carlisle Railway crosses on the Level the public Street or Highway called Saint Nicholas Street in the Parish of Saint Cuthbert, Carlisle, in the City of Carlisle: Therefore it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the Board of Trade shall direct and at the Expense of the Company, to carry such Street or Highway over the said Railway by means of a Bridge in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Provision as to Saint Nicholas Street in Carlisle.

52. The Agreement between the Company and the North British Railway Company (a Copy whereof is set forth in Schedule (B.) to this Act annexed) is hereby confirmed and made binding upon the Companies Parties thereto: Provided that the Exercise by the Company or the North British Company, or either of them, of the Powers and Facilities in the Agreement contained, or any of them, shall not be taken or considered to be an Exercise of the Privileges and Facilities by this Act granted in reference to Traffic by the Carlisle Railway Route.

Confirming Agreement between the Company and the North British Railway Company.

53. The Agreement between the Company and the London and North-western Railway Company (a Copy whereof is set forth in Schedule (C.) to this Act annexed) is hereby confirmed and made binding on the Companies Parties thereto.

Confirming Agreement with London and North-western Railway Company.

Schedules :—

- (A.) Articles of Agreement between the Caledonian Railway Company and the Lancaster and Carlisle Railway Company of the First Part, the London and North-western Railway Company of the Second Part, and the North-eastern Railway Company of the Third Part.
- (B.) Articles of Agreement made between the North-eastern Railway Company of the one Part, and the North British Railway Company of the other Part.
- (C.) Agreement between the North-eastern Railway Company of the one Part, and the London and North-western Railway Company of the other Part.

Cap. cxlvi.

“The North-eastern Railway Company’s (Conside Branch) Act, 1862.”

Recites that by their Act of 1857 the North-eastern Railway Company were authorized to make a Branch Railway called the Lanchester Valley Railway from their Bishop Auckland Branch to the Conside Ironworks, in the County of Durham, and it is expedient that the Company should be empowered to construct Railways between the Newcastle-upon-Tyne and Carlisle Railway and the Lanchester Valley

Railway, and between the last-mentioned Railway and the Stockton and Darlington Railway, and to acquire for the Purposes of their Undertaking certain additional Lands and Property; that by "The Stockton and Darlington and Newcastle and Carlisle Union Railway Act, 1856," a Main Line of Railway between the Darlington Railway, in the Township of Conside, and the Carlisle Railway, with a Branch therefrom, was authorized, whereof the said Branch and a small Portion only of the said Main Line have been constructed, and the unexecuted Portion of the Main Line will be rendered unnecessary by reason of the Construction of the Railways by this Act authorized, and it is expedient, and the Stockton and Darlington and Newcastle and Carlisle Union Railway Company are willing that the same should be abandoned; and that the Company should be empowered to raise a further Sum of Money, and that further Powers should be granted to them.

Incorporation of Consolidation Acts, §§ 2, 3.

Power to take Lands and to construct Railways, §§ 4, 5.

Admiralty Provisions, §§ 6 to 11.

Power to alter Engineering Works, § 13.

Lands not to be purchased compulsorily after 30th November 1864, § 16.

Nothing in this Act to prejudice or affect a certain Action now pending between the Company and G. T. Gibson, § 17.

Restraining Purchase of Property of G. T. Gibson, § 18.

Protecting North Shields Turnpike Road, § 19.

Works to be completed by 30th November 1866, §§ 20, 21.

Communications with the Railways of the Carlisle and Darlington Companies, §§ 22 to 25.

For facilitating Transmission of Traffic between Railways hereby authorized and the Darlington and South Durham and Lancashire Union Railways, §§ 26, 27.

For facilitating Transmission of Traffic between the Railways hereby authorized and the other Railways of the Company over the Carlisle Railway, §§ 28, 29.

Abandonment of a Portion of the Stockton and Darlington and Newcastle and Carlisle Union Railway, and Compensation, §§ 30, 31.

Additional Capital of 165,000*l.* may be raised, §§ 32, 33.

Power to borrow 55,000*l.*; Saving Rights of existing Mortgagees, §§ 34, 35.

Power to assign Preference not exceeding 5*l.* per Cent. to new Shares or Stock, §§ 37 to 41.

Tolls of "The North-eastern Railway Company's Act, 1854," to be taken, § 42.

Saving Rights of the Crown, § 47.

Cap. cxlvii.

"Tupton and Ashover Road and Birkin Lane Road Act, 1862."

Recites 11 Geo. 4. & 1 W. 4. c. xci., intituled "An Act for more effectually repairing and improving the Road from Temple

“ Normanton to Buntingfield Nook, in the County of Derby, and the Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross, in the said County ;” that the Term granted by the recited Act will shortly expire, unless the same be further continued ; that the several Sums specified in the Schedule to this Act annexed, amounting to 3,270*l.*, are secured upon the Tolls.

Repeals Act, and continues the Trust for 21 Years.

Cap. cxlviii.

“ The Birkenhead Railway Act, 1862.”

Recites that in 1852 the Birkenhead, Lancashire, and Cheshire Junction Railway Company were dissolved, and re-incorporated and authorized to complete and maintain the Birkenhead, Lancashire, and Cheshire Junction Railway ; that in 1859 the Birkenhead Company were authorized to make and maintain additional Railways, and their Name was changed to the Name “ The Birkenhead Railway Company ” ; that by their Vesting Act, 1861, the Birkenhead Railway, as therein mentioned, was vested in the London and North-western Railway and the Great Western Railway Companies jointly ; that it is expedient that the Two Companies, acting either by means of the Joint Committee appointed under the Provisions of the said last-mentioned Act, or otherwise, should be empowered to make and maintain the Railway herein-after mentioned, and that the Time for the Sale of superfluous Lands acquired by the Birkenhead Company should be extended.

Incorporation of Consolidation Acts, §§ 2, 3.

Powers of Act may be exercised by Joint Committee, § 4.

Power to take Lands and to construct Railway, §§ 5, 6.

Crossing Road on Level, and also Power to carry Railway authorized by “ The Birkenhead Railway Act, 1859,” over a certain Road on the Level, §§ 7 to 11.

Power to alter Engineering Works, § 12.

Lands for extraordinary Purposes, § 13.

Three Years for compulsory Purchase of Lands, § 14.

Five Years for Completion of Railway, §§ 15, 16.

Power to apply surplus Capital to Purposes of Act, § 17.

Tolls and Charges, § 18.

Extending Period for Sale of superfluous Lands for Three Years from passing of Act, § 19.

Cap. cxlix.

“ The Bristol and South Wales Union Railway Act, 1862.”

Recites that by “ The Bristol and South Wales Union Railway Act, 1857,” the Bristol and South Wales Union Railway Company were authorized to make and maintain Railways between the City of Bristol and the South Wales Railway in the County of Monmouth, with a Steam Ferry across the River Severn in connexion therewith ; that the Railways, Piers, and Works authorized by such Act are in Progress of Construction ; that by their Act of 1861 the Company were

authorized to issue new Shares in lieu of any Shares which had been or might be cancelled, surrendered, or forfeited, or remained unissued, and to attach to such new Shares a preferential Dividend not exceeding 5*l.* per Centum per Annum, and the Time for the Completion of the Railways, Piers, and Works authorized by the Act of 1857 was extended; that it is expedient that the Company should be authorized to construct the Railways and Works herein-after more particularly described, from the Bristol and South Wales Union Railway in the County of Gloucester, to the River Avon near its Confluence with the River Severn; that the Mayor, Aldermen, and Burgesses of Bristol have constructed a Slip and Landing Place in the River Avon, opposite Dumball Island, and it is expedient that such Arrangements should be authorized with the Corporation with reference thereto as are herein-after specified; and that the Company should be authorized to raise additional Capital for the Purposes of the Railways authorized by this Act, and that some of the Provisions of the Acts of 1857 and 1861 should be amended.

Incorporation of Consolidation Acts, §§ 3, 4.

Power to construct Railway and Works, § 5.

Arrangements as to Pier with Bristol Corporation, §§ 7 to 9.

Works in Westbury-on-Trym for Accommodation of Bristol Port Railway and Pier Company, § 10.

As to Termination of Railway No. 1. if Bristol Port Railway and Pier Bill be passed, § 11.

Admiralty Provisions, §§ 12 to 17.

Sections 32, 33, 34, and 35 of Act of 1857 applied to this Act, § 18.

Level Crossings, §§ 19 to 22.

Three Years for compulsory Purchase of Land, § 24.

Five Years for Completion of Works, §§ 25, 26.

Power to raise additional Capital of 40,000*l.*, § 27.

Power to cancel unissued Shares, § 28.

Calls, § 29.

New Capital to be subject to same Incidents as Capital authorized by recited Act, § 30.

Votes and Qualifications, § 31.

Power to borrow 9,800*l.*, §§ 32, 33.

Tolls on Extension Railway, §§ 35, 36.

Tolls for Landing, &c., § 37.

For securing Equality of Treatment, § 38.

Exemption of certain Vessels, § 39.

The Company and the Great Western Railway Company may enter into Traffic Arrangements, § 41.

Saving Rights of the Crown, § 44.

Cap. cl.

“The Cheadle Turnpike Roads Act, 1862.”

Recites an Act of 1 Will. 4., intituled “An Act for consolidating the Trusts of the several Turnpike Roads in the

“Neighbourhood of Cheadle, in the County of Stafford, and
 “for making Deviations and new Branches to and from the
 “same;” that the Trustees for executing the said Act have
 proceeded to put the same into execution, and have made
 the new Branch from Quickshill to the Churnett Bridge at
 Rocester therein mentioned, but it has not been found ex-
 pedient to make the other new Roads by the same Act
 authorized to be made; that they have borrowed several
 Sums of Money on the Credit of the Tolls of the said several
 Roads respectively, which cannot be paid off, or the Interest
 thereof discharged, unless the said Term be further con-
 tinued; that it is expedient that certain Parts of the Roads
 in the said Act mentioned should no longer be Turnpike
 Roads, namely, the Third or Dilhorn District therein men-
 tioned, and also the said new Branch from Quickshill to
 Churnett Bridge aforesaid, and that the Mortgage Debts
 charged upon the Tolls of the said Dilhorn District of the
 said Roads should be extinguished; that the said Act should
 be repealed, and further Powers granted in lieu thereof.

Repeals recited Act, discontinues the aforesaid Part of the
 Roads, and continues the Remainder of the Trust for 21
 Years from the 31st December 1862.

Cap. cli.

“The Horsham, Dorking, and Leatherhead Railway
 Act, 1862.”

Proposes the making of a Railway to connect the Towns of
 Horsham and Dorking, in the Counties of Sussex and
 Surrey; to make a Deviation of the proposed Railway, as
 defined on the said Plans; recites that the said Railway is
 proposed to form a Junction with the Railway of the London,
 Brighton, and South Coast Railway Company, and it is
 expedient that that Company be empowered to subscribe
 towards the Construction thereof, and to guarantee Divi-
 dends and Interest upon the Money expended in such Con-
 struction; and that Provision should be made for enabling
 the Company and the London, Brighton, and South Coast
 Railway Company to enter into Contracts and Agreements
 with respect to the Working, Use, Management, and Main-
 tenance of the Railway.

Consolidation Acts incorporated, § 1.

Incorporating Company, with a Capital of 120,000*l.*, and with

Powers of borrowing 40,000*l.*, §§ 4 to 10.

Meetings; Directors, &c., §§ 11 to 18.

Power to make Railways, § 19.

Confirming Agreement with Mr. Lambert, § 21.

As to Junctions with other Railways, § 22, 23.

Three Years for compulsory Purchase of Lands, § 24.

Five Years for Completion of Works, §§ 25, 26.

Tolls, §§ 27 to 36.

Power for Brighton Company to contribute 75,000*l.* towards
 Construction of new Lines of Railway, and to guarantee
 Interest, &c. on Monies expended in construction of new
 Lines, §§ 37 to 42.

Power for the Brighton Company to contribute Monies for Purposes of Act, § 43.

Power for Brighton Company to raise Money by Creation of Stock or Shares, with a Preference of 5*l.* per Cent., or to raise Money on Mortgage, §§ 44 to 49.

Power for Company and Brighton Company to make Working and Traffic Arrangements, §§ 50 to 54 and § 57.

Cap. clii.

“The Thames Valley Railway Act, 1862.”

Proposes the making of Railways from the London and South-western Railway to Hampton and Shepperton in the County of Middlesex.

Incorporation of Consolidation Acts, § 1.

Company incorporated, with a Capital of 110,000*l.*, and Power to borrow 36,000*l.*, §§ 3 to 11.

Meetings ; Directors, &c., §§ 12 to 18.

Power to make Railways, §§ 21 to 23.

To alter Engineering Works, § 25.

Consent of Crown to taking Lands required, § 26.

Regulations as to Works connected with Longford River, §§ 27, 28.

For Protection of Grand Junction Waterworks, §§ 29, 30.

Protection of Southwark and Vauxhall Waterworks, §§ 31, 32.

Protection of West Middlesex Waterworks Company, §§ 33, 34.

Protection of London and South-western Railway Company, §§ 22 and 24 and §§ 35, 36.

Lands to be purchased within Three Years, § 38.

Works to be completed within Five Years, § 39.

Tolls, §§ 41 to 50.

Working Agreements with South-western Railway Company, §§ 51 to 54.

Heads of Agreement with that Company in Schedule confirmed, § 55.

Agreement with Edward Raphael, Esq. confirmed, § 56.

Rights of the Crown saved, § 59.

Schedule (Heads of Agreement).

Cap. cliii.

“The Mid Kent (Addiscombe) Railway Act, 1862.”

Recites that in 1855 the Mid Kent Railway Company were incorporated ; that a Railway from the Mid Kent Railway in the Parish of Beckenham, in the County of Kent, to Addiscombe in the Parish of Croydon, in the County of Surrey, would be of public Advantage ; proposes to authorize that Company to make the same.

Incorporation of Consolidation Acts, §§ 1 to 3.

Power to make Works, §§ 4 to 6.

Power to alter Engineering Works, § 7.

Two Years for compulsory Purchase of Lands, § 8.

Three Years for Completion of Works, §§ 10, 11.

Regulation of Bridges in Beckenham, §§ 12, 13.

- Bridges in Croydon for carrying Roads over Railway to be 30 Feet between Fences, § 14.
 Traffic on London, Chatham, and Dover Railway not to be obstructed, § 15.
 Restriction as to Levels and taking of Lands of Chatham Company, § 16.
 As to Bridges under Railways of Chatham Company, § 17.
 Maintenance of Bridge and Works crossing Chatham Company's Lines, § 18.
 Company to pay to Chatham Company Expenses of Watchmen, § 19.
 Not to interfere with Chatham Company's Lands, &c., § 20.
 Company to pay all Damages sustained by Chatham Company, § 21.
 Saving Rights of Chatham Company, § 22.
 Railway Tolls, § 23.
 Power for Company to raise 45,000*l.* by Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 24 to 28.
 Power to borrow 15,000*l.*, §§ 29, 30.
 Company and South-eastern Railway Company empowered to enter into Working Arrangements, § 33 to 40.

Cap. cliv.

“The North-eastern Railway Company's (Team Valley Extension) Act, 1862.”

- Proposes to enable the North-eastern Railway Company to construct the Team Valley and other Branch Railways in the County of Durham.
 Incorporation of Consolidation Acts, §§ 2, 3.
 Power to made Railway and Works, § 4.
 Admiralty Provisions, §§ 5 to 7.
 Power to alter the Rates of Inclination of certain Roads, § 8.
 Power to alter Engineering Works, § 9.
 Company not required to purchase the whole of certain Properties, § 10.
 Power to stop up Portion of Old Durham Turnpike and Hylton Road, § 11.
 Mode of constructing certain Works in Borough of Sunderland, § 12.
 Lands to be purchased compulsorily within Three Years, § 14.
 Works to be completed within Five Years, §§ 15, 16.
 Additional Capital of 290,000*l.* may be raised with or without a Preference not exceeding 5*l.* per Cent., §§ 17, 18, and §§ 21 to 26.
 Power to borrow ; saving Rights of existing Mortgagees, §§ 19, 20.
 Tolls of “The North-eastern Railway Company's Act, 1854,” to be taken, § 27.
 Power to apply Monies raised under other Acts to the Purposes of this Act, § 28.

Cap. clv.

"The Dublin Cattle Market Act, 1862."

Recites that the present Market called Smithfield Market in the City of Dublin for the Sale of Cattle, Horses, Sheep, Pigs, and other marketable Commodities, is insufficient for the Accommodation of the Inhabitants of the said City, and for the Purposes of Persons buying and selling therein ; that it is expedient to erect a new Market, with necessary Slaughter-houses and other Offices and Buildings, to be situate on the North Side of the said City of Dublin, in the Parish of Saint Thomas, for the Sale of Cattle, Horses, Sheep, Pigs, Hides, Skins, and other marketable Commodities ; that certain Lands and Premises in the North Lotts, immediately adjoining the Liffey Branch of the Midland Great Western Railway, and extending from the Dublin and Drogheda Railway to East Road and Sheriff Street, would form a suitable Site for the Purposes aforesaid ; that the several Persons first herein-after named, with others, have agreed to form themselves into a Company and provide the necessary Capital for the said Purposes ; and it is expedient that the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin should be enabled to purchase the said intended Market, Slaughter-houses, and other necessary Buildings, and all Rights, Powers, and Privileges to be conferred by the said Act.

Incorporation of Consolidation Acts, § 1.

Limits of Act, § 3.

Incorporation of Cattle Market Company, § 5.

Capital of Cattle Market Company, 40,000*l.*, §§ 7, 8.

Power for Cattle Market Company to borrow 10,000*l.*, § 9.

Directors ; Meetings, &c., §§ 10 to 14.

Power to construct Market, §§ 16, 17.

Power to stop up certain Streets in the Parish of Saint Thomas, § 18 to 22.

Three Years for Completion of Works, § 24.

Two Years for compulsory Purchase of Lands, § 25.

Power to enlarge Market from Time to Time, § 26.

Power to make Approaches between Market and Midland Great Western and Dublin and Drogheda Railways, § 27.

Company to keep Order in the Market, § 28.

Saving Privileges of the Lord Mayor and Corporation, § 29.

Byelaws, §§ 30, 31.

Provisions for General Acts as to Slaughter-houses, § 32.

Power to grant Leases of Houses, Stalls, and Pens, § 33.

Power to levy General Market Tolls as in Schedule (A.), § 34.

Wholesale Market Tolls as in Schedule (B.), § 35.

Slaughter-house Tolls as in Schedule (C.), § 36.

Tolls to be payable by successive Occupiers of Houses, Stalls, and Pens, § 37.

Commissioners of Police to regulate Route and Times for driving Cattle to and from Market, § 38.

Power for Corporation to purchase Market, § 39.
 Transfer of Market to Corporation, §§ 40 to 43.
 Schedules (Tolls).

Cap. clvi.

“The Mid Wales Railway (Deviation, &c.) Act, 1862.”

Proposes to enable the Mid Wales Railway Company to alter the Line and Levels of their Railway, and to make a Junction between the Mid Wales and the Central Wales (Extension) Railways, and to amend the Acts relating to the Company.
 Consolidation Acts incorporated, § 2.
 Power to make Railway and alter Engineering Works, §§ 3 to 6.
 Compulsory Power to take Lands limited to Three Years, § 9.
 Junction Line to be completed in Five Years, § 10.
 Extension of Time for purchasing certain Lands, §§ 11, 12.
 Limiting Powers of Purchase of Lands on Remainder of Line, § 13.
 Mid Wales Railway to be completed within Periods now limited, § 14.
 Level Crossings, §§ 15 to 17.
 Communications with Lines of Central Wales Extension Company, §§ 19, 20.
 Company to abandon Parts of Line ; Compensation to be made, §§ 21, 22.
 Agreement between H. Thomas, Esq. and the Company saved, § 23.

Cap. clvii.

“The Glasgow Barony Parochial Board Act, 1862.”

Recites the 8 & 9 Vict. c. 83., intituled “An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland,” by which it is provided, inter alia, that in every Parish in which it has been resolved to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board shall, in the Case of a Burghal Parish or Combination of Parishes, consist of such Number of Persons, to be elected by the Ratepayers, not exceeding 30, as may be fixed by the Board of Supervision, with Four Members nominated by the Magistrates of the Burgh, and Four Members of the Kirk Session, and in the Case of a Parish not burghal or combined consist of the Owners of Lands and Heritages of the yearly Value of 20*l.* and upwards, and of the Provost and Bailies of any Royal Burgh, if any, in such Parish, and of the Kirk Session of such Parish, and of such Number of Members, elected as therein mentioned, as shall be fixed by the Board of Supervision ; that the Barony Parish of Glasgow is a very extensive and populous Parish, partly situated within the City of Glasgow, and partly suburban and partly rural, but, not being a Burghal Parish in the Meaning of the said recited Act, the Parochial Board thereof created by virtue of the said Act is constituted in a Mode applicable to a

strictly rural Parish, which is altogether unsuited to the Circumstances of the Barony Parish; that the Funds necessary for the Relief of the Poor are raised in the said Parish by Assessment, and the Manner in which the Assessment is imposed has been approved by the Board of Supervision; and that it is expedient that the Constitution of the Parochial Board of the Barony Parish of Glasgow should be altered by being assimilated, as far as the Circumstances will permit, to that prescribed by the said Act for a Burghal Parish or Combination.

Interpretation
of Terms.

2. The following Words or Expressions when used in this Act shall, in the Construction thereof, be interpreted as follows:

“The Barony Parish” shall mean the Barony Parish of Glasgow as rated for the Support of the Poor, and including the several Districts which have been erected into Parishes and disjoined from it for all other Purposes:

“The Board of Supervision” shall mean the Board of Supervision for the Relief of the Poor in Scotland constituted by the said recited Act.

Barony Parish
to be held to be
a Burghal
Parish.

3. From and after the passing of this Act the Barony Parish of Glasgow shall be held and considered to be a Burghal Parish or Combination in the Meaning of the said recited Act, and the Parochial Board thereof shall be constituted in the Manner prescribed by the said Act for a Burghal Parish or Combination in which it has been resolved to raise the Funds requisite for the Relief of the Poor by Assessment, and the Manner in which such Assessment shall be imposed has been approved by the Board of Supervision; and the whole Clauses and Provisions of the said recited Act applicable to a Burghal Parish or Combination shall thereafter apply to the Barony Parish, and the Board of Supervision shall forthwith proceed to apply the said Clauses and Provisions of the said Act to the said Parish.

Commissioners
of Supply to
nominate Four
Members of
Parochial
Board.

4. Provided always, That the Parochial Board to be created by virtue of this Act and the said recited Act shall be held to be duly constituted without the Four Members directed by the said recited Act to be nominated by the Magistrates of the Burgh in a Burghal Parish or Combination, and in lieu of Members nominated by Magistrates as aforesaid the Commissioners of Supply deriving their Qualification as such within the Barony Parish shall nominate Four Persons from their own Body to be Members of the Parochial Board, and the Board of Supervision shall fix a Day or Days for the said Commissioners to nominate the said Persons to be Members of the Parochial Board.

Present Board
to continue till
new Board
elected.

5. The present Parochial Board of the Barony Parish shall continue to act until the Election of the Parochial Board to be constituted by virtue of this Act and the said recited Act, and immediately thereafter all the Powers and Duties of the present Parochial Board shall cease and determine, and the Clauses and Provisions of the said recited Act, in so far as they relate solely or exclusively to a Parish not burghal or combined, shall thenceforth not apply to the Barony Parish.

Recited Act, so far as not inconsistent with this Act, to apply,
§ 6.

Expenses of Act to be paid out of Rates, § 7.

Cap. clviii.

“ The Banstead and Epsom Downs Railway Act, 1862.”

Proposes to make a Railway from the Sutton Station of the Croydon and Epsom Branch of the London, Brighton, and South Coast Railway to Banstead and Epsom Downs in the County of Surrey.

Incorporation of Consolidation Acts, § 1.

Incorporation of Company, with a Capital of 85,000*l.*, and with Power to borrow 28,300*l.*, §§ 3 to 8.

Company may make Working Arrangements with London, Brighton, and South Coast Railway Company, §§ 9 to 15.

Meetings ; Directors, &c., §§ 16 to 22.

Railway to be made according to deposited Plans, § 23.

Provisions for Junctions of Railway with London, Brighton, and South Coast Railway, §§ 25 to 33.

Power to alter Engineering Works, § 34.

Lands to be purchased by Compulsion within Two Years, § 36.

Three Years for Completion of Railway, &c., §§ 37, 38.

Tolls, § 39 to 49.

Regulating the crossing over the Ewell and Borough Heath Road, §§ 53 to 55.

Cap. clix.

“ The Bristol Port Railway and Pier Act, 1862.”

Proposes to make a Railway from the Port of Bristol, to commence at or near the Point where the Hotwell Road in the Parish of Clifton passes the Pier of the intended Suspension Bridge over the River Avon, and to terminate in the Parish of Westbury-upon-Trym, in the County of Gloucester, on the shore of the Old Channel at the Mouth of such River, and a Pier or Jetty into the said River from the Terminus of the said intended Railway.

Incorporation of Consolidation Acts, §§ 1 to 3.

Subscribers incorporated, § 5.

Capital, 85,000*l.* for the Railway and 40,000*l.* for the Pier, §§ 6 to 8.

Power to borrow 28,000*l.* for the Railway and 13,000*l.* for the Pier, §§ 9 to 12.

Meetings ; Directors, &c., §§ 13 to 18.

Power to construct Railway, § 19.

Power to construct Pier or Jetty, § 20.

Description of Works, § 21.

Works in Westbury-on-Trym for Accommodation of Bristol and South Wales Union Railway Company, § 22.

Company empowered to lay down mixed Gauge, § 23.

Diverted Towing-path to be kept in repair by the Company, § 24.

- For maintaining Towing-path alongside River Avon, § 25.
 As to Works affecting the Sewers under the Control of the Commissioners, § 26.
 For Protection of the Clifton Suspension Bridge Company, § 27.
 Admiralty Provisions, §§ 28 to 33.
 Company may deviate Line in passing through Lands of Merchant Venturers, § 34.
 As to Compensation for Black Rock Quarry, § 35.
 Provision in case "the Old Channel" and "the Swash" in the River Avon should be closed, § 36.
 Limiting the Power of taking Land belonging to the Society of Merchant Venturers in Bristol, § 37.
 Compensation for Loss in working Rocks belonging to the Society of Merchant Venturers in Bristol, § 38.
 An opening Bridge to be made if required to communicate with Sea Mills Dock, § 39.
 Regulations as to Use of Bridge, § 40.
 Level Crossings, §§ 41 to 44.
 Land to be bought by Compulsion in Three Years, § 47.
 Five Years for Completion of Works, § 48 and § 50.
 Power to alter Engineering Works, § 49.
 Tolls on Railway, §§ 51 to 60.
 Rates for Use of Pier, §§ 61 to 63.
 Limits of Pier, § 64.
 Terms of Sale of Undertaking to Corporation of Bristol, § 65.
 Power to Corporation of Bristol to sell Land on a Rent-charge, § 66.
 Saving Rights of Corporation ; of Commissioners of Sewers of Lower Level of Gloucestershire ; and of the Crown, §§ 68 to 70.

Cap. clx.

"The Greenock and Wemyss Bay Railway Act, 1862."

Proposes the making of a Railway from the Glasgow, Paisley, and Greenock Railway, which forms Part of the Undertaking of the Caledonian Railway Company, to Wemyss Bay, with a Pier at Wemyss Bay, and Roads connecting the said proposed Railway and Pier with each other and with the Turnpike Road from Greenock to Kelly Bridge, all in the County of Renfrew ; recites that the proposed Railway and other Works may be beneficially worked in connexion with the Railways of the Caledonian Railway Company, and that Company are willing to work the same ; and it is expedient that Provision should be made for that Purpose, and also with regard to the Interchange of Traffic, and to enable the same Company to subscribe to the proposed Undertaking and hold Shares therein.

Incorporation of Companies, Lands, and Railways Clauses Consolidation Acts, and Parts of Harbours, Docks, and Piers Clauses Act, § 2.

Subscribers incorporated, with a Capital of 120,000*l.* and with Power to borrow 40,000*l.*, §§ 3 to 8.

- Meetings ; Directors, &c., §§ 11 to 20.
 Power to execute Works and acquire Lands, §§ 21, 22.
 Power to deviate in Construction of Pier and Roads, § 23.
 Power to alter Engineering Works, § 24.
 Regulating Junction with Glasgow, Paisley, and Greenock Railway, §§ 25 to 27.
 As to Construction of Roads and Bridges, §§ 28 to 30.
 Pier to be constructed on Line approved by Admiralty, §§ 32 to 35.
 Three Years for compulsory Purchase of Lands, § 37.
 Four Years for Completion of Works, § 38 and § 66.
 Confirming Agreement with Sir Michael Robert Shaw Stewart, Bart., § 39.
 Confirming Agreement with Shaws Water Joint Stock Company, § 40.
 Tolls for Use of Railway, §§ 41 to 49.
 Pier Rates for Persons, Articles, and Animals, § 50.
 Pier Rates for Vessels, § 51.
 Crane and Weighing Rates, § 52.
 Regulations as to the Tolls, Rates, and Charges, § 53.
 Providing for equal Treatment in accordance with Acts 8 & 9 Vict. c. 33. and 10 Vict. c. 27.—§ 54.
 Power to Caledonian Railway Company to raise 30,000*l.* by Shares with a 5*l.* per Cent. Preference, §§ 55 to 58.
 Confirming Traffic and Working Agreement with the Caledonian Railway Company, §§ 59 to 64.
 Saving Rights of the Crown, § 67.
 Schedule (Agreement with Caledonian Company).

Cap. clxi.

“Llanelly Railway and Dock Act, 1862.”

Recites that by “The Llanelly Railway and Dock Act, 1853,” divers Acts relating to the Company were repealed, and some of the Powers and Provisions thereof were amended, re-enacted, or continued ; and the Company were authorized to maintain their then existing Railways and Docks, and to make and maintain Additions thereto, and (among them) a Branch Railway in the Parish of Llandebie, the Period for the Completion whereof was Five Years from the Commencement of the reciting Act ; that the Company have made a Branch Railway in the Parish of Llandebie, but the Line thereof is not coincident with the Line of the Branch Railway so authorized, and it is doubted whether the Branch Railway so made fulfils the Requirements of the recited Act ; that by “The Burry Navigation and Llanelly Harbour Act, 1858,” the Commissioners for the Execution of that Act were authorized, with the Consent of the Company, to purchase Docks and other Works of the Company ; that by “The Llanelly Railway and Dock Act, 1860,” the Company and the Burry Commissioners were authorized to agree with respect to guaranteeing Interest or Profit on any Sums not exceeding in the whole 50,000*l.*, to be raised by the Company for the Purposes of additional Dock Gates and other Works and

Conveniences to be executed by the Company ; and by the same Act the Company and other Persons were authorized to agree with respect to guaranteeing Interest or Profit on any Part of the same Sum of 50,000*l.*, and it is expedient that Arrangements between the Company and such Commissioners and Persons respectively, with respect to the making to them by the Company of counter Guarantees, be authorized ; that by "The Llanelly Railway (New Lines) Act, 1861," the Company were authorized to make and maintain additional Lines of Railway, called "the Swansea Lines" and "the Carmarthen Line," and after reciting that the Carmarthen Line, as laid down on the Plans deposited for the Purposes of the Act now in recital would pass in front of Abergwilli Palace, the Episcopal Residence of the Bishop of St. David's, and that it was alleged that, consistently with the Attainment of the Objects to be effected by that Line, a Deviation might be made from the Course thereof, so as to carry it behind the Palace, it was enacted, that as regarded the Portion of the Carmarthen Line between the Land numbered on those Plans 77, in the Parish of Abergwilli, and the Junction of that Line with the Carmarthen and Cardigan Railway, none of the Powers by the reciting Act granted for the taking of Lands or the Construction of the Railway should be exercised by the Company before the 31st August 1862, without the Consent in Writing of the Bishop ; and that if the Company should in the Session of Parliament in the Year 1862 obtain an Act authorizing them to make a Deviation of that Portion of the Carmarthen Line so as to carry it behind and to the North of that Residence, or if the Company failed in the then next Session of Parliament to apply for and use their best Endeavours to obtain such an Act, then and in either of such Cases all the Powers by the reciting Act given to the Company for making that Portion of the Carmarthen Line, and for taking Lands for the Purposes thereof, should, in the First Case, from the passing of such Act, and in the Second Case from the Termination of the Session of Parliament in the Year 1862, cease and determine ; that it is expedient that the Company be authorized to make Lines of Railway by way of Deviation of the Carmarthen Line so as to carry it behind and to the Northward of Abergwilli Palace, to make and maintain the other Lines of Railway and Works by this Act authorized, to abandon the making of so much of the Swansea Lines and the Carmarthen Line respectively, as will be rendered unnecessary by the making of Lines of Railway by this Act authorized, to lay down Narrow Gauge Rails on Part of the Railway of the Carmarthen and Cardigan Railway Company ; also that Arrangements be authorized between the Company and the Vale of Neath Railway Company with respect to the Railway No. 6 (Swansea Lines) by this Act authorized, and between the Company and the South Wales Railway Company with respect to the Railways Nos. 1, 4, and 6 (Swansea Lines) by this Act authorized ; that by the Act of 1861 the Company's Undertaking was divided into their original

Undertaking, and their Swansea Lines Undertaking, and their Carmarthen Line Undertaking, and they were authorized to raise a separate Capital for each of those Undertakings and to borrow separate Monies on Mortgage in respect of each of those Undertakings; that the proposed Lines of Railway and Works are respectively in extension of or in substitution for Parts of the Swansea Lines and the Carmarthen Line respectively; and that it is expedient that the Company be authorized to raise further Monies for the Purposes of those Lines of Railway and Works.

Incorporation of Lands and Railways and Parts of Companies
Clauses Acts, §§ 2 to 4.

Power to take Lands for Works authorized by Act, § 5.

Company not to take Lands of the Swansea Harbour Trustees other than for Junction except by Agreement, § 6.

Two Years for compulsory Purchases, § 7.

Power to make Works authorized by Act, § 9.

Limiting the taking of Lands from the Duke of Beaufort, § 10.

Works authorized by Act, § 11.

Point of Junction with Swansea Harbour Railway, § 12.

Inclination of Roads, § 13.

Span of Arches, § 14.

Power to alter Engineering Works, § 15.

Admiralty Provisions, §§ 16 to 20.

Junctions with Swansea Harbour and Carmarthen Railways,
§§ 21 to 25.

As to crossing of Carmarthen and Cardigan Railway, § 26.

Four Years for Completion of Works, §§ 27, 28.

Power for Company to abandon Parts of authorized Railways,
§§ 29 to 31.

Provision for the Execution of certain Works on the Swansea
Lines, § 32.

Provision for certain Works on Railway No. 6 (Swansea
Lines), § 33.

Company to observe certain Conditions in respect to Railway
No. 4, § 34.

As to carrying Railway No. 4 over Oystermouth Railway, § 35.

As to Screen for Oystermouth Tramroad, § 36.

Existing Branch Railway in Parish of Llandebie to be deemed
Line authorized by Act of 1853, § 37.

Part of Mr. Sterry's Railway to be Part of Company's Rail-
way No. 2, Swansea Lines, § 38.

Company's Swansea Lines Undertaking declared, § 39.

Company's Carmarthen Line Undertaking declared, § 40.

Power to lay down Narrow Gauge Rails on Carmarthen and
Cardigan Railway, § 41.

Terms and Conditions for using the same, § 42.

Power to use Carmarthen and Cardigan Railway when altered,
§ 43.

Arbitration, § 44.

Saving Property of South Wales Railway Company, § 45.

Power for Company and Vale of Neath Company and for
Company and South Wales Company to enter into Agree-
ments, §§ 46 to 52.

Power for
Company to
grant counter
Guarantees
to Burry Com-
missioners.

53. The Company, with the Sanction of at least Three Fifths of the Votes of the Shareholders entitled to vote in the Matter, present in Person or by Proxy at a General Meeting of the Company specially convened for the Purpose, and by Agreement with the Burry Commissioners or other Persons, and by way of counter Guarantee to such Commissioners or Persons for any Guarantee already or hereafter given by them respectively, either alone or jointly with the Company, under the recited Act of 1860, may make to such Commissioners or Persons any Charge on any Lands acquired, or Works or Additions or Improvements to Works made by means of any Monies so guaranteed by such Commissioners or Persons, and all or any of the additional or increased Tolls, Rates, Charges, Rents, and Profits arising therefrom or produced thereby, and every such Guarantee may be on such Terms and Conditions as the Company and such Commissioners or Persons respectively agree on : Provided always, that no Guarantee shall be given under this Act except by way of counter Guarantee as aforesaid.

Tolls on Railways, §§ 54 to 56.

Provisions of
Act applicable
to separate
Capitals.

57. The several Powers and Provisions of this Act with respect to the additional Capital by this Act authorized, and the Shares thereof, and the Holders of the Shares, shall, except as is by this Act otherwise provided, have a separate and distinct Operation with respect to each of the separate Capitals and the Shares thereof, and the Holders of those Shares.

Power for
Company to
raise Money by
new Shares.

58. The Company from Time to Time, with the Sanction of at least Three Fifths of the Votes of the Shareholders entitled to vote in the Matter, present in Person or by Proxy, at a General Meeting of the Company specially convened for the Purpose, may raise by the Creation and Issue of new Shares any Sums not exceeding the following ; (that is to say,)

In respect of their Swansea Lines Undertaking, and in addition to their Swansea Lines Capital of 155,000*l.*, any Sums not exceeding in the whole 11,000*l.* for the Purposes of the Swansea Lines :

In respect of their Carmarthen Line Undertaking, and in addition to their Carmarthen Line Capital of 115,000*l.*, any Sums not exceeding in the whole 14,000*l.* for the Purposes of the Carmarthen Line.

New Shares to
be of separate
Capitals.

59. The new Shares from Time to Time created under this Act for raising the additional Capital by this Act authorized in respect of the Swansea Lines Undertaking, shall be new Shares of the Swansea Lines Capital, and the new Shares from Time to Time created under this Act for raising the additional Capital by this Act authorized in respect of the Carmarthen Line Undertaking, shall be new Shares of the Carmarthen Line Capital.

Power to cancel unissued new Shares, § 60.
Disposal of new Shares, §§ 61 to 67.

68. In addition to the Sums which the Company are already authorized to borrow, they from Time to Time may borrow on Mortgage any further Sums not exceeding the following ; (that is to say,) Power to borrow on Mortgage.

	£
With respect to the Swansea Lines Undertaking	- 3,660
With respect to the Carmarthen Line Undertaking	- 4,660
Total	- £8,320

Provisions as to Capital and borrowing, §§ 69 to 76.

Meetings ; Directors, &c., §§ 77 to 80.

Saving Rights of Crown, of Duke of Beaufort, and of other Companies, §§ 81 to 83.

Cap. clxii.

“ Llanidloes and Newtown (Mid Wales and Manchester and Milford) Railway Act, 1862.”

Recites that in 1853 the Llanidloes and Newtown Railway Company were incorporated, with a Capital of 60,000*l.* in Shares, and Authority to borrow 20,000*l.*, and were authorized to make a Railway commencing in the Parish of Llanidloes and terminating in the Parish of Newtown, all in the County of Montgomery ; that by their Act of 1861 the Company were authorized to raise an additional Capital of 25,000*l.* ; that they have made a Line of Railway from Llanidloes to Newtown, and a Passenger Station at Llanidloes ; that in 1859 the Mid Wales Railway Company were incorporated and authorized to make a Railway commencing by a Junction with the Llanidloes and Newtown Railway at Llanidloes to Newbridge, in the County of Radnor ; that by the Act now in recital the Company were authorized to subscribe to the Undertaking of the Mid Wales Company to any Extent not exceeding 25,000*l.*, and to raise that Sum by the Creation of new ordinary Shares in their Undertaking, but no Part of that Sum has been raised by the Company ; that by the Act of 1860 the Company were authorized to subscribe a further Sum of 25,000*l.* to the Undertaking of the Mid Wales Company, and to raise that Sum by ordinary or Preference Shares, and of that Sum 10,000*l.* has been raised by Preference Shares ; that in 1860 the Manchester and Milford Railway Company were incorporated and authorized to make several Lines of Railway, One of them commencing in the Parish of Llangirrig, in the County of Montgomery, and terminating by a Junction with the Llanidloes and Newtown Railway in the Parish of Llanidloes ; that by “The Manchester and Milford Railway (Aberystwith Branch) Act, 1861,” the Company were authorized to subscribe to the Undertaking of the Milford Company, to any extent not exceeding 20,000*l.*, and to raise that Sum by ordinary or Preference Shares, but no Part of that Sum has been raised by the Company ; that the paid-up Capital of the Company now consists of:

	£
Preferential Shares - - - -	35,000
Ordinary Shares - - - -	60,000
	<hr/>
Total - - - -	<u>£95,000</u>

and their Debenture Debt is 20,000*l.*; that the respective Lines of the Llanidloes and Newtown Railway and the Mid Wales Railway and the Manchester and Milford Railway respectively in the Parishes of Llanidloes and Llangirrig are nearly coincident; that the Mid Wales Company and the Milford Company respectively have purchased or given Notices for taking Lands in the Two Parishes respectively; that the Company and the Mid Wales Company and the Milford Company are desirous that instead of a separate and distinct Line of Railway in the Two Parishes being made by each of the Mid Wales Company and the Milford Company, One Line of Railway only (being Joint Line of Railway) should be made there for the Use of the Two Companies, and that it should be made by the Company, and that a Joint Station at Llanidloes for the Use of the Three Companies should also be made by the Company; that in order to the making of the Joint Line it is expedient that Lands in the Two Parishes acquired by the Mid Wales Company and the Milford Company respectively should be transferred to the Company; that the Mid Wales Company have made in the Parish of Llanidloes a Line of Railway, which extends from a Junction thereof with the Llanidloes and Newtown Railway to the present Passenger Station at Llanidloes, and it is expedient that that Line of Railway be transferred to the Llanidloes Company, and that Agreements between the Three Companies, or any Two of them, for Purposes of their respective Undertakings, should be authorized; that it is expedient that the Powers of the Company for the compulsory Purchase of Lands for Purposes of their Act of 1853, be revived and extended, and that they be authorized to raise further Monies.

Incorporation of Consolidation Acts, §§ 2 to 4.

Company may take Lands, &c., § 5.

Provision as to Lands to be taken for Purposes of Act of 1853, § 6.

One Year for compulsory Purchase of Lands, § 7.

For preserving the Rights of Persons interested in such Lands under Contracts, &c., § 8.

Transfer by Mid Wales Company of Portion of Railway at Llanidloes, § 9.

Power to make Works authorized by Act, §§ 11, 12.

One Year for Completion of Works, §§ 13, 14.

Junctions with Railways of Mid Wales and Milford Companies, §§ 15 to 20.

Mid Wales and Milford Companies to have joint and equal User of Railway, § 21.

Plant, &c. for Joint Station to be agreed upon by Three Companies and determined by Arbitration, § 22.

- Joint Line and Joint Station vested in Company for Purposes of Act, § 23.
- Byelaws, &c. as to Joint Line and Joint Station, § 24.
- Existing Line of Railway, when transferred, to be Part of Company's Railway, but the Company not to use Joint Line without Consent of Mid Wales and Milford Companies, § 25.
- Company to take Lands acquired by the Mid Wales and Milford Companies between Llanidloes and Penpontbren and to repay Sums expended on Land and Works between those Places, § 26.
- Interest to be paid on Outlay of Company on Joint Line, and Cost of maintaining same to be repaid, § 27.
- Three Companies to have joint and equal User of Joint Station, § 28.
- Differences as to Joint Line and Joint Station to be determined by Arbitration, § 29.
- Interest on One Third of Outlay on Joint Station and on Cost of maintaining same to be paid by each of the Mid Wales and Milford Companies, § 30.
- Repeal of Powers of Mid Wales Company for making Railway at Llanidloes, § 31.
- Repeal of Powers of Milford Company for making Railway at Llanidloes, § 32.
- General Saving of Rights, § 33.
- Powers of the Companies for making Working or Traffic Arrangements with other Companies to continue to extend to the Joint Line, § 34.
- Repeal not to prejudice Claims for Compensation for Entry on Lands, &c., § 35.
- Powers of the Company for making Working or Traffic Arrangements with other Companies to extend to the Portion of Railway transferred to the Company, § 36.
- Mid Wales and Milford Company to make Compensation for Lands contracted for, &c., § 37.
- Compensation where both Mid Wales and Milford Companies contracted for same Land, § 38.
- Monies paid into Banks, &c. by Mid Wales and Milford Companies for Lands to belong to Company on making Compensation for the Lands, § 39.
- For Tolls Joint Line to be Part of Mid Wales Railway and also Part of Manchester and Milford Railway, § 40.
- Tolls on Joint Line and Days for Use of Joint Station, §§ 41 to 44.
- Powers for Three Companies to enter into Agreements, § 45.
- Payments by Three Companies to each other, § 46.
- Power to Company to raise additional Capital of 25,000*l.* by new Shares, with or without a Preference of 5*l.* per Cent., §§ 47 to 52.
- Disposal of Shares and voting, §§ 53 to 62.
- Power for Company to borrow 8,000*l.*, §§ 63 to 66.
- Saving Right of Companies, § 69.

Cap. clxiii.

“London, Chatham, and Dover Railway (Deal Extension) Act, 1862.”

Recites that Railways from the London, Chatham, and Dover Railway, in the Parish of River, through Walmer to Deal, in the County of Kent, and a Railway to connect the same with the Minster and Deal Branch Railway of the South-eastern Railway Company in the Parish of Deal aforesaid would be of public and local Advantage; that the London, Chatham, and Dover Railway Company are willing to construct such Railways, and require Money for that Purpose.

Incorporation of Lands and Railways Clauses Acts, and Parts of Companies Clauses Consolidation Act, §§ 2 to 5.

Power to make Works according to deposited Plans, §§ 6, 7.

Level Crossings, §§ 8, 9.

Power to alter Engineering Works, § 10.

Junction with Minster and Deal Branch, §§ 11, 12.

Three Years for compulsory Purchase of Lands, § 13.

Five Years for Completion of Railways, §§ 15, 16.

Power to Company to create new Shares to Amount of 150,000*l.*, § 18.

Application of divisible Profits of Deal Extensions, § 19.

Deal Extension Shares not to participate in general Profits, § 20.

For ascertaining divisible Profits, § 21.

Qualifications of new Shareholders, § 23.

Appropriation of new Shares, § 24.

Unissued Shares may be cancelled, § 26.

Power to borrow 50,000*l.*, §§ 27, 28.

Cap. clxiv.

“The Nene Valley Act, 1862.”

Recites that by “The Nene Valley Drainage and Navigation Improvement Act, 1852,” the Nene Valley Drainage and Navigation Improvement Commissioners were incorporated and were empowered to execute Works for the Improvement of the River Nene and the Drainage of Lands adjacent thereto, and the Area which they were authorized to improve was divided into Three Districts, respectively called therein “the First District,” “the Second District,” and “the Third District,” and the River was divided into Two Parts, one called “the Upper Division,” and the other “the Lower Division;” and for Navigation Purposes the River between Northampton Bridge and Bevis Hall was divided into Three Navigation Divisions (the Third Navigation Division comprising that Part of the River in the Third District which is situated between Peterborough Bridge and Bevis Hall, where the Lower Division of the River commences), and the incorporated Commissioners were required to proceed in the Order thereby provided with the Works in the Third District, being that Part of the River which is

situated between the Boundary of the Counties of Norfolk and Cambridge and the City of Peterborough ; that by the said Act Provision was made for Contributions towards the Expense of the Works in the Third District (in addition to Tolls granted by the Act) by several Parties, One of them being the Duke of Bedford, who had agreed to make a gratuitous Contribution, and the Names or Descriptions of such Contributors are set forth in the First Schedule to this Act ; that the Commissioners proceeded with the Works in the Third District, and erected a new Bridge at Wisbech and a Bridge at a Place called "the Dog-in-a-Doublet," and have executed divers Works in and through Wisbech and in the Lower Division and in other Parts of the Third District, and have deepened the River and commenced and partially made the Bank for protecting the Lands described in the Act of 1852, and also in this Act, as "the Wash Lands," from the River ; that in "The Nene Valley Drainage and Navigation Improvement (Amendment) Act, 1854," it is recited that the Commissioners had ascertained that the Amount by the Act of 1852 authorized to be raised for the Purposes of the Works in the Third District would be insufficient for the Execution and Maintenance of those Works, and that the Duke of Bedford had agreed to pay a further gratuitous Contribution towards the Funds of the Third District, and it was enacted that the Contributors should contribute such further Sums in that Behalf as by that Act is provided, being the Sum of 55,000*l.*, and the further Sum of 10,000*l.* to be levied and raised only upon the Requisition in Writing of Robert Stephenson, Civil Engineer, or his Successors, for additional Works in the Lower Division therein referred to, and the further Sum of 15,000*l.* to be raised and levied only in the event of the Wisbech Bridge and the Dog-in-a-Doublet Bridge, or either of them, being required by the Board of Admiralty to be made opening Bridges, or other Works therein specified in relation to the Fresh Water Supply being required, those Three Sums making together the Sum of 80,000*l.* ; that the Sum of 7,376*l.* 7*s.* 10½*d.*, Part of the last-mentioned Sum of 15,000*l.*, has been reserved for the Purpose of executing any Works for remedying any Injury which might arise to the Supply of Fresh Water from the River Nene under the Provisions of the Act of 1852, and the said Sum was apportioned upon the Contributors and in the Proportions mentioned in the Third Schedule hereto ; that by the Act of 1854, it was provided that the Proportions in which the Contributors should pay the 80,000*l.* should be determined by a Referee or Referees, or an Umpire appointed by the Board of Trade ; the Right Honourable Sir John Somerset Pakington, Baronet, was appointed sole Referee, and made certain Awards in relation thereto ; that in or about the Year 1856 it was found that the Works (Part of which were in progress and Part of which were not commenced) would not be adequate for the Purpose of protecting the Banks and Slopes of the River against the

Action of the Tide and of Floods, and that additional Works must be undertaken, and certain Modifications be made in the Works authorized and required to be constructed by the Act of 1852, and that further large Sums of Money must be raised and expended if the Provisions of the Act of 1852 were fully carried into effect in the Third District; that about the Month of November 1856 the Commissioners ceased to proceed with any Works in the Third District, save such as have from Time to Time been deemed essential for the Security of the Banks of the River and for preventing the Destruction of Property by Inundation; that the Sum of 20,000*l.* is now due upon Mortgage of the Navigation Tolls in the Third District, and certain of the Commissioners, in addition to the Security thereby afforded, are personally responsible for the Payment; hereof and the Interest thereon, and the Commissioners have also incurred Debts and Liabilities which are set forth in the Second Schedule to this Act, and they are entitled to the Sum of Money set forth in the said Schedule, and it is expedient that such Debts and Liabilities should be discharged; that the Sum required to discharge the Debts of the Commissioners in the Third District (other than a Mortgage Debt of 25,000*l.* charged on the Tax on the Wash Lands, and the Mortgage Debts affecting the District Tax on the flooded Lands in Standground) is 43,200*l.*; that it is expedient that the Commissioners should be empowered to receive and levy such additional Contribution upon the Contributors in manner herein-after mentioned; that the Districts should be separated and the Commission dissolved; and that the Act of 1852 and the Act of 1854 be in other respects amended.

Recited Acts
to continue.

2. Except as by this Act otherwise provided, all the Powers and Provisions of the Act of 1852 and the Act of 1854 shall continue and be in full Force for the several Purposes of those Acts and of this Act respectively.

Incorporated
Commissioners
to carry Acts
into effect.

3. Subject to the Provisions of this Act, the Nene Valley Drainage and Navigation Improvement Commissioners, in this Act called "the incorporated Commissioners," shall carry into effect the Powers and Provisions of this Act, as well as the Powers and Provisions of the Act of 1852, and the Act of 1854, which are unrepealed, and have not expired by Effluxion of Time.

Compensation
to be made for
Contracts not
completed.

4. In any Case where before the passing of this Act any Notice shall have been given by the incorporated Commissioners for purchasing any Lands which they were empowered to purchase for the Purpose of making the Works in the Third District authorized by the Act of 1852, but no Terms of Purchase shall have been agreed upon or ascertained in the Manner provided by the said Act, the incorporated Commissioners shall not be required to purchase the same, but shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage, if any, sustained by them respectively by reason of such Purchase not being completed pursuant to such Notice; and the Amount and

Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

5. The Sum of 43,200*l*. shall be the Sum by this Act authorized to be raised by the additional Contribution.

6. For providing the additional Contribution to the Funds of the Third District, the Contributors (not including the Duke of Bedford) shall respectively contribute such Sums as are specified in the First Schedule to this Act, and the Sum or Sums of Money so assessed upon each of the Contributors shall be payable and paid to the incorporated Commissioners by every such Contributor accordingly.

7. With respect to the additional Contributions to be paid under this Act by the Owners or Occupiers of Lands subject to the Outfall Tax in the First and Second Districts and the flooded Lands in Standground in the Third District, and by the Owners or Occupiers of Wash Lands in the Third District respectively, the incorporated Commissioners may raise those additional Contributions respectively by means of an annual Tax upon the said Lands in the First and Second Districts, and the said flooded Lands in Standground to be called "the Outfall Tax," and by means of an Increase of the annual Tax upon the Wash Lands, and the said Outfall Tax, and the Taxes upon the Wash Lands so increased, may respectively be assessed, levied, and recovered by the incorporated Commissioners in the Manner and according to the Powers and Provisions of the Act of 1852 and the Act of 1854 respectively, with respect to the Assessment, levying, and recovering of the District Taxes and the Tax upon the Wash Lands, and all those Powers and Provisions shall extend and apply to the Purposes of this Act accordingly: Provided always that, except as is by this Act otherwise expressly provided, no larger Sums shall be assessed or levied on or recovered from the Parties respectively liable to such Taxes under the Authority or for the Purposes of this Act than such Sum as would be their respective Proportion of the Interest payable by the incorporated Commissioners upon the Money raised by Mortgage on the Security of such respective increased Taxes, and the Expenses of assessing, levying, and recovering such Sums respectively, and such Portion of the Principal Money borrowed upon the Credit of those respective Taxes, as will secure the Repayment of such Principal Monies within the Period of 25 Years from the passing of this Act.

8. The Outfall Tax and the Tax on the Wash Lands respectively authorized to be raised by this Act, to be comprised in any Mortgage granted by the incorporated Commissioners under the Powers of this Act, may be any fixed annual average Sum per Acre as to the Outfall Tax, and any fixed annual Tax per Acre as to the Tax on the Wash Lands, but not exceeding in the whole in either Case the highest Amount of the additional annual Contribution to be contributed under this Act by the Parties liable to such Taxes respectively; and

Amount of additional Contribution.

Contributors to contribute further Sums towards Third District.

Provision for levying additional Contributions from Parties liable to Outfall Tax and Tax on Wash Lands.

As to Mode of mortgaging the increased Outfall Tax and Tax on the Wash Lands.

for the Purposes of such Mortgage the increased Tax upon the Wash Lands shall be deemed to be a new Tax, and the 53d Section of the Act of 1854 shall extend and apply to such fixed Taxes respectively in the same Manner as if such Section had been incorporated with this Act and made expressly applicable to such fixed Taxes instead of the fixed District Tax mentioned in such Section, and otherwise made applicable in Terms to such increased Taxes respectively.

Powers of
Redemption
to continue.

9. The 55th Section of the Act of 1854, as to the Redemption of the Taxes charged on the Wash Lands in the Third District, shall be applicable to the increased Taxes to be charged on the said Wash Lands, and also to the Outfall Taxes to be charged and assessed on the Meadows and Lands in the First and Second Districts, and the flooded Lands in Standground in the Third District, or on the Owners or Occupiers thereof, under the Powers of this Act: Provided always, and except that no such Redemption shall be compulsory on or made without the Consent of the incorporated Commissioners and their Mortgagees: Provided also, that in all Cases where the total annual Tax chargeable on any Land, or the Owner or Occupier thereof, under the Acts of 1852 and 1854 and this Act, shall not amount to the Sum of One Shilling in any One Year (such Occupier not being chargeable with Payment in respect of any other Land for the same Tax exceeding the Sum of One Shilling), it shall be imperative on the Person charged with the said Tax, not exceeding One Shilling, if required by the incorporated Commissioners, by Notice under the Hand of their Collector, to redeem the same at a Sum to be determined by the said incorporated Commissioners, not exceeding 25 Times the Amount of the annual Tax charged thereon, deducting any Amount of such Tax charged for Repayment of Principal Monies; and the Redemption Money for such Taxes shall be applied in Payment of the Mortgages thereon; and in case of default in Payment of the Redemption Money for Two Months after such Notice, the Amount may be recovered by the incorporated Commissioners in like Manner as Taxes in arrear are recoverable under this or any other Act.

As to Mort-
gages when
Commission
dissolved.

10. Upon the Dissolution of the Commission, any Money raised on Mortgage by the incorporated Commissioners, and charged upon the Taxes of the First and Second Districts respectively and on the flooded Lands in Standground, or on the Wash Lands, shall continue charged upon such Taxes as fully and effectually as if the Dissolution had not taken place; and the incorporated Commissioners acting for the First and Second Districts respectively, and the Commissioners of the Nene Wash Lands by this Act constituted in respect of those Lands, shall be subject and liable to such Mortgage Debts, and all Liabilities in respect thereof, in the same Manner as the incorporated Commissioners would have been subject if such Dissolution had not taken place; and the Commissioners of the First and Second Districts within those respective Districts, and the Commissioners of the Second District as to the flooded Lands in Standground, and the Commissioners of the Nene Wash Lands within those Lands shall for the Purposes afore-

said represent the incorporated Commissioners, and be responsible and liable as the incorporated Commissioners were responsible or liable.

11. With respect to the additional Contribution to be paid under the Provisions of this Act by the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, in this Act called the Wisbech Corporation, such Corporation shall raise the Sum set forth in the First Schedule as the Amount of their additional Contribution by all or any of the Ways and Means by the Act of 1852 and the Act of 1854, or this Act, authorized or prescribed with reference to the Contributions to be made by such Corporation under the Provisions thereof respectively, in such Manner as they could have done if the Amount of their Contribution under the said Acts, with the Increase under this Act, had been the Sum directed to be contributed by the Act of 1854; and the Tolls and Duties upon which the Contributions of the Wisbech Corporation were charged by the Act of 1852 and the Act of 1854, shall continue to be levied by the Corporation of Wisbech for the Payment of the additional Contribution under this Act; and the Corporation may and shall, in order more effectually to provide additional Means for the Discharge as well of the said Sums so as aforesaid directed by the said Acts to be contributed by them, as also of the additional Contribution to be paid by them by virtue of this Act, levy such an Increase of the Tolls or Duties authorized to be taken or continued by the said Acts in the Port of Wisbech, and levy and assess such additional or further Tolls or Duties of the like Nature, and extend and enlarge the Term, or authorize the longer Continuance of any Tolls or Duties already authorized to be levied, for such Period as shall be requisite for the raising of the Money on Mortgage for Payment of the additional Contribution under this Act, with the Interest thereof and all Expenses connected therewith; and the Provisions of the said Acts shall have the Operation and Effect with respect to the additional Contribution under this Act, and to the additional Tolls and Duties to be levied in respect thereof, and to the Mortgage of the same, as they would have if the additional Contribution had been originally directed to be paid under the Provisions of the said Acts; and every Mortgage already made by the Wisbech Corporation by virtue of the said Acts of the Tolls and Duties therein mentioned, or any of them, shall be a Charge upon any increased Amount of such Tolls or Duties, and upon any additional or further Tolls or Duties of the like Nature, which may be levied or assessed by virtue of this Act, in the same Manner as any Mortgage to be made under the Provisions of this Act.

12. It shall be lawful for the Wisbech Corporation from Time to Time, if they think fit, with the Consent in Writing of all the Persons who shall at such Times respectively be entitled to subsisting Mortgages on the Harbour Tolls and Duties, to charge Tolls, Rates, and Duties not exceeding the Rates per Ton which they are now authorized to charge upon any Ships or Vessels importing or exporting Goods, Wares, or Merchandise into or from the Port and Harbour of Wisbech,

Provision for levying any additional Contribution from Corporation of Wisbech.

Wisbech Corporation may reduce Rates, &c.

so that the same may be calculated only on the actual Quantity of such Goods, Wares, and Merchandise carried or conveyed, and not on the registered Tonnage of such Ship or Vessel; and the 30th Section of "The Harbours, Docks, and Piers Clauses Act, 1847," shall be incorporated with this Act, and the Word "Undertakers" contained in that Section, shall mean, for the Purposes of this Enactment, the Wisbech Corporation, and it shall be lawful for the Wisbech Corporation again to charge the said Tolls, Rates, and Duties upon the registered Tonnage of the Ships or Vessels from Time to Time, so that the same be not at any Time raised beyond the Powers now existing for raising the same, and the Corporation may, so far as they think fit, make from Time to Time Regulations and Byelaws for carrying into and giving effect to the Objects and Purposes aforesaid.

Wisbech Port Act, 1855, to extend to additional Contribution.

13. If the Wisbech Corporation shall fail to raise the additional Contribution imposed upon them by this Act by the Means herein-before provided, the Powers of mortgaging and levying Rates given to them by "The Wisbech Port Act, 1855," for raising or securing the Monies therein mentioned, shall extend to and be exercised by the Wisbech Corporation for raising the additional Contribution under this Act, and the Amount of the additional Contribution under this Act, shall be deemed Part of the Monies which by "The Wisbech Port Act, 1855," were authorized to be raised or secured; and the Wisbech Corporation shall have Power to increase the Amount of the Rate in Aid under "The Wisbech Port Act, 1855," from 10*d.* to any Sum not exceeding 1*s.* 6*d.*, in the Pound: Provided that for the Purpose of raising any such additional Contribution under this Act, no Property shall be assessed or rated beyond the Area which has heretofore been assessed or rated under the Authority of "The Wisbech Port Act, 1855."

Extension of certain Sections of Act to additional Contribution of Wisbech Corporation.

14. With respect to the additional Contribution to be paid under this Act by the Wisbech Corporation, all the Provisions of the Act of 1852, so far as the same are not altered by the Act of 1854 and by this Act, and also the following Sections of the Act of 1854, (that is to say,) Sections 34, 35, 37, and 38 shall apply as fully and effectually to the additional Contribution to be paid by the Wisbech Corporation under the Provisions of this Act as if the same Sections were hereby re-enacted, and were in Terms made applicable in all respects to such additional Contribution, instead of the Payment of the Instalments directed to be paid by the Act of 1852 and the increased Amount of Contribution awarded to be paid by such Corporation under the Act of 1854 respectively.

Reserving Rights of existing Mortgages.

15. All Mortgages and Securities to which at the passing of this Act the Corporate Estates and Market Tolls of the Wisbech Corporation, or the Harbour Tolls and Duties of the Wisbech Corporation, are subject, shall, during the Continuance thereof respectively, have Priority and Preference over all Mortgages and Securities on the said Corporate Estates and Market Tolls and on the said Harbour Tolls and Duties respectively which shall be granted by the Wisbech Corporation

Corporation or the said incorporated Commissioners after the passing of this Act.

16. With respect to the additional Contribution to be paid under this Act by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called the Bedford Level Corporation, the same shall be paid by the said Corporation to the Treasurer of the incorporated Commissioners on the 1st Day of January 1863 ; and in case of any Default of Payment of the said Contribution in manner aforesaid for the Period of 40 Days it shall be lawful for the said incorporated Commissioners to sue for and recover the whole or such Part thereof as may then be in arrear by an Action at Law or Debt or on the Case against the said Governor, Bailiffs, and Commonalty, in any Court having Cognizance of the Matter in dispute ; and the said incorporated Commissioners shall on any such Recovery be entitled to full Costs of Suit.

Provision for recovering additional Contribution from Bedford Level Corporation.

17. With respect to the additional Contributions to be respectively paid by the North Level Commissioners, the Waldersey Drainage Commissioners, the Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent, in this Act called the Wisbech Sewers Commissioners, for or on behalf of themselves and the several Parties they represent, the Peterborough Improvement Commissioners, and the Dean and Chapter of Peterborough, such Contributors respectively shall raise the Sums by which their respective Contributions are increased by Mortgage or by the same Means as are by the Act of 1852 provided with respect to the Contributions thereby made payable by such Contributors respectively, and shall raise by Rates or Assessments upon the respective Proprietors of Lands, or other Parties chargeable with Rates and Assessments in respect of the Contributions or Sums of Money by such Act made payable, additional Rates or Assessments sufficient for the Discharge of the increased Amount of Contribution made payable under the Provisions of this Act by such Proprietors or Parties, and the Costs and Expenses which may have been incurred by such Parties respectively in relation thereto, or for the Payment of the Principal Money raised by Mortgage, and Interest and Expenses attending the Assessment of and raising the same, and with respect to any increased Contribution by the Peterborough Improvement Commissioners, and the Dean and Chapter of Peterborough, the same shall be charged and raised in such and the like Proportions as are provided by the Act of 1852 with regard to their original Contributions.

Provision for levying any additional Contributions from North Level, Waldersey, and Wisbech Commissioners of Sewers, and Peterborough.

18. The additional Contribution to be paid by the Wisbech Sewers Commissioners shall be chargeable by an equal Acre Rate or Assessment upon the Lands which by the 207th Section of the Act of 1852 are made liable to the annual Contribution by the said Commissioners as therein mentioned.

Charge of Contribution by Wisbech Sewers Commissioners.

19. With respect to the additional Contribution to be paid by virtue of this Act by the North Level Commissioners, the same shall be raised in the Manner herein provided for ; (that is to say,) as to Four Fifth Parts thereof the same shall be raised by a Rate or Assessment upon the Proprietors of the

Mode of raising additional Contribution by North Level Commissioners.

same Lands and Grounds as were taxed under the Act of 1852 for raising the gross Sum of 2,000*l.* therein referred to, and as to One Fifth Part thereof the same shall be raised by a Rate or Assessment upon the Proprietors of the same Lands and Grounds as were taxed under the Act of 1852 for raising the gross Sum of 500*l.* therein referred to.

Contributors to have Powers of Recovery as in recited Acts.

20. All the said Contributors respectively shall have the like Powers and Remedies for recovering and enforcing Payment of the said additional Rates, with such or the like Penalties for the Nonpayment thereof respectively, as are given by the said recited Acts for raising the Taxes thereby respectively imposed.

Powers of Act of 1852 extended to Contributions under this Act.

21. Except as in this Act otherwise expressly provided, the several Powers and Provisions of the Act of 1852 applicable for the levying, raising, recovering, and paying of the respective Contributions required by the Act of 1852 shall extend and apply to the additional Contributions to be paid under this Act, and the levying, raising, recovering, and paying the same.

Certain Sections of Act of 1854 to extend to Contributors.

22. The following Sections of the Act of 1854 are incorporated with this Act, and apply to the additional Contribution to be paid under this Act by the respective Contributors as fully and effectually as if those Sections were re-enacted in this Act with respect to such additional Contributions, and were in Terms made applicable in all respects accordingly, (that is to say,) Sections 42 to 46 both inclusive.

Application of Monies paid to incorporated Commissioners under Act.

23. All Monies payable under this Act by the Contributors in respect of the additional Contribution shall be paid to the incorporated Commissioners and carried by them to the Third District Account, and be applied in and towards the Payment of the Debts incurred by the incorporated Commissioners in respect of the Third District mentioned in the Second Schedule to this Act.

Sale of Lands.

24. The incorporated Commissioners shall sell and dispose of, in such Manner and to such Persons as they may think fit, all the Wash Lands belonging to them in the Third District, and the Proceeds of all such Sales shall be applied in aid of and in addition to the Monies authorized to be raised by virtue of this Act for the Purposes thereof.

Owners of Lands from which Lands to be sold were severed may claim Right of Pre-emption.

25. The incorporated Commissioners shall give previous Notice of the Intention to sell such Wash Lands to the respective Owners of the Lands from which they were originally severed; and if within One Month after such Notice the Owner of the Lands from which the Lands to be sold were originally severed shall signify his Desire to purchase, in Writing, to the incorporated Commissioners, such Owner shall be entitled to exercise the Right of Pre-emption in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Sale of superfluous Lands.

Wash Lands when sold to be freed from Tax.

26. All Lands in the Wash acquired or to be acquired by the incorporated Commissioners under the Powers of the Acts of 1852 and 1854, or of this Act, shall from the Time the same shall have come into the actual Possession of the said Commissioners

sioners be exempt from the Tax on the Wash Lands, and may be sold free from such Tax.

27. The incorporated Commissioners may raise by Mortgage such Sums as may be necessary for defraying the respective additional Contributions to be paid by virtue of this Act by the Contributors in the First and Second Districts, and the flooded Lands in Standground and the Wash Lands, and the Costs and Charges attending the Mortgage or Mortgages ; and the same respective Sums so raised shall be charged upon the Outfall Tax and increased Tax on the Wash Lands to be raised for paying such additional Contributions respectively, and such Sums may be raised in manner herein-after mentioned or in such Manner as is authorized by the Act of 1852 and the Act of 1854, or either of them, or all or any of the above Ways, and at any Rate of Interest not exceeding 5*l.* per Centum per Annum, and in the event of the Repayment of any Money so borrowed being required the incorporated Commissioners may in like Manner reborrow the Amount thereof, and such Costs and Charges as aforesaid, except so much thereof as shall be paid by means of the Sinking Fund, but so that the total Amount at any One and the same Time secured by Mortgage upon such Outfall Tax and increased Tax on the Wash Lands respectively to be imposed by virtue of this Act shall not exceed the respective Sums which by this Act the incorporated Commissioners are authorized to assess upon the same respectively as the Amount of their respective additional Contributions, with such Costs and Charges as aforesaid, and the 102d and 103d Sections of the Act of 1852, and the 5th, 52d, and 53d Sections of the Act of 1854, are incorporated with this Act, and shall apply as fully and effectually as if such Sections were re-enacted in this Act, and made expressly applicable as well to the additional Contributions, Taxes, and Funds to be imposed, raised, or received by the incorporated Commissioners under this Act as the Taxes, Contributions, and Funds by the Acts of 1852 and 1854 respectively authorized to be imposed, raised, or received by the incorporated Commissioners, and were in Terms made applicable in all respects to the Purposes of this Act.

28. Every Mortgagee under, and every Purchaser under, any Power of Sale contained in any Mortgage granted by the incorporated Commissioners under the Powers of this Act shall, subject to the Provisions of such Mortgage Deed, be entitled to exercise all the Powers conferred on the incorporated Commissioners, and to the Benefit of all the Remedies given to them (including the Power of enforcing and recovering Penalties) for assessing, levying, recovering, and enforcing punctual Payment of the Rates, Taxes, Contributions, and Funds comprised in the Mortgage or Sale to such Mortgagee or Purchaser respectively, and no Mortgagee shall be concerned or bound to inquire as to whether any Notice by this or by any other Act required to be given by the incorporated Commissioners shall have been given or not, or whether any Declaration which would interfere with the Power of the incorporated Commissioners to grant such Mortgage shall have been

Power to incorporated Commissioners to raise Money on Mortgage for First and Second Districts and Wash Lands.

Powers of Mortgagees and Purchasers under Power of Sale.

been made, or otherwise into the Necessity or Propriety of any such Mortgage, and every such Mortgage shall, so far as regards the Mortgagee and any Person claiming under him, and the Premises comprised in such Mortgage, be as valid and effectual to all Intents and Purposes as if such Mortgage had been duly authorized by the Provisions of this Act.

When additional Contributions payable.

29. The additional Contribution under this Act shall be due and payable to the incorporated Commissioners by the respective Contributors on the 1st Day of January 1863; and if Default in Payment be made by any of the Contributors, Interest after the Rate of 5*l.* per Centum per Annum shall be payable to the incorporated Commissioners upon the Amount of the respective Contribution, or any Part thereof which shall remain unpaid from the said 1st Day of January until Payment, and such Interest may be recovered and levied by the incorporated Commissioners in the same Manner as the Contribution of the Contributor so making Default can be recovered and levied under the Provisions of this Act.

As to raising Proportion of contingent Sum on Outfall Proprietors and Owners of Wash Lands.

30. The Proportions of the contingent Sum of 7,376*l.* 7*s.* 10½*d.*, payable by the Owners and Occupiers of Land, liable to the Outfall Tax granted by the Act of 1852 and by the Owners or Occupiers of Wash Lands in the Third District respectively, as mentioned in the Schedule to this Act, may be raised, levied, and secured in like Manner as and in addition to the Contributions payable by such Owners and Occupiers under this Act as if the same had been granted under this Act and not in manner prescribed by the Act of 1854.

As to Application of contingent Sum of 7,376*l.* 7*s.* 10½*d.*

31. If the said contingent Sum of 7,376*l.* 7*s.* 10½*d.*, or any Part thereof, shall be voluntarily raised and levied by the Contributors legally liable to the Payment thereof before the same may be required for the Purposes to which the same is applicable, then, after Payment of any Debt or Charge now legally affecting the same, the Sum so raised, or the Balance thereof, shall be invested by the Parties raising or paying the same in the joint Names of the Clerk for the Time being of the Middle Level Drainage Commissioners and a Trustee to be appointed by the Duke of Bedford, his Heirs or Assigns, Owners for the Time being of the Thorney Estate, in the 3*l.* per Centum Consolidated Bank Annuities, and the same shall not be sold or dealt with unless and until the same shall be required for the Purpose of executing the Works to which the same is legally applicable, and the Dividends thereof shall be paid to the incorporated Commissioners until the Dissolution of the Commission, and applied by them as Part of the general Funds of the Third District; and after the Dissolution of the Commission the same shall be paid to the Navigation Commissioners by this Act constituted, and be applied by them in like Manner and in the same Proportions and for the same Purposes as the Navigation Tolls are herein-after directed to be applied.

Reservation of Fresh-water and Navigation Rights.

32. In order to preserve and protect the Fresh-water and Navigation Rights intended to be preserved and protected by Sections 173, 174, 175, 182, and 194 of the Act of 1852, and by Section 47 of the Act of 1854, those Provisions are con-

tinued by this Act, except that after the Dissolution of the Commission the Navigation Commissioners constituted by this Act shall, for the Purposes of those Provisions, represent the incorporated Commissioners, and all the Duties of levying, raising, and applying the said Sum of 7,376*l.* 7*s.* 10½*d.*; and all other Powers and Authorities conferred, and all Duties imposed upon the incorporated Commissioners by or with reference to those Provisions, to the Extent of the said Sum, and not further or otherwise, shall from and after the Dissolution of the Commission wholly devolve upon and be fulfilled by the Navigation Commissioners.

33. If any Contributor liable to the Payment of the 7,376*l.* 7*s.* 10½*d.*, or any Part thereof, shall make Default in Payment of the same when legally required for the Purposes to which the same is applicable, the Contributor making such Default shall pay Interest at the Rate of 5*l.* per Centum per Annum from the Time at which Payment of such Sum shall be required to the Time of Payment thereof; but this Provision shall not affect the Rights or Remedies of the Navigation Commissioners for enforcing Payment of such Sum or any Part thereof when due.

The contingent Sum to bear Interest after Default in Payment.

34. In the event of his Grace the Duke of Bedford or the Owner for the Time being of the Thorney Estate, or of the Middle Level Drainage Commissioners, proceeding to Arbitration under the Act of 1852 or the Act of 1854, or either of them, in reference to their Navigation or Fresh-water Rights, the other of such Parties shall be entitled to not less than 14 Days Notice of such Arbitration, and to appear and be heard before the Arbitrator or Arbitrators, and the Arbitrator or Arbitrators, or their Umpire, shall have Power to decide as to the Works which shall be necessary to be done for the Protection of the Party proceeding to Arbitration and to determine the Proportion of the said contingent Sum of 7,376*l.* 7*s.* 10½*d.* which shall be expended thereon, having regard to the present or contingent Rights of the other Party.

As to the Powers of Arbitrator in reference to said 7,376*l.* 7*s.* 10½*d.*

35. Except as in this Act otherwise expressly provided, nothing in this Act contained shall prejudice or affect any Mortgage or Security granted upon the Rates, Taxes, Tolls, and Duties, or any of them, under the Acts of 1852 and 1854, and "The Wisbech Port Act, 1855," or any or either of them, or any Right or Interest in respect thereof.

Reserving Rights of Mortgagees.

36. From and after the 30th Day of September 1862 the incorporated Commission shall be absolutely dissolved, except so far as may be necessary to enable the incorporated Commissioners to receive, levy, raise, and apply any Monies authorized to be raised by this Act, which shall not then have been received, levied, raised, and applied, and to sue for, recover, and apply, for the Purpose of paying the Debts mentioned in the Second Schedule of this Act, all Rates, Rents, Taxes, and other Monies then due to the said incorporated Commissioners in respect of the Third District, and to sell and convey the Lands by this Act made saleable, and to complete all necessary Contracts and other Arrangements relative thereto, for which Purposes the Powers of the incorporated Commissioners shall

Dissolution of the Commission.

continue in full Force and Effect ; but all other Powers, Duties, Liabilities, and Obligations of the said incorporated Commissioners shall cease and determine.

Receipt of the
Treasurer to be
Discharge.

37. The Receipt of the Treasurer for the Time being of the incorporated Commissioners for all Monies payable to those Commissioners by virtue of this Act shall be a sufficient Discharge to all Persons and Bodies paying the same Monies respectively, and exempt all Persons and Bodies from all Liability to see to the Application of the said Monies or any Part thereof.

Districts to be
severed on
Dissolution.

38. After the Dissolution of the incorporated Commission the Qualifications of Commissioners and the Rights of appointing and electing Commissioners in the First and Second Districts shall be available and may be exercised within the District in which the qualifying Property shall be situate, and every Commissioner representing or thereafter elected to represent any District or deriving his Qualification from Lands within any District, shall be a Commissioner of that District only which he so represents or may be elected to represent, or from which he so derives his Qualification, and the flooded Lands in Standground as to the Qualification and Election of Commissioners shall be deemed to be within the Second District ; and the Commissioner who shall have been or shall be from Time to Time appointed by the Mayor, Aldermen, and Burgesses of the Borough of Northampton, under the Powers contained in the 18th Section of the Act of 1852, shall be a Commissioner of the First District only ; and the Commissioner who shall have been or shall be from Time to Time appointed by the Commissioners under the Peterborough Improvement Police and Cemetery Act, under the Powers of the said 18th Section, shall be a Commissioner of the Second District only ; and the Commissioners acting for the First and Second Districts respectively shall be called the Nene Valley Drainage and Navigation Improvement Commissioners, adding thereto the Name of the District, (First District or Second District, as the Case may be,) and by such respective Names the Commissioners for each of such Districts shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall (subject to the Provisions of this Act) within their respective Districts have and exercise all the Rights, Powers, and Authorities of the incorporated Commissioners and be subject, within their respective Districts, to the same Duties, Obligations, and Liabilities in all respects as if they had been by the Act of 1852 constituted separate Bodies of Commissioners for such Districts, and as if such Rights, Powers, and Authorities had been conferred, and such Duties, Obligations, and Liabilities imposed, upon such respective Bodies of Commissioners instead of the incorporated Commissioners constituted by the Act of 1852 ; and the Lands and Hereditaments of the incorporated Commissioners in the First District shall vest in the Commissioners of the same District ; and the Lands and Hereditaments of the incorporated Commissioners in the Second District, and the Tolls arising or receivable within the First and Second Navigation Divisions, shall

vest in the Commissioners of the Second District ; and the Commissioners of One of such Districts shall not be subject or liable to any Works, Damages, Costs, Losses, Charges, Expenses, Claims, Demands, Debts, or Liabilities which may arise within or be incurred by the Commissioners of the other of such Districts ; but the Commissioners of each such District shall be exclusively subject and liable to execute the Works and satisfy the Damages, Costs, Losses, Charges, Expenses, Claims, Debts, and Liabilities arising or incurred in respect of their own District : Provided always, that nothing herein contained shall affect the 73rd Section of the Act of 1854, nor be construed to charge the Commissioners of the Second District with any Liability to the Execution of any Works for the Protection of Drainage of the flooded Lands in Stand-ground.

39. Upon the Dissolution of the Commission every Person who shall be bonâ fide seised or possessed of 20 Acres of Land, subject to be taxed to any Tax on the Wash Lands under the Act of 1852, the Act of 1854, or this Act, shall be a Commissioner of the Nene Wash Lands, or may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, One Commissioner of the Nene Wash Lands, and every Person who shall be bonâ fide seised or possessed as aforesaid of 100 Acres of Land, subject to be taxed as aforesaid, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, Two Commissioners of the Nene Wash Lands during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed, but such Commissioner or Commissioners shall act only in the Absence of the Person by whom such Appointment shall have been made, except where Two Commissioners are appointed, in which Case One of them may act, though the Person appointing him be present and act, and for the Purposes of this Enactment Charitable Trustees or other Joint Owners shall be considered One Person, and a Majority of such Joint Owners may, by Writing under their Hands, appoint the Commissioner or Commissioners on their Behalf, and such Commissioner or Commissioners may be One or more of the Joint Owners or not at the Pleasure of the Person in whom the Appointment may be vested.

Commissioners to be appointed for Wash Lands upon the Dissolution.

40. The Persons from Time to Time constituted or appointed Commissioners for the Nene Wash Lands shall be incorporated by the Name of "The Commissioners of the Nene Wash Lands," and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and Power to hold and dispose of Lands, subject to the Provisions of this Act, and to carry into effect the Powers and Provisions of this Act and the Act of 1852 and the Act of 1854, so far as the same are authorized to be carried into effect by them.

Incorporation of Commissioners of the Nene Wash Lands.

41. The Commissioners of the Nene Wash Lands may meet from Time to Time at such Place as they may from Time to Time appoint, and their First Meeting shall be at

Meeting of Commissioners of the Nene Wash Lands.

such Time and Place as the incorporated Commissioners may appoint previous to the Dissolution of the Commission, or, failing such Appointment, at the Falcon Inn in the Town of Whittlesey, or some other convenient Place in that Town, at Noon, on the Fourth Thursday after the Day of Dissolution.

Powers to be exercised by Commissioners of Nene Wash Lands.

42. All Powers of mortgaging and all other Powers and Authorities capable of being exercised by the incorporated Commissioners in the Wash Lands, or capable of being exercised by the Committee of the Wash Lands, and conferred on that Committee by the Act of 1852 and the Act of 1854, shall on and after the First Meeting of the Commissioners of the Nene Wash Lands be vested in and be capable of being exercised by the Commissioners of the Nene Wash Lands, and they may exercise all other Powers and Authorities given to or conferred on them by this Act, and the Powers hereby given shall extend to authorize the Commissioners of the Wash Lands to construct and maintain a Bank upon the Wash Lands at their own Cost, not exceeding Four Feet in Height.

Commissioners of Nene Wash Lands to raise certain Taxes.

43. The Commissioners of the Nene Wash Lands shall, and they are hereby required to, raise and levy all such Taxes upon the Wash Lands for paying the Principal and Interest secured on any Mortgages which the incorporated Commissioners may have charged upon those Lands, and which may be unpaid at the Time of the Dissolution of the Commission, and they shall thereout pay such Principal and Interest in preference to all other Payments, and the Commissioners of the Nene Wash Lands shall be subject to the same Liabilities and perform the same Duties with regard to such Mortgages as the incorporated Commissioners were subject to or were bound to perform, and the Mortgagees respectively shall have all the same Rights, Powers, and Remedies as if the Dissolution of the Commission in the Third District had not taken place, and if the same Taxes had continued to be levied and raised by the incorporated Commissioners.

Power to Commissioners of Nene Wash Lands to raise other Taxes.

44. The Commissioners of the Nene Wash Lands shall have all such and the same Powers of raising Taxes as are by the 85th Section of the Act of 1852 conferred on the Committee of the Wash Lands, and they shall have and exercise the Powers of such Committee under the Act of 1852 and the Act of 1854 in the same Manner as if they had been appointed such Committee by the incorporated Commissioners in pursuance of the Act of 1852.

Powers of recovering Taxes.

45. All Powers and Remedies which are conferred upon or might be exercised by the incorporated Commissioners by the Act of 1852 and the Act of 1854, or this Act, of assessing, collecting, and recovering Taxes and enforcing Penalties for Nonpayment of Taxes may be exercised by the Commissioners of the Nene Wash Lands on and after their First Meeting.

Part of Section 13 of 15 & 16 Vict. c. cxxviii. repealed.

46. So much of the 13th Section of the Act of 1852 as authorizes and requires the incorporated Commissioners to appoint a Committee for the Wash Lands is hereby repealed.

After Dissolution, Banks in Third District to be main-

47. Upon the Dissolution of the Commission all the Provisions of the Act of 1852, the Act of 1854, and of this Act, which impose any Obligations, Duties, or Liabilities upon the incorporated

incorporated Commissioners in the Third District, shall cease and determine, and, subject to the Provisions herein-after contained, the Banks, Forelands, Slopes, and Wharf Walls of the River, and all Liabilities in connexion therewith, whether existing before the passing of the Act of 1852, or made, altered, or incurred by the incorporated Commissioners, shall revert to and revert in, and shall be upheld and maintained by the Corporations, Commissioners, and Parties who were respectively liable to maintain such Banks, Forelands, Slopes, and Walls of the River previous to the passing of the Act of 1852, or were subject to any Liabilities in connexion therewith: Provided that the Commissioners of the Nene Outfall shall as from and for ever after the Expiration of Six Months after the passing of the Act of 1852 be by this Act discharged from all the Liabilities against which the incorporated Commissioners were by the 191st Section of that Act bound to indemnify them, and all Right and Title of the incorporated Commissioners to any Lands or Property within the Town or Port of Wisbech shall vest in and belong to the Wisbech Corporation.

48. Upon the Dissolution of the Commission the Herbage and Pasturage of the Banks and Forelands, the Rents of which were receivable by the incorporated Commissioners, shall belong, and the Rents thereof shall be paid to the Parties liable to the Repair and Maintenance of the same Banks, and such Parties shall have the same Powers of letting the same as might have been exercised by the incorporated Commissioners.

Herbage to belong to Parties repairing Banks.

49. Upon the Dissolution of the Commission the Wisbech Corporation shall thenceforth be liable to the Maintenance of the Bed and Channel of the River in the Lower Division, and to the Maintenance and Repair of the Bridge erected by the incorporated Commissioners at Wisbech, and to the Maintenance of the Wharfing and Banks in the Lower Division, which were not liable to be repaired and maintained by any other Commissioners, Trustees, or Persons previous to the passing of the Act of 1852, or which are not imposed upon such Commissioners, Trustees, or Persons under any of the Provisions of this Act.

Wisbech Corporation to maintain Banks and River in Lower Division.

50. Upon the Dissolution of the Commission the Tonnage Due of One Halfpenny, by the 152d Section of the Act of 1852 directed to be levied by the Wisbech Corporation, and by the 154th Section directed to be paid over to the incorporated Commissioners, shall be retained by the Wisbech Corporation, and applied by them to the Maintenance and Support of the Navigation and such Works in the Lower Division as are maintainable by the said Corporation.

Tonnage Dues of $\frac{1}{2}d.$ to revert to Corporation.

51. All Banks and Works which previous to the passing of the Act of 1852 were maintained, or were liable to be maintained by the North Level Commissioners, the Bedford Level Corporation, the Waldersea Drainage Commissioners, the Wisbech Sewers Commissioners, or any other Parties, shall, upon the Dissolution of the Commission, be thenceforth maintained by such Commissioners, Corporation, and Parties respectively, by the same Ways and Means, with the same Powers, and subject to the same Liabilities, as they would or

Other Banks by whom to be maintained.

ought to have been maintained if the Act of 1852 had not been passed.

Banks, &c.
to be main-
tained by Com-
missioners of
Nene Wash
Lands.

52. Upon the Dissolution of the Commission the Commissioners of the Nene Wash Lands shall maintain and repair the Bridge and its Approaches at the Dog-in-a-Doublet, erected or made by the incorporated Commissioners, and shall have the same Powers of maintaining, scouring, and improving Moreton's Leam and Whittlesea Delph as the incorporated Commissioners could have exercised if the Dissolution of the Commission had not taken place; and all Bridges, Sluices, and other Works upon the Wash Lands, or connected therewith, which belong to or were maintainable by the incorporated Commissioners, shall vest in and be maintainable by the Commissioners of the Nene Wash Lands: Provided always, that no Liability shall be imposed by this Act upon the Commissioners of the Nene Wash Lands to maintain Moreton's Leam as a navigable Channel.

Commissioners
of Nene Wash
Lands to re-
ceive the Tolls
at Dog-in-the-
Doublet Bridge.

53. Upon the Dissolution of the Commission the Commissioners of the Nene Wash Lands shall and may receive, collect, levy, and recover the Tolls at the Dog-in-the-Doublet Bridge, payable under the Act of 1852, the Act of 1854, and this Act, or any of them, to the incorporated Commissioners, and may exercise all the Powers of the incorporated Commissioners with reference thereto as fully and effectually as if the Commissioners of the Nene Wash Lands had been authorized to levy such Tolls by the Act of 1852 instead of the incorporated Commissioners, and all the Monies arising from such Tolls shall be carried to the Account of the Commissioners of the Nene Wash Lands.

In case Dog-
in-a-Doublet
Bridge be used
as an opening
Bridge.

54. In case at any Time hereafter the Bridge at the Dog-in-a-Doublet shall be required to be used as an opening Bridge, the Expense of adapting the same for that Purpose shall be defrayed by the Navigation Commissioners, and they shall thenceforth maintain the said Bridge and the Approaches thereto as Part of their Works, and shall collect the Tolls receivable at the said Bridge and apply the same as an Addition to the Moiety of the Navigation Tolls by this Act made applicable to the Works maintainable by the said Navigation Commissioners.

Navigation
Commissioners
to be appointed
to take charge
of Third
Navigation
Division.

55. From and after the Dissolution of the Commission the Maintenance, Superintendence, and Conservancy of the Navigation of the River and the Works thereof within the Third Navigation Division, and the Receipt of the Tolls and Duties thereon, shall be vested in and shall be exercised by the Navigation Commissioners herein-after constituted.

Incorporation
of Nene Navi-
gation Com-
missioners.

56. The Persons to be appointed from Time to Time as by this Act provided shall be incorporated by the Name of "the Nene Navigation Commissioners (Third Division)," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to carry into effect the Powers and Provisions of this Act, and the Act of 1852 and the Act of 1854, so far as they are authorized to be carried into effect by them.

57. The Nene Navigation Commissioners (Third Division), in this Act referred to as the Navigation Commissioners, and their respective Successors, shall be Persons appointed respectively in the Proportions following; (that is to say,)

Four by the Council of the Borough of Wisbech;

One by the North Level Commissioners;

Two by the Wisbech Sewers Commissioners;

Two by the Commissioners of the Nene Wash Lands;

One by the Peterborough Improvement Commissioners;

One by the Waldersea Drainage Commissioners;

One by the Duke of Bedford, his Heirs or Assigns, Owner or Owners for the Time being of the Navigation between Dog-in-a-Doublet Sluice and the Town of Thorney;

And the Person or Persons so appointed (other than the Nominee of the Owner or Owners of the Thorney Navigation, who shall remain during the Pleasure of such Owner or Owners,) shall remain in Office for Three Years from the Time of their respective Appointments, and the Meetings of the Commissioners and Council respectively for making the First Appointment shall be held previous to the Day appointed for the Dissolution of the Commission: Provided always, that such Council or any of such District Commissioners may respectively determine at what Period in any Year any Election shall take place, and the Commissioners or Commissioner, as the Case may be, first appointed by such Council, or any of such District Commissioners, shall remain in Office accordingly.

58. In case of the Death, Resignation, Disqualification, or other lawful Removal of any Navigation Commissioner during his Term of Office the Vacancy occasioned thereby shall be filled up by the Commissioners Council, or Person by whom the Person causing such Vacancy shall have been appointed.

59. The Navigation Commissioners may meet from Time to Time at such Place as they may from Time to Time appoint, and their First Meeting shall be at such Time and Place as the incorporated Commissioners may appoint previous to the Dissolution of the Commission, or failing such Appointment at the Rose and Crown Inn in the Town of Wisbech, or some other convenient Place in that Town, at Noon, on the 30th Day of September 1862.

60. The Powers of the Navigation Commissioners shall not be dependent upon the Election or Continuance in Office of all the Members of the Commission.

61. All the Powers, Jurisdiction, and Authority of the incorporated Commissioners, conferred on them by the Act of 1852 and the Act of 1854, with reference to and within the Third Navigation Division, and all Navigation Tolls, Duties, and Sums of Money which could have been received and levied by the incorporated Commissioners for and in respect of the Navigation of the River in the Third Navigation Division, if the Dissolution of the Commission had not taken place, shall upon the Dissolution of the Commission be transferred to and become vested in the Navigation Commissioners, and such Navigation Commissioners shall have and may exercise all such Powers, Jurisdiction, and Authority, with reference to

Appointment of Nene Navigation Commissioners (Third Division).

Mode of supplying Vacancies.

Meeting of Navigation Commissioners.

As to Powers of Navigation Commissioners.

Powers to be exercised by Navigation Commissioners.

the Maintenance, Superintendence, and Conservancy of the Navigation in the Third Navigation Division and the Works thereof, and of the levying of Tolls and Duties therein or in respect thereof, in the same Manner as if they had been expressly authorized and appointed by the Act of 1852 and the Act of 1854, for those Purposes, instead of the incorporated Commissioners.

Application
of Tolls by
Navigation
Commissioners.

62. The Navigation Commissioners shall apply the Tolls, Duties, and Sums received by them (after Payment of the Expenses of Collection) as follows: One Half Part thereof shall be paid annually to the Treasurer of the Corporation of the Borough of Wisbech, and be applied by such Corporation for the Purposes to which the Tonnage Due of One Halfpenny herein-before directed to be retained by the said Corporation is made applicable, and the remaining Half Part thereof shall be retained by the said Navigation Commissioners, and shall, after Payment of the general Expenses of Management, be applied in and towards the Maintenance and Conservancy of the Navigation of the River in the Third Navigation Division and the Works thereof, and connected with the same, and, if there be any Surplus, the same shall from Time to Time be paid to the Treasurer of the Corporation of the Borough of Wisbech, who may apply the same in like Manner as is herein-before directed with respect to the Proportion of the said Navigation Tolls receivable by them as aforesaid, and, if not required for such Purposes, in Liquidation of any Principal Monies raised by that Corporation for the Payment of the additional Contribution payable by them under the Provisions of this Act.

As to opening
Bridges.

63. It shall not be obligatory on the Wisbech Corporation or any other Party or Persons to open the Bridges at Wisbech or the Dog-in-a-Doublet, or either of them, for the Passage through the same of such seaborne Vessels as cannot lower their Masts, or any other Vessels, so long as the Navigation from Wisbech to Peterborough shall continue insufficient for the Passage of such seaborne Vessels as aforesaid.

Wisbech Cor-
poration may
borrow on
Mortgage.

64. It shall be lawful for the Wisbech Corporation from Time to Time to borrow Money at Interest on Mortgage of the Halfpenny Tonnage Dues and Proportion of the Navigation Tolls respectively directed to be retained by and vested in them under this Act in like Manner and with the same Powers as they may mortgage the Harbour Tolls and Duties under the Acts of 1852 and 1854, and the Wisbech Port Act, 1855, or any or either of them, and to apply the Money so borrowed in and towards Payment of the Contribution imposed upon them under this Act or in discharge of any Money so borrowed, and so toties quoties.

Parts of
10 & 11 Viet.
c. 16. incor-
porated.

65. "The Commissioners Clauses Act, 1847," (except Clauses 6, 7, 10, 16, 17 to 35, both inclusive, 36, 40, 42, 43, 46, 48, and 54,) shall be and the same are incorporated with and form Part of this Act, and, for the Purposes of the Incorporation made by this Section, the Commissioners of the New Wash Lands and the Navigation Commissioners by this Act authorized to be appointed shall each of them be deemed the

Body Corporate constituted for executing the Works and Duties by the Special Act authorized, and the Chairman of the Navigation Commissioners and the Chairman of the Commissioners of the Nene Wash Lands respectively shall continue in Office for One Year from the Time of his Appointment and thenceforth until another Chairman be appointed in his Stead, and the Quorum of any Meeting of such Commissioners respectively shall be Three.

66. The incorporated Commissioners, or the Commissioners of the First and Second Districts respectively, as the Case may be, may, if they think fit, pay the whole or any Part of the Expense of cleansing or improving any of the Drains, Ditches, or Watercourses under their Jurisdiction in the First and Second Districts, and the flooded Lands in Standground, out of the Funds of the District in which the same are situated or to which the Taxes thereof belong; and the Term "Watercourse" in this Act, and the Act of 1852 and the Act of 1854, shall include tributary Streams.

Power to
cleanse Drains
out of District
Rates.

67. And whereas by the 230th and 231st Sections of the Act of 1852 Provision is made for the Execution of certain Works by the incorporated Commissioners, on receiving Notice in Writing from certain Owners of Lands in such Sections named, made at any Time before the Expiration of the Period by that Act limited for the Completion of Works in the First District: And whereas the Time limited for such Completion of Works in the First District was by the Act of 1854 extended and the same will expire on the 30th Day of June 1863: And whereas it is expedient to amend the said Sections, and for that Purpose repeal the said Sections and make other Provisions in lieu thereof: Therefore the 230th and 231st Sections of the Act of 1852 are by this Act repealed.

Repeal of
Sections 230
and 231 of
Act of 1852.

68. If at any Time or Times hereafter, before the Expiration of 10 Years from the passing of this Act, the Viscountess Palmerston, Esther Wilson, James and William Rice, John Mercer, William Collins, and William Strong, Trustees of the Northamptonshire Union Bank, or other the Trustees for the Time being of the same Bank, Robert Willsden, James Houghton, and the Mayor, Aldermen, and Burgesses of the Borough of Northampton, or any One or more of them, or others the Owners or Owner for the Time being of all or any of the Lands which shall or may be required for the Execution of the Works herein-after mentioned, shall by Notice in Writing served upon the incorporated Commissioners, or upon the Commissioners of the First District (if such Notice be given after the Separation of the Districts), require such Commissioners to render available for the Passage of Boats any Part of the River either within or in part within and in part without the Borough of Northampton and the Parish of Duston respectively, which at the Time of giving any such Notice may not be navigable, the incorporated Commissioners or Commissioners of the First District, as the Case may be, shall within 12 Months next after the Service of any such Notice do such Works and shall remove all Obstructions in the said River in such Places and to such Extent as shall be specified in such Notice, so that such

Viscountess
Palmerston
and others
may require
Access from
navigable Part
of the River to
be made.

Part of the River may be used for the Passage of Boats from the navigable Part of the River to the Field or Close of Land numbered 19 in the deposited Plan and Section referred to in the Act of 1852, and described in the Book of Reference thereto as the Land of Lord Melbourne, in the Occupation of Mr. James Garrett, but which is now the Land of the Viscountess Palmerston, in the Occupation of James Houghton : Provided always, that this Provision shall not confer upon the incorporated Commissioners or the Commissioners of the First District any further Powers of taking Lands compulsorily for the Purposes of such Works than such as the incorporated Commissioners could exercise under and by virtue of the Act of 1852 and the Act of 1854, or either of them.

Estimated
Expense to
be paid to
incorporated
Commissioners.

69. The said Viscountess Palmerston, Esther Wilson, James and William Rice, John Mercer, William Collins, and William Strong, Trustees of the Northamptonshire Union Bank, Robert Willsden, James Houghton, and the Mayor, Aldermen, and Burgesses of the Borough of Northampton, or such One or more of them, or such Owners or Owner as aforesaid, by whom the Notice shall be given, shall, previous to the Commencement of the said Works, deposit with the incorporated Commissioners or the Commissioners of the First District, as the Case may be, such Sum of Money as the Commissioners and the Person or Persons by whom the Notice is given shall agree upon as the estimated Expense to be incurred in or about the Execution and Completion of the Works required to be performed by any such Notice ; or in case the Commissioners and such Person or Persons giving such Notice disagree, then such Sum of Money as an Engineer appointed by the Board of Trade shall estimate as the Expense of such Works, and the Decision thereon of such Engineer shall be final ; and the Expenses of such Engineer shall be borne in equal Moieties by the incorporated Commissioners or the Commissioners of the First District, as the Case may be, and the Person or Persons giving such Notice ; and after the Completion of such Works, the actual Expense thereof shall be ascertained and determined and settled between the Person or Persons by whom the Notice is given and the incorporated Commissioners or the Commissioners of the First District, as the Case may be ; and if the Notice be given by more than One Person, the Commissioners shall, if required by any of such Persons, apportion between them the Parts, Shares, or Proportions which each Person shall pay ; and any Balance appearing to be due by or to the Commissioners shall be repaid to or by such Commissioners, and such Balance shall, as the Case may be, be paid to or received by the Person giving the Notice ; or if the Notice be given by more than One Person, then the Balance shall be paid to or received by the Persons giving the Notice rateably in accordance with the Proportions fixed by the Commissioners.

Limitation of
Term as to
Construction of
Works not to
apply to certain
Objects.

70. Notwithstanding the Time limited by the recited Act, or this Act, for the Completion of Works in the First and Second Districts may have expired, nothing in this Act, or in any of the recited Acts contained, shall extend to prevent the incorporated Commissioners within the First and Second Districts,

Districts, or the Commissioners of those Districts respectively, from dredging, cleansing, scouring, altering, or improving from Time to Time the Bed or Channel of the River Nene, within those Districts respectively, or from making, altering, or improving Drains or Watercourses, and other Drainage Works within those Districts respectively, but all such Powers may be exercised by the incorporated Commissioners, or the Commissioners of those Districts respectively, with reference to such Works as could have been exercised previous to the Expiration of such Period: Provided always, that no such Drain or Watercourse constructed after such Period shall be of greater Width at the Bottom than 11 Feet.

71. The Payment of any of the Navigation Tolls chargeable by the Act of 1852 and the Act of 1854, or either of them, within the Third Navigation Division, may be appointed to be made at any Place or Places within any Part of the River between Peterborough and Wisbech, or in the City of Peterborough, or in the Town of Wisbech, as the incorporated Commissioners or the Navigation Commissioners, as the Case may be, think proper from Time to Time, and all the Powers and Authorities of the Collector or Collectors of the said Navigation Tolls, and the Remedies given in the said Acts, or either of them, for the Recovery of the said Tolls, shall be available at such Place or Places as may be so appointed; and the Authority given to any Collector or Officer by the 107th Section of the Act of 1852 shall extend to the Collector at each Place where the Navigation Tolls shall be appointed to be paid although a Demand shall have been made by and an Account furnished to some other Collector.

Where Navigation Tolls to be paid in Third Navigation Division.

Collectors Authority at Places where Navigation Tolls collected.

72. It shall be lawful for the incorporated Commissioners, and the Commissioners of the First and Second Districts, Navigation Commissioners and Commissioners of the Wash Lands respectively, to sue for and recover any Taxes, Rates, or Tolls payable under this Act, or the Acts of 1852 or 1854, or any of them, in the County Court held for or having Jurisdiction over the District in which the Lands or Place are or is situate, in respect of which such Rates or Taxes may be payable, or at which such Tolls may be leviable, and notwithstanding the Right to recover such Rates, Taxes, or Tolls may be disputed: Provided always, that the Amount of such Rates, Taxes, or Tolls sought to be recovered from any One Person shall not exceed the Limit of the Money in respect of which the said County Court may have Jurisdiction.

Power to recover in County Court.

73. Any Assessment of the Tax or Taxes in any of the said Districts may be in the Form given in the Fourth Schedule to this Act or as near thereto as the Circumstances will admit.

Form of Assessment.

74. Whenever the Name of the Occupier or Owner of any Land liable to be assessed to any Tax by the incorporated Commissioners, or the Commissioners of the First and Second Districts, or the Commissioners of the Nene Wash Lands, shall not be known to them, it shall be sufficient to assess and designate him in the Assessment or Tax Book as "the Occupier" or "the Owner," as the Case may be, without further

In case Name of Owner or Occupier is unknown.

Description : Provided also, that if the Occupier of any Land whose Name is unknown to the said Commissioners at the Time of making the Assessment should afterwards become known, or if any Land then unoccupied should afterwards become occupied, the said Commissioners of the First or Second Districts, or of the Nene Wash Lands or their respective Clerks or Collectors, may, if they think fit, insert in the Assessment the Name of any such Occupier, who shall thereupon to all Intents and Purposes be deemed to be properly assessed, and the Taxes therein and thereby assessed and charged upon any such Occupier may be collected and recoverable from him in the same Manner as if he had been originally named therein or assessed thereto.

Separate Warrants of Distress unnecessary.

75. It shall not be necessary to have separate Warrants of Distress for Arrears of separate and distinct Taxes due in respect of the same Lands, but all Arrears for the Time being due from the Occupier of any Lands, or in respect of the Lands in his Occupation, shall and may be recoverable by one and the same Warrant of Distress, and such Warrant may be in the Form in the Fifth Schedule to this Act annexed or as near thereto as Circumstances will admit.

Part of Railways Clauses Act incorporated, § 76.

As to Application of any Surplus Funds in Third District.

77. If the Monies authorized to be raised under this Act, and the Rates, Rents, Taxes, and other Monies due and belonging to the incorporated Commissioners in respect of the Third District upon the Dissolution, and the Monies arising from the Sale of the Lands by this Act authorized to be sold shall be more than sufficient to pay the Debts and Liabilities of the incorporated Commissioners in respect of the Third District, and the Costs and Charges to which the Funds shall be legally subject, the Surplus shall be paid to the Contributors in the Proportions in which they are respectively required to contribute to the Monies hereby authorized to be raised, and the Receipt of the Clerk or Treasurer of the respective Contributors shall be a sufficient Discharge for the Monies returnable to such Contributors respectively.

Award under Act of 1854 not to be affected.

78. Nothing in this Act contained shall prejudice, affect, lessen, or diminish, or alter, or increase the Validity of the Awards made by Sir John Pakington under the Act of 1854, or any or either of them.

Expenses of Act.

79. All the Costs, Charges, and Expenses incurred by the incorporated Commissioners in and about the applying for, obtaining, and passing of this Act, or preparatory or incidental thereto (not exceeding 7,500*l.*), shall be paid and borne by the Owners or Occupiers of Land subject to the Outfall Tax granted by the Act of 1852, and the Owners or Occupiers of Wash Lands in the Third District, in the Proportion of their respective Contributions under this Act, and shall be raised and applied accordingly.

Schedules (Names of Contributors and Amounts ; Debts and Liabilities in Third District ; Forms).

Cap. clxv.

"The Okehampton Railway Act, 1862."

Proposes to make a Railway from the North Devon Railway in the Parish of Colebrook, in the County of Devon, to Okehampton, and to authorize the Company and the London and South-western Railway Company and the North Devon Railway Company to enter into Arrangements with respect to such Railway.

Incorporation of Consolidation Acts, §§ 2, 3.

Incorporation of Company, with a Capital of 130,000*L.*, and with Power to borrow 43,000*L.*, §§ 4 to 9.

Meetings; Directors, &c., §§ 12 to 20.

Power to make Railway, §§ 21, 22.

Power to alter Engineering Works, § 23.

Regulations as to Roads and Bridges, §§ 24 to 26.

As to Communications with the North Devon Railway, §§ 27 to 32.

Three Years for compulsory Purchase of Lands, § 34.

Five Years for Completion of Works, §§ 35, 36.

Tolls, §§ 37 to 45.

Power to enter into Traffic Arrangements, §§ 46 to 51.

Cap. clxvi.

"The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1862."

Recites that in 1859 the Sevenoaks Railway Company were incorporated, with a Capital of 120,000*L.*, and with Power to borrow 40,000*L.*, and to make a Railway commencing by a Junction with the Line of Railway authorized by "The East Kent Railway (Western Extension) Act, 1858," in the Parish of Sutton at Hone, in the County of Kent, and terminating in the Parish of Sevenoaks, in the same County, and by the Act now in recital the Company and the London, Chatham, and Dover Railway Company were authorized to enter into and carry into effect Contracts or Arrangements for the Use and Working by the latter Company of the original Line, and the Conveyance by them of the Traffic thereon, and certain incidental Matters; that the Construction of the Railways by this Act authorized would be of local and public Advantage; that it is expedient that the Powers by the recited Act given to the Company and the London, Chatham, and Dover Railway Company with reference to such Contracts or Arrangements as aforesaid should be extended to the proposed Railways and the Traffic thereon; that the Name of the Company should be changed; and that the Company be authorized to raise additional Money for the Purposes of their Undertakings.

Incorporation of Consolidation Acts, §§ 3 to 5.

Power to make Railways, §§ 6, 7.

8. And whereas Application has been made to Parliament in the present Session for a Bill to enable the South-eastern Railway Company to make Railways to Tunbridge and Dartford respectively, and to widen a Portion of their North Kent

Junction Line substituted for other Part of Works.

Line of Railway, and to purchase additional Lands for the Purposes of their Undertaking, and for other Purposes : And whereas the Railway No. 1 proposed to be authorized by that Bill will run for some Distance through the same Locality, and not far from the Railways by this Act authorized, and the Construction of that Railway No. 1, and of a short Line of Railway to connect the Railway of the Company authorized by "The Sevenoaks Railway Act, 1859," and now in course of Construction, with that Railway No. 1 in the Parish of Sevenoaks, with Powers of running over and using Part of the proposed Railways of the South-eastern Railway Company, and the proposed Sevenoaks Station of that Company, and with adequate Provisions for the Conduct of the Traffic between Sevenoaks and Tunbridge, as well as the Interchange of Through Traffic at Sevenoaks, and the Forwarding and Conduct of such Traffic might with Advantage to the Companies and to the Public be substituted for the Construction of Part of the Railways by this Act authorized : And whereas Plans and Sections of a short Junction Railway to connect the Railways aforesaid, describing the Line and Levels of the proposed Junction Railway, and the Lands which may be required to be taken for the Purposes thereof, together with Books of Reference to those Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the said Lands respectively, were deposited with the Clerk of the Peace for the County of Kent, in the Month of March 1862: Therefore, if the proposed Bill shall pass or shall have passed into Law in the present Session of Parliament, containing Powers for the Construction of the said Railway No. 1 in the said Bill mentioned, the Company may, subject to the Provisions in this Act and the incorporated Acts contained, make and maintain the said Junction Railway according to the Line and Levels defined upon the Plans and Sections, and upon the Lands delineated on the Plans, and described in the Books of Reference deposited in the Month of March as aforesaid, and may enter upon, take, and use such of those Lands as are necessary for those Purposes, and the Powers of the Company for the Construction of the Railways No. 3, No. 4, and No. 5 by this Act authorized, and of taking Lands for the same, shall cease and determine.

Description
of Junction
Railway.

9. The Junction Railway by this Act authorized shall commence in the Parish of Sevenoaks, by a Junction with the Railway authorized by the "Sevenoaks Railway Act, 1859," and now in course of Construction, at the Termination thereof near the Inn known as the "Bat and Ball," and shall terminate in the same Parish by a Junction with the proposed Railway No. 1 of the South-eastern Railway Company from Lewisham to Tunbridge, at or near the Point where that Railway is intended to cross the Turnpike Road from London through Riverhead to Sevenoaks, near the Milestone denoting 23 Miles from London.

Power to alter Engineering Works, § 11.
Level Crossings, §§ 12 to 15.

Admiralty Approval of Medway Viaduct, § 17.

Viaduct to be lighted, § 18.

Company to pay Cost of local Surveys, § 19.

Admiralty may remove abandoned Works, § 20.

Saving Rights of Medway Lower Navigation Company, § 21.

Prescribing the Mode of crossing the Medway, § 22.

Opening Bridge to be made when Aylesford Bridge opened, § 23.

Admiralty may regulate Opening of Swing Bridge, § 24.

For preventing Detention of Vessels, § 25.

Junctions with South-eastern Railway Lines, §§ 26 to 30.

Three Years for compulsory Purchase of Land, § 33.

Five Years for Completion of Works, §§ 34, 35.

Power to take Tolls, § 36.

Definition of Terminal Station, § 37.

Railway to be Part of Undertaking, § 38.

Extending Traffic Arrangements to Extensions, § 39.

Provision for the Use of Part of South-eastern Railway Company's Lines, §§ 40, 41.

Facilitating Transmission of Traffic over South-eastern Company's Lines, § 42.

Arbitration Clause, § 43.

44. For the Purpose of doubling the original Line the Company may raise additional Capital not exceeding 75,000*l.*, and for the other Purposes of this Act the Company may raise additional Capital not exceeding, if their Powers to make the said Railways No. 3, No. 4, and No. 5 shall not have ceased, as herein-before provided, 750,000*l.*, and if those Powers shall have so ceased 530,000*l.*, and for raising the said additional Capitals respectively, they may create and issue new Shares in One or more Classes, and of such Amounts, and to be disposed of to such Persons, in such Manner, and on such Terms and Conditions as shall from Time to Time be determined by the Resolution of any Ordinary or Extraordinary Meeting of the Company.

Power to raise additional Capital.

45. The Shares for raising the said additional Capital for the Purposes of this Act other than doubling the original Line are herein-after comprised under the Term "Extension Shares," and the Shares for raising the said additional Capital for the Purposes of that Doubling are herein-after comprised under the Term "original Line Shares."

Names of Shares.

46. The Profits of the Extension Railways applicable to Dividend from Time to Time shall be applied in the first place in Payment of Dividend on the Extension Shares, until a Dividend of such Amount (not exceeding Six per Centum per Annum) as the Company, with the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose, shall attach to those Shares shall have been paid on the total Amount from Time to Time paid up on those Shares, and subject thereto, and also subject to such (if any) additional Capital for any Purposes of or in connexion with

Application of divisible Profits of Extensions.

with the Extension Railways as Parliament may hereafter sanction, the Residue of those Profits shall fall into and become Part of the general Profits of the Company.

Extension Shares not to participate in general Profits, § 47.

For ascertaining divisible Profits, § 48.

Preferential Dividend not exceeding 6*l.* per Cent. may be attached to new Shares for original Undertaking, § 49.

All Shares of same Class to bear same Dividend, &c., § 50.

Defining Profits applicable to preferential Dividends, § 51.

Qualifications of new Shareholders, § 52.

Appropriation of new Shares, § 53.

Limit of Amount and Number of Calls, § 54.

Unissued Shares may be cancelled, § 55.

Power to borrow for new Undertaking not exceeding One Third of Amount of the additional Capital, § 56.

Further Power to borrow 25,000*l.* on original Undertaking, § 57.

Priority of existing Mortgages, § 58.

Application of Monies raised under this Act, § 59.

Cancelling and re-issuing of Shares, §§ 60 to 66.

Alteration of Name and Saving of Rights and Liabilities, §§ 67 to 70.

Cap. clxvii.

“The Swansea Harbour Act, 1862.”

Recites that in 1854 the Swansea Harbour Trustees were incorporated and made the Conservators of the Harbour of Swansea and the River Tawe, and the Parts therein specified of Swansea Bay, and Powers were conferred on them for the Conservancy and Regulation of the Harbour, and they were authorized to make and maintain Docks and other Works, and to take Light Dues on Vessels, Rates on Shipping, Rates on Goods, and Bridge Tolls; and Provision was made that all Rates, Dues, and other Sums payable to the Trustees, should be paid to the Credit of the Swansea Harbour Fund, and they were authorized to borrow in addition to a Bond or Mortgage Debt of 146,242*l.*, or thereabouts, to which the Swansea Harbour Fund was subject, any Sums not exceeding 80,000*l.* on Mortgage of the Tolls, Rates, and Dues; that by “The Swansea Harbour Act, 1857,” the Undertaking of the Swansea Dock Company was transferred to the Trustees, and the Trustees were thereby empowered to complete the Works which the Dock Company were by “The Swansea Dock Act, 1847,” authorized to complete, and for that and other Purposes they were empowered to borrow 100,000*l.*; that by the same Act they were empowered to borrow on Mortgage of the Swansea Harbour Fund 5,000*l.*; and also to make a Railway commencing by a Junction with the South Wales Railway in the Parish of Swansea, and terminating within that Parish, near to the North-western Corner of the authorized Swansea Dock, and the Railway thereby authorized was directed to be constructed upon the Broad Gauge of

Seven Feet, and for the Purpose of enabling the Trustees to make the Railway by that Act authorized, they were empowered to borrow 75,000*l.*; that by "The Swansea Harbour Act, 1861," they were further empowered to borrow on Mortgage of the Swansea Harbour Fund 40,000*l.*; that it is expedient that the Trustees should be empowered to raise the additional Sum of 25,000*l.*, and also to grant to the Vale of Neath Railway Company a Lease of the Swansea Harbour Railway and Wharves connected therewith, and other Wharves vested in or conveyed to the Trustees under the Act of 1857, and that Provision should be made for laying additional Rails on that Railway or any Part thereof, so as to provide for the Passage thereon of Engines and Carriages constructed for the Narrow Gauge.

Incorporation of Parts of Commissioners Clauses Act, § 2.

Power to borrow 25,000*l.* on Credit of Swansea Harbour Fund, §§ 3 to 5.

6. In order to secure the regular Payment of Interest half-yearly on the 30th Day of June and the 31st Day of December in every Year on the Mortgages issued by the Trustees under this Act, the Treasurer shall, out of the Swansea Harbour Fund, on the last Day of every Month, after reserving thereout sufficient for the Payment of the Charges and Expenses to be paid thereout, as by the recited Acts and this Act provided, in preference to the Payment of such Interest, set apart and place to a distinct Account, entitled "Accruing Interest on Mortgages Account," One Twelfth Part of the Interest on the total Amount of the Mortgage Debt of the Trustees under this Act, and in case there shall be not sufficient Funds in his Hands, then the whole of the Amount then in his Hands.

Accruing Interest to be provided for.

Trustees not bound by Trusts affecting Mortgages, § 7.

8. After the Principal Sums due and owing on the Credit of the Rates, Dues, and Tolls authorized by the Act of 1861 shall have been paid off, the Trustees shall set apart and appropriate annually out of the same Rates, Dues, and Tolls, as a Sinking Fund to be applied in paying off the Principal Sums from Time to Time secured on Mortgage under this Act, the Sum of 2,500*l.*

Sinking Fund.

Trustees may apply any Sum not exceeding 500*l.* towards the Erection of a Sailors Home, § 9.

10. The Trustees may and shall grant and the Vale of Neath Railway Company may and shall accept a Lease or Leases of the Swansea Harbour Railway, authorized by the Act of 1857, and the Works and Conveniences connected therewith, and any of the Wharves and Lands, other than the Docks vested in or conveyed to the Trustees under the Provisions of that Act for such Period, upon such Terms and Conditions, and for such Considerations as are expressed in the Articles of Agreement set forth in the Schedule to this Act annexed, or as may be agreed upon between the Trustees and the Vale of Neath Railway Company, and the Trustees

Railway and Wharves to be leased to the Vale of Neath Railway Company.

and the Vale of Neath Railway Company may enter into and carry into effect all such Agreements as they from Time to Time shall think fit with respect to a Lease or Leases to the Vale of Neath Railway Company of the said Railway, Wharves, and Hereditaments: Provided that the Trustees shall not lease to the Vale of Neath Railway Company more of the Wharf on the Northern Side of the South Dock than so much of that Wharf as has a Frontage against that Dock of 1,056 Feet, measured from the Western End of that Dock, unless and except to the Extent that the South Wales Railway Company shall have failed to exercise the Option to require a Lease to them of the Wharf which they are by this Act authorized to require from the Trustees.

Lease to contain all usual and proper Covenants, § 11.

Effect and Conditions of Lease, §§ 12, 13.

Approval of Lease by Shareholders, §§ 14, 15.

Evidence of Consent of Companies to Leases, § 16.

Provision for Narrow Gauge on Swansea Harbour Railway, § 17.

Power for South Wales Railway Company to use Swansea Harbour Railway, § 18.

South Wales Railway Company to observe Byelaws of, &c., § 19.

The South Wales Railway Company may require a Lease of a certain Portion of the Wharf on the Northern Side of the South Dock, § 20.

Cap. clxviii.

“The West Midland Railway (Additional Works) Act, 1862.”

Recites that in 1860 the Name of the Oxford, Worcester, and Wolverhampton Railway Company, incorporated in 1845, was altered to the West Midland Railway Company, and in the Company were vested the Undertaking of the Newport, Abergavenny, and Hereford Railway Company and that of the Worcester and Hereford Railway Company, as well as that of the Oxford, Worcester, and Wolverhampton Railway Company, and the Newport, Abergavenny, and Hereford Railway Company, and the Worcester and Hereford Railway Company were respectively dissolved, and all Rights, Powers, and Privileges of the dissolved Companies were transferred to the Company; that the Company have, under the Powers of “The Severn Valley Railway (Leasing) Act, 1860,” taken a Lease of the Undertaking of the Severn Valley Railway Company, and under the Powers of “The Coleford, Monmouth, Usk, and Pontypool Railway Act, 1861,” have leased that Undertaking; that One of the Conditions of the Lease of the Severn Valley Railway is, that the Company shall provide for the Issue of the Mortgages or Bonds of the Severn Valley Company at a Rate of Interest not exceeding the average Rate of Interest payable for the Time being on the entire System of the Company,

and that any Excess in such Rate of Interest shall be paid by the Company out of their own Monies, and One of the Conditions of the Lease from the Coleford Company is, that inasmuch as the yearly Rent has been estimated on the Understanding that the yearly Interest on the Coleford Company's Debenture Debt is 2,500*l.*, the Company are to have the Management of that Debt at their own Risk, the yearly Rent to be increased or reduced by the Amount by which the yearly Interest on that Debt exceeds or falls short of 2,500*l.* a Year; that the Severn Valley Company are authorized to borrow on Mortgage or Bond 180,000*l.*, and the Coleford Company 50,000*l.*, and it is expedient that Provision should be made for the Issue of Mortgages or Bonds by the Company in respect of the Debenture Debts of the Severn Valley Company and Coleford Company; that in respect of the Debenture Debt on or in respect of the Oxford Section the Company are authorized to issue Debenture Stock, but the Powers of the Company do not extend to the Issue of Debenture Stock in lieu of raising by Mortgage or Bond the Money they are authorized to borrow in respect of the Newport Section and Hereford Section, and it is expedient that their Powers should be extended in such respects; that under the Provisions of "The Oxford, Worcester, and Wolverhampton Railway Act, 1859," the Company are from and after the 1st January 1862, required to pay to the Holders of the Chipping Norton Branch Shares yearly Dividends after the Rate of 4*l.* per Centum per Annum, and it is expedient that the Company should be authorized to agree with the Holders of such Shares, or any of them, for their Conversion into Debenture Stock of the Company; that it is expedient that the Company should be authorized to construct the several Branch Railways herein-after described, and also to acquire certain Lands in the Borough of Newport, and thereon to provide Station and other Accommodation for Passengers, Goods, and Minerals; that the Railway of the Company unites with the Railways of the Monmouthshire Railway and Canal Company at Coed-y-Gric Junction, and it is expedient that the Company should be authorized to pass over and use with their Engines and Carriages the Railways of the Monmouthshire Company between such Junction and the intended new Station, and between such Station and the Newport Docks, and that such Facilities and Accommodation should be afforded by the Monmouthshire Company to the Traffic of the Company; and that the Company be authorized to raise further Monies and to relinquish the Construction of a Branch Railway in the Parish of Gelly-Gaer authorized by the Act of 1857.

Incorporation of Consolidation Acts, § 2.

Power to make Railways, § 5.

6. If the Monmouthshire Company shall, before the Expiration of 18 Months from the passing of this Act, construct and complete a Station or Stations for Passengers, Goods, Animals, and Minerals upon the Lands herein-before described

Suspension of Powers as to Station at Newport.

in

in the Parish of Saint Woollos or contiguous thereto, with all proper Sidings and Station Accommodation, Works, and Conveniences, and according to Plans to be agreed upon by the Company and the Monmouthshire Company, or to be settled, in case of Dispute, by an Arbitrator to be appointed by the Board of Trade upon the Application of either Company, then and in such Event the Powers by this Act granted to the Company for the Purchase of Lands in the Parish of Saint Woollos, and for the Erection of a Station thereon, shall cease and determine, and the Company shall thenceforth be entitled to use the said Station or Stations, Sidings, Works, and Conveniences so constructed by the Monmouthshire Company, as fully and freely, and upon the same Terms and Conditions, as if the same had been constructed and completed at the passing of this Act, and had been subject to the Powers and Provisions in this Act contained with reference to the User by the Company of existing Stations of the Monmouthshire Company at and near Newport: Provided always, that until the Expiration of such 18 Months the Powers of the Company with reference to the Purchase of the said Lands in the Parish of Saint Woollos shall be deemed to be suspended.

Terms for Use
of Station of
Monmouth-
shire Company.

7. If such Station be constructed by the Monmouthshire Company as aforesaid, then the Company shall pay to the Monmouthshire Company by way of Rent for the Right to use the same such perpetual yearly Sum as shall be settled and ascertained either by Agreement, or, in default of Agreement, by an Arbitrator to be appointed by the Board of Trade on the Application of either Company, before the Use of the said Station, Works, and Conveniences by the Company shall commence; and in estimating such yearly Sum the Arbitrator shall take into account the Cost of the Site and of the Buildings and Works provided for the Station, and shall also pay half-yearly such Proportion of the current Expenses for the Lighting and Maintenance of such Buildings and Works, and the Cost of the Persons employed thereat, and of the Rates, Taxes, and all other Expenses connected with the Business of the Station, as in default of Agreement such Arbitrator shall award; and all Sums payable to the Monmouthshire Company under this Provision shall be payable by half-yearly Payments on the 30th Day of June and the 31st Day of December, or within 30 Days thereafter, for the Half Years ending at those Dates respectively, and if not paid within 60 Days after the 30th Day of June or the 31st Day of December (as the Case may be), and after Demand thereof in Writing, the Monmouthshire Company may either recover the same from the Company by Action in any Court having by Law Cognizance of the Action, or may levy the same by Distress and Sale of the Goods and Chattels, Estates and Effects, of the Company: Provided always, that nothing herein contained shall prevent the Company from using such Station for all the Purposes of their Traffic immediately upon the Completion thereof, and after Application by either Company to the Board of Trade, notwithstanding that the Arbitrator herein-before mentioned shall not have made any Award.

8. The Railway fifthly herein-before described, between the West Midland Railway and the Bourton-on-the-Water Railway, shall not be constructed under the Powers of this Act unless a Railway in extension of the Bourton-on-the-Water Railway to or towards Cheltenham be authorized by an Act to be passed either in the present Session of Parliament, or within Two Years after the passing of this Act.

Railway fifthly described not to be made in a certain Event.

9. And whereas the Railways first, secondly, and thirdly herein-before described, and by this Act authorized, are intended for the Supply of Railway Communication to various Manufactories, Collieries, and other like Works, and for the Construction of such Works it may be necessary to take a Part of some of such Manufactories, Collieries, or other like Works, and it is unreasonable that the Owners, Lessees, or Occupiers of such Manufactories, Collieries, or Works should, under the Circumstances aforesaid, have the Power of compelling the Company to purchase the whole of such Manufactories, Collieries, or Works, if the Company require only a Part thereof: Therefore, for the Construction of the Railways first, secondly, and thirdly herein-before described and authorized, or any of them, the Owner, Lessee, or Occupier of any Manufactory, Colliery, or other like Work shown on the said Plans and described in the Books of Reference of the said Railways may be required to sell or convey to the Company a Part only of such Manufactory, Colliery, or other like Work, although such Owner, Lessee, or Occupier may be willing and able to sell the whole thereof.

Provision as to Property required for certain of the Railways.

Level Crossings, §§ 10 to 13.

Regulating Inclinations of certain Roads, § 14.

Power to alter Engineering Works, § 15.

Mode of Communication with Monmouthshire Railway, §§ 16 to 19.

Mode of Communication with Rumney Railway, §§ 20 to 22.

Powers for compulsory Purchases limited to Three Years, § 23.

Period for Completion of Works limited to Five Years, § 24.

Company to make Bridges over the Birmingham Canal in manner prescribed, § 25.

Company to keep Bridges in repair, § 26.

For Protection of the Navigation of the Birmingham Canal, §§ 27 to 33.

34. It shall be lawful for the Company to demand and receive for and in respect of the Railways first, secondly, thirdly, fourthly, and fifthly described, and Works by this Act authorized the same Tolls and Charges as they are authorized to demand and receive for and in respect of the Railways comprising the Oxford Section, and in respect of the Railway sixthly described the same Tolls and Charges as they are authorized to take on the Railways comprising the Newport Section: Provided always, that the maximum Tolls and Charges to be levied and received by the Company in respect of the said Railways and Works shall in no Case exceed the maximum Tolls and Charges authorized to be taken on the Oxford Section and Newport Section respectively, and such

Tolls on new Lines of Railway.

respective Railways first, secondly, thirdly, fourthly, and fifthly described shall, for the Purposes of such Tolls and Charges, and also for the Purpose of regulating the Charges for short Distances, be deemed Part of the Railways comprised in the Oxford Section, and the Railway sixthly described shall be deemed Part of the Railways comprised in the Newport Section, in the same Manner respectively as if they had been authorized by the Acts relating to those Sections of the Railways of the Company.

If Railways not completed and opened for public Traffic within a limited Period Payment of certain Dividends suspended, § 35.

Company to abandon certain Branch Railway, §§ 36, 37.

For Protection of Trustees of the late Sir J. J. Guest, Baronet, § 38.

Power to use Portion of Railways of Monmouthshire Company, §§ 39 to 43.

Company may exercise in their own Name borrowing Powers of the Severn Valley Company, § 44.

Separate Accounts of Money borrowed and its Application, § 45.

Mode of charging Severn Valley Mortgages, § 46.

Company may exercise the Powers of borrowing of the Coleford Company, § 47.

Separate Accounts and Application of Money, § 48.

As to Mode of charging Bonds raised under Coleford Company's Acts, § 49.

Agreement for Conversion of Chipping Norton Shares into Debenture Stock, § 50.

Power to Company to create Debenture Stock, § 51.

Saving Mortgages and Bonds, § 52.

Issue of Debenture Stock, § 53.

Additional Capital of 120,000*l.* may be raised by new Shares or Stock, §§ 54 to 56.

Power to assign Preference Dividend of 5*l.* per Cent. to new Shares or Stock, §§ 57, 58.

Dividends to be a Charge against Joint Revenue, § 59.

Reservation of existing Rights of Debenture and guaranteed Stockholders, § 60.

Power to borrow One Third of Share Capital, § 62.

Certain Provisions of Companies Clauses Consolidation Act incorporated, § 63.

Cap. clxix.

"The Weston-super-Mare Pier Act, 1862."

Incorporation of Consolidation Acts, § 1.

Incorporation of Company, with a Capital of 8,500*l.*, and with Power to borrow 2,000*l.*, §§ 3 to 9.

Meetings; Directors, &c., §§ 10 to 15.

Pier, Approach Roads, and Breakwater to be made according to deposited Plans, § 16.

Power to deposit Materials, § 18.

Power to set out the Pier, Approach Roads, &c., § 19.

- Power to deviate within certain Limits, §§ 20, 21.
 Admiralty Provisions, §§ 22 to 24.
 Two Years for compulsory Purchase of Land, and Three Years for Completion of Works, § 25.
 Company may erect Toll Gates, &c., § 26.
 Tolls payable on Vessels remaining at Pier longer than necessary, § 28.
 Tolls for Use of Cranes and Weighing Machines, § 29.
 The Company may contract with Persons for the Use of the Pier, § 30.
 Pass Tickets and Return Tickets not to be transferable, § 31.
 Exemptions and Regulations as to Tolls and Toll Collectors, §§ 32 to 38.
 For preventing Nuisances on the Pier, Road, and Works, § 39.
 Leasing of Tolls, §§ 43 to 48.
 Revision of Tolls, § 49.
 Saving Rights of Crown, § 50.
 Schedules (Rates and Tolls).

Cap. clxx.

“The Londonderry and Coleraine Railway Arrangements Act, 1862.”

Recites that by the Londonderry and Coleraine Railway Act, 1859, the Company were empowered to create Mortgages or Bonds of different Classes, and respectively designated as “A Debentures,” “B Debentures,” “BB Debentures,” and “C Debentures,” to limited Amounts respectively, to be applied to the Purposes therein mentioned, and it was thereby provided that none of the Powers given by that Act should be exercised at any Time after the Expiration of 12 Calendar Months from the passing thereof, nor unless and until all the then existing Mortgage, Judgment, and other Creditors of the Company (except the Public Works Loan Commissioners and unpaid Landowners) should have consented in Writing to accept the several Mortgages or Bonds by that Act authorized to be created and issued, in lieu and satisfaction of and in exchange for the Securities and other Remedies then held or exercisable by them respectively; that it has been found impracticable, within the Period of 12 Calendar Months, to do so, and by reason thereof the Powers thereby given have lapsed; that the State and Condition of the Company and its Affairs remain substantially the same as set forth in the Preamble of that Act, and the Commissioners acting in the Execution of 57 Geo. 3. c. cxxxiv. and the Acts extending the same have continued to receive the Rent reserved by the Lease therein mentioned to William McCormick, and to apply the same in Payment of the accruing Interest upon the said Principal Money borrowed from them and of the Arrears of Interest thereon, and in Reduction of the Principal Money, and none of the other Creditors of the Company have derived, or so long as any Part of the said Principal Money remains unpaid will derive, any Benefit from the said Rent; that

since the passing of the recited Act, by means of the Application aforesaid, the Interest and Arrears of Interest due to the Public Works Loan Commissioners have been satisfied, and the Principal Debt has been to some Extent reduced, but in the meantime the Interest due to the Mortgage and Judgment Creditors of the Company has increased; that Holders of Debentures, and other Creditors of the Company named in the Schedule to this Act, whose Claims in the aggregate exceed 98 per Centum of the total Sum due and owing by the Company, except the Principal Debt owing to the Public Works Loan Commissioners as aforesaid, have recently agreed to accept Mortgages or Bonds similar to those authorized by the recited Act, and to be bound so to do by an Act of the present Session of Parliament; that the Names and Residences of the Holder of a Debenture, and other Creditors of the Company, whose Claims in the aggregate are less than Two per Cent. of the total Sum due and owing by the Company (except as aforesaid), and who have not declared their Consent to accept Mortgages or Bonds as aforesaid, are set forth in the Second Schedule hereto; that the said Schedules contain the Names and Residences of all the Debenture Holders and other Creditors of the Company, except the Public Works Loan Commissioners and unpaid Landowners; that it is expedient that the recited Act should be re-enacted, with Modifications and Amendments; that Power should be given to sell or lease the Undertaking, and, in case of Sale, to provide for the Application of the Purchase Money, and for winding up the Affairs of and dissolving the Company.

Incorporating certain Clauses of "Companies Clauses Consolidation Act, 1845," § 1.

Power to borrow for certain Purposes by issuing Debentures, to be classed as "A Debentures."

4. The Company may at any Time, and from Time to Time, raise, by borrowing on Mortgage or Bond upon the Security of their Undertaking, any Sum or Sums of Money for the Purposes first herein-after defined or indicated, and may thereupon create and issue Mortgages or Bonds accordingly; and all Mortgages or Bonds created for such Purposes shall be designated as "A Debentures," and shall inter se have equal Rank and Privileges: Provided, that it shall not be lawful for the Company to raise by the Means and for the Purposes aforesaid any greater Sum of Money in the whole than shall be necessary for satisfying such Purposes, nor in any Case more than 60,000*l.*; and that the Company shall apply the Monies so raised to the Purposes so defined or indicated, and to no other Purpose whatsoever.

Power to issue certain Debentures, to be classed as "B Debentures."

5. The Company may also at any Time, and from Time to Time, create and issue Mortgages or Bonds upon the Security of their Undertaking, for the Purposes secondly herein-after defined or indicated; and all Mortgages or Bonds so created shall be designated "B Debentures," and shall have inter se Equality of Rank and Privileges: Provided that it shall not be lawful for the Company to issue for the Purposes last aforesaid Debentures for any greater Sum than shall be required

required for satisfying such Purposes, nor in any Case more than 95,763*l.*; and that the Company shall apply the Debentures so issued to the Purposes last aforesaid, and to no other Purpose, and so that by the Issue of each such Debenture an Amount of existing Debt, at least equal to the Sum secured thereby, shall be extinguished or satisfied.

6. The Company may also at any Time, and from Time to Time, create and issue Mortgages or Bonds upon the Security of their Undertaking, for the Purposes thirdly herein-after defined or indicated; and all Mortgages or Bonds so created shall be designated as "C Debentures," and shall have inter se Equality of Rank and Privileges: Provided that it shall not be lawful for the Company to issue, for the Purposes last aforesaid, Debentures for any greater Sum than shall be required for satisfying such Purposes, nor in any Case more than 36,000*l.*; and the Company shall apply the Debentures so issued to the Purposes last aforesaid, and to no other Purpose; and so that by the Issue of each such Debenture an Amount of existing Debt, at least equal to the Sum secured thereby, shall be extinguished or satisfied.

Similar Power to issue certain Debentures to be classed as "C Debentures."

7. The Company may also at any Time, and from Time to Time, create and issue Mortgages or Bonds upon the Security of their Undertaking for the Purposes fourthly herein-after defined or indicated, and all Mortgages or Bonds so created shall be designated as "D Debentures," and shall have inter se Equality of Rank and Privileges: Provided, that it shall not be lawful for the Company to issue for the Purposes last aforesaid Debentures for any greater Sum than shall be required for satisfying such Purposes, nor in any Case more than 71,000*l.*, and the Company shall apply the Debentures so issued to the Purposes last aforesaid, and not to any other Purpose, and so that by the Issue of each such Debenture an Amount of existing Debt at least equal to the Sum secured thereby shall be extinguished or satisfied.

Similar Power to issue certain Debentures to be classed as "D Debentures."

Powers not to be exercised after Two Years, § 8.

9. The Debentures so created and issued shall be made payable at the Expiration of Seven Years from the 10th Day of July 1862, and the Interest thereon respectively shall not exceed the following Rates; (that is to say,)

Debentures to be for Seven Years and at limited Rates of Interest.

On the A Debentures, 5*l.* per Centum per Annum:

On the B Debentures, 4*l.* per Centum per Annum:

On the C Debentures, 2*l.* 10*s.* per Centum per Annum:

On the D Debentures, 3*l.* per Centum per Annum.

10. It shall not be lawful for the Company to re-borrow, except under the Authority of this Act and as hereby provided, any Monies which shall have been paid or satisfied in the Manner and by the Means herein mentioned.

Company not to re-borrow Monies which have been paid.

11. The Purposes to which the Monies raised by the Issue of A Debentures hereby authorized shall be applied shall be as follows, and in the following Order:

Application of Monies raised by this Act.

To the paying or satisfying of the Debt, including Principal, Interest, and Costs, for the Time being remaining due from the Company to the said Public Works Loan Commissioners, and the Expenses of and incident to the

Discharge or Release of such Debt, and of the retaking Possession of the said Railway and Works :

To the Payment of the Expenses of and incident to the procuring of the recited Act and this Act, and of and incident to the carrying into effect or endeavouring to carry into effect those Acts respectively, and to the Payment of the Expenses of and incident to the Application to Parliament in the last Session for an Act to effect the Objects contemplated by this Act.

To the paying or satisfying of all Claims of Landowners, and of the Expenses incident thereto.

The Purposes to which the B Debentures created and issued under the Authority of this Act shall be applied shall be the paying or satisfying the Claims of the Holders of existing Debentures for Principal Monies due thereon : The Purposes to which the C Debentures created and issued under the Authority of this Act shall be applied shall be the paying or satisfying the Claims of the Holders of existing Debentures for Interest and Costs due in respect of the same : The Purposes to which the D Debentures created and issued under the Authority of this Act shall be applied shall be the paying or satisfying of the Debts respectively due to other Creditors, and the Costs incident to such Payment and Satisfaction.

12. When and so soon as the Debt and Claims mentioned in the last preceding Section as payable out of the Monies raised by the Issue of A Debentures shall have been fully paid and satisfied in the Manner and by the Means aforesaid, the A Debentures shall become and be a First Charge on the Undertaking of the Company and the Revenues thereof, and in the meantime, and so long as any Part of the said Debt shall remain unsatisfied, so many of the said A Debentures as shall have been issued for and applied to the Payment of any Part of the said Debt shall be a Charge upon the said Undertaking next after the Part of the said Debt so remaining unsatisfied :

The B Debentures shall be a Charge upon the Undertaking of the Company and the Revenues thereof next after the said A Debentures :

The C Debentures shall be a Charge upon the Undertaking of the Company and the Revenues thereof next after the said B Debentures :

The D Debentures shall be a Charge upon the Undertaking of the Company and the Revenues thereof next after the said C Debentures, and the Income and Revenue of the Company from its Undertaking shall be applied to pay the Interest upon the said Debentures respectively in the Order and Priority in which they are so respectively charged :

Provided, that any Deficiency in any Half Year of the Amount required to pay the Interest on the A Debentures shall be made good out of future Income or Revenue, and all Arrears of any such Interest shall be satisfied before any Payment of Interest shall be made on the B Debentures, and in like Manner any and all Arrears of Interest on the B Debentures shall

The Debentures to be Charges upon the Undertaking in a certain Order.

Deficiency to be carried over.

shall be satisfied before any Payment shall be made of Interest upon the C and D Debentures.

13. The Company may, instead of raising Money by the Issue of the A Debentures hereby authorized, issue all or any of such Debentures to any of the Persons for whose Behoof the same respectively shall have been created as herein-before provided, who shall be willing to accept the same in Payment, wholly or in part, or in satisfaction of the Debts or Claims which they respectively have against the Company : Provided, that the aggregate nominal Amount of any such Debentures to be issued to any such Person shall in no Case exceed the aggregate Amount of the Debt or Claim then outstanding and unsatisfied of such Person against the Company.

Power to issue A Debentures to Creditors in Payment of Debts or Claims instead of raising Money by the Issue thereof for such Payment.

14. It shall be lawful for the Company to issue and dispose of, for such Price or Prices as can reasonably be obtained, so many D Debentures as will represent in aggregate nominal Amount the aggregate Amount of the Debts owing by the Company which are respectively under 50*l.*, and in respect of which the several Creditors shall have consented or may hereafter consent to accept the same and desire to receive the Cash which the Company may obtain by the Sale of such Debentures instead of such Debentures ; and Payment or Tender of such rateable Amount to those several Creditors who have so consented as aforesaid in respect of such Debts shall be deemed to be a Payment or Tender of the whole Amount due to such Creditors respectively.

Power to raise Money by Issue of D Debentures for Satisfaction of Debts under 50*l.*

Debenture Holders and other Creditors of the Company named in the First Schedule hereto to be bound by the Act on Service of printed Copies thereof, and Tender of Debentures applicable to their respective Cases, §§ 15, 16.

Judgments against the Company to be extinguished on the Claims of Creditors being satisfied, § 17.

Surplus Revenue after Payment of Interest on Debentures created under this Act to be applied in Liquidation of Amount taken from Capital to pay Interest, &c. properly chargeable to Revenue, § 18.

Saving Rights as to existing Preferences, § 19.

Provision for Acceptance of Debentures in satisfaction in case of Persons under Disability and other Cases, § 20.

Powers for raising Capital by former Acts extinguished, § 21.

Undertaking of Company to be sold if Creditors in Second Schedule refuse to accept Debentures, § 22.

Power to sell the Undertaking and Obligation to do so on Requisition, § 23.

The like Power and Obligation to sell the Railway without the Waste Lands and Slobs, § 24.

The like Power to sell Waste Lands and Slobs, § 25.

The Sale to be by Conveyance duly stamped, § 26.

27. Out of the Proceeds of any and every such Sale the Debt, including Principal, Interest, and Costs, for the Time being remaining due from the Company to the Public Works Loan Commissioners, shall be in the first place discharged, and the Residue of the said Proceeds shall be applied in or towards Payment or Satisfaction, first, of the Expenses of and incident

Application of Proceeds of Sale.

to any and every such Sale; secondly, of the reasonable Establishment Expenses of the Company; and thirdly, of the Debts and Expenses enumerated and set forth in the 11th Section of this Act, or of such and so many of them as shall be then subsisting, in the Order of Priority there indicated, or, if Debentures shall have been then created and issued under the Authority of this Act, for Payment and Satisfaction of such Debts respectively, or any of them, such Debentures respectively shall be taken as representing an equal nominal Amount of Debts of the Class to which they belong, and shall be redeemed and paid in the like Order of Priority, and the Surplus, if any, of such Proceeds shall be divided and distributed rateably among the then registered Shareholders of the Company, according to their respective Priorities, Rights, and Interests, and when the whole Undertaking and Property of the Company shall have been sold and the Proceeds of the Sale or Sales thereof shall have been applied and distributed as above directed the Company shall ipso facto be dissolved.

Power to lease, § 28.

Sale or Lease to confer Management, &c. of Premises, § 29.

Powers of Company to be exercised by the Purchaser or Lessee of Premises, § 30.

Company's Acts to apply to Purchaser or Lessee, § 31.

Saving Rights of the Irish Society, of the Public Works Loan Commissioners, of the Clothworkers Company, and of the Fishmongers and Grocers Companies, §§ 32 to 36.

Reclamation Powers not to be extended, or Reversion of Lands affected by this Act, § 37.

Schedules (Names and Descriptions of Creditors).

Cap. clxxi.

“Rickmansworth, Amersham, and Chesham Railway Act, 1862.”

Proposes the making of Railways from Rickmansworth in the County of Hertford to Amersham and Chesham in the County of Buckingham, with Power to make Arrangements with London and North-western Railway Company.

Consolidation Acts incorporated, § 1.

Incorporation of Company, with Capital of 90,000*l.* and Power to borrow 30,000*l.*, §§ 3 to 8.

Directors; Meetings, &c., §§ 11 to 16.

Power to make Railway Deviations, §§ 17 to 19.

Three Years for Purchase of Lands; Four Years for Completion of Works, §§ 22, 23.

Communication with Watford and Rickmansworth, and with Rickmansworth and Uxbridge Railways, §§ 24 to 26.

Tolls, §§ 27 to 34.

London and North-western Railway Company may subscribe 30,000*l.* §§ 35 to 37.

Preferential Dividend of Five per Cent. may be paid by that Company on new Shares, §§ 38, 39.

Voting by London and North-western Railway Company, §§ 41, 42.

Power to use Parts of Watford and Rickmansworth Railway,
§§ 43 to 45.

Power to make Traffic Agreements with London and North-
western and Watford and Rickmansworth Companies, §§ 46
to 55.

Cap. clxxii.

“The Carmarthen and Cardigan Railway Act, 1862.”

Recites that the Carmarthen and Cardigan Railway Company were incorporated in 1854, and authorized to construct a Railway upon the Broad Gauge from the South Wales Railway at or near the Borough of Carmarthen to the Town of Newcastle-Emlyn, with a view of being thereafter extended to the Town and Harbour of Cardigan, and to raise 300,000*l.* by Shares, and 80,000*l.* by Bond or Mortgage; that by their Deviation Act, 1855, they were empowered to make an Alteration in their Railway and to abandon the Formation of such Part of their said authorized Line of Railway, as might become unnecessary by the Construction of that Deviation; that by their Deviation Act, 1856, they were empowered to make the new or substituted Line of Railway therein particularly described, commencing by a Junction with the South Wales Railway at or near the Carmarthen Station of that Railway, and terminating in the Parish of Llangeller, in the said County of Carmarthen, and by that Act the Share Capital of the Company was reduced to 200,000*l.*, and their borrowing Powers to 60,000*l.*; that the whole of the said Share Capital has been raised and expended, and the Company have borrowed and now owe the said Sum of 60,000*l.*; that that Portion of the said Line which lies between the said authorized Junction with the South Wales Railway and the Conwyll Station of the Company's Line of Railway has been completed and opened, and is now worked for public Traffic, and considerable Progress has been made in the Construction of other Portions of the said authorized Line between the said Conwyll Station and Llangeller; that the Powers for the compulsory Purchase of Lands for the said authorized Railway expired on the 30th June 1858, without having been exercised in respect of any of the Lands beyond Llangeller; and it is expedient to extend the Railway from Llangeller to Newcastle-Emlyn and to enable the Company to raise further Monies.

Incorporation of Consolidation Acts, §§ 2, 3.

Railway to be made according to deposited Plans, &c., §§ 4, 5.

Power to alter Engineering Works, § 6.

Power to cross certain Road on the Level, §§ 8 to 10.

Powers for compulsory Purchase of Lands limited to Two Years, § 12.

Limiting Time for Completion of Works to Three Years, §§ 13, 14.

Railway to be made on Broad Gauge, § 15.

Confirming a certain Agreement, § 16.

Power to raise additional Capital of 174,000*l.* by Shares, with or without a Preference not exceeding 6*l.* per Cent., §§ 17 to 23.

Power to borrow 58,000*l.* §§ 24 to 26.

Incorporation of Parts of Companies Clauses Consolidation Act, § 27.

Power to create Debenture Stock at 5*l.* per Cent., §§ 28 to 33.

Cap. clxxiii.

“Kettering and Thrapstone Railway Act, 1862.”

Proposes the Construction of a Railway from the Leicester and Hitchin Railway of the Midland Railway Company in the Parish of Kettering and County of Northampton, to Thrapstone, in the same County; and to authorize the Company and the Midland Railway Company to make and carry into effect Working Arrangements.

Incorporation of Companies, Lands, and Railways Clauses Consolidation Acts, § 1.

Incorporation of Company, with a Capital of 80,000*l.*, and with Power to borrow 26,000*l.*, §§ 3 to 10.

Meetings; Directors, &c., §§ 11 to 15.

Power to make Railway and Works according to deposited Plans, §§ 16, 17.

Power to alter Engineering Works, § 18.

Provision for Approach Road at Islip, § 19.

Company may stop up Road numbered 25, Cranford Saint John, § 20.

Mode of effecting Communications with Midland Railway, § 21 to 25.

Saving Rights of other Companies, § 26.

Company not to take Lord Lyveden's Land by Compulsion, § 27.

Three Years for compulsory Purchase of Lands, § 29.

Four Years for Completion of Works, § 30, 31.

Power to take Tolls, §§ 32 to 41.

Power to enter into Traffic Arrangements with Midland Railway Company, §§ 42 to 48.

Cap. clxxiv.

“The Metropolitan Meat and Poultry Market (Western Approach) Act, 1862.”

Recites that by “The Metropolitan Meat and Poultry Market Act, 1860,” the Mayor, Aldermen, and Commons of the City of London were authorized to appropriate Part of the ancient Site of Smithfield Market as a Site for, and to erect, build, construct, and maintain thereon, and on other Land by the Act authorized to be taken, a Market House and Market Place, or Market Houses or Market Places, for the Exposure and Sale of Meat and Poultry and other Provisions, together with such Houses, Shops, Stalls, Standings, Sheds, Buildings, Works, and Conveniences for the Purposes of the said

Markets, and for the Accommodation of the Persons resorting thereto, as the Mayor, Aldermen, and Commons might think necessary, and they were also authorized to appropriate the whole or any Part of the underground Surface beneath the intended Market or Market Places, and the Buildings belonging thereto, and beneath certain Roads or Streets surrounding the same, for the Purpose of a Railway Station or Railway Terminus, to be used by any Railway Company or any Persons desirous of constructing a Railway to such Market or Market Places ; and by the 18th Section of the same Act it was provided that it should not be lawful for the Mayor, Aldermen, and Commons to open the said Market or any Part thereof for the Exposure and Sale of Meat, Poultry, or other Provisions, or to permit the Use of the said Railway Station, until a Road, 60 Feet in Width, should have been made and opened from Victoria Street at or near West Street in the Parish of Saint Sepulchre, Middlesex, to the intended Market House in the Parish of Saint Sepulchre, London ; and by the 20th Section of the same Act the Mayor, Aldermen, and Commons were authorized to borrow on the Credit of the Tolls by the Act authorized to be taken, and also the Estates and other Property of the Mayor and Commonalty and Citizens of the City of London, herein-after called "the Mayor and Commonalty and Citizens," any Sum of Money not exceeding the Sum of 235,000*l.*, for the Purchase of Land for the Site of the said intended Market and Market Places and of the Approaches thereto, and for effecting the several Improvements by the Act authorized ; and by the 37th Section of the said Act, it was provided that the Tolls which might be received by the Mayor, Aldermen, and Commons, under Schedule (A.), by virtue of that Act, together with the Rent which should be received by them from any Railway Company for the Use of the underground Station or Terminus thereto, should be applied, in the first place, in defraying the Costs and Expenses of collecting and receiving the said Tolls and Rent, and in the next place in Payment of the Interest and Principal of the Monies expended in the Purchase or Acquisition of Land for the Site of the said intended Market and Market Places, and of the Roads or Streets surrounding or intersecting or approaching the same, and in making the several Improvements in that Act authorized or required to be made ; and when all such Principal Monies should have been repaid, with all Interest which should from Time to Time or at any Time have accrued in respect thereof, the Tolls in Schedule (A.) by that Act authorized to be taken should cease and determine, unless Parliament should in the meantime otherwise direct, and the Rents and other Monies which should be received for the Use of the said Railway Station or Terminus should be applied toward the Maintenance and Improvement of the said Market and Market Places ; and in case the Tolls which might be received by the Mayor, Aldermen, and Commons, under Schedule (A.), by virtue of that Act, together with the Rent which should be received by them from any Rail-

way Company for the Use of the underground Station or Terminus, should at any Time be insufficient to defray the Costs and Expenses of collecting and receiving the said Tolls and Rent, and the Interest of the Monies which might be borrowed on the Credit thereof, the Deficiency should be made good by the Mayor and Commonalty and Citizens out of their own Monies ; and such Sums of Money as might be paid and advanced by them for the Purposes aforesaid should be repaid to them, with Interest after the Rate of 4*l*. per Centum per Annum from the Time of advancing the same, out of any future Tolls or Rent which might be received by them ; that the said Sum of 235,000*l*. did not include the estimated Cost of constructing the said Road or Street required by the said Act to be made and opened from Victoria Street previously to the opening of the said Market, and the User of the said Railway Station, which was added during the Progress of the said Act through Parliament, without any Provision being made for defraying the Cost of the same ; that by the Newgate Market Abolition Act, 1861, Newgate Market was directed to be discontinued from the Day on which the Metropolitan Meat and Poultry Market should be opened for the Use of the Public, and by Section 15 of the said Act it was provided, that if, after the Expiration of Five Years from the Day on which the Market established under the Provisions of "The Metropolitan Meat and Poultry Market Act, 1860," should have been opened for the Use of the Public, it should be proved to the Satisfaction of One of Her Majesty's Principal Secretaries of State that the Amount of the Tolls arising from the said Metropolitan Meat and Poultry Market had not been sufficient to pay the Charges thereon imposed by the said Act and by the Act now in recital, then and in such Case it should be lawful for the Common Council from thenceforth to demand and take for or in respect of all Meat and Poultry and other Provisions brought into the said Market Tolls not exceeding One Farthing per Stone of 14 Pounds, instead of One Farthing for every 21 Pounds, as specified in the Schedule to the said Act annexed, and all the Provisions of such Act should be applicable to such Tolls ; and by the 17th Section of the same Act it was provided, that if the Newgate Market Fund, by the Act directed to be formed out of Part of the Proceeds of the Sale of the Site of Newgate Market, should be insufficient to discharge the Expense of carrying the Act into execution, and other the Costs, Charges, and Expenses therein mentioned, the Difference should be charged upon the Tolls authorized to be taken by "The Metropolitan Meat and Poultry Market Act, 1860 ;" that by "The Metropolitan Railway Act, 1861," the Metropolitan Railway Company were authorized, amongst other things, to construct a Line of Railway commencing by a Junction with their Main Line in the Parish of Saint John, Clerkenwell, in the County of Middlesex, and terminating beneath the Metropolitan Meat and Poultry Market ; that a new Western Approach to the Metropolitan Meat and Poultry Market, by means of a Street

in continuation of the intended Street on the North Side of the said Market to Victoria Street, will be more convenient as an Approach from the Westward to the said Market than the Street required to be constructed in a similar Direction by the aforesaid 18th Section of "The Metropolitan Meat and Poultry Market Act, 1860," and it is expedient that the said proposed new Street should be authorized to be made in lieu thereof; that for the Purpose of enabling the Mayor, Aldermen, and Commons to construct the said Western Approach to the said Market, it is expedient that they should be authorized to borrow or raise further Sums of Money; and that better Provision should be made for securing the Repayment to the Mayor and Commonalty and Citizens of the Sums of Money which may be advanced by them for the Purposes of "The Metropolitan Meat and Poultry Market Act, 1860," and "The Newgate Market Abolition Act, 1861," and of this Act, which are intended to be charged upon the Tolls to be taken in respect of the Meat and Poultry Market.

3. Section 18 of "The Metropolitan Meat and Poultry Market Act, 1860," relating to the intended Street from Victoria Street, and so much of Section 13 of the same Act as authorizes the Mayor, Aldermen, and Commons to widen and improve Durham Yard, and by means of such widening and Improvement to provide a Communication to the Station or Terminus under the Market, as shown on a Plan deposited with the Clerk of the Peace for the City of London, and signed by Henry J. Baillie, Esquire, Chairman of the Committee of the House of Commons on the Smithfield Market, Streets, and Improvements Bill, and Section 15 of the Newgate Market Abolition Act, 1861, relating to Increase of the Market Tolls, shall be and the same are hereby repealed.

Section 18 and Part of s. 13. of 23 & 24 Vict. c. cxliii. and s. 15. of 24 & 25 Vict. c. lii. repealed.

4. The Communication to the Station or Terminus under the Market on the Northern Side thereof shall be made in the Course or Direction delineated on the Map or Plan hereinafter mentioned to have been deposited at the Office of the Clerk of the Peace for the City of London and at the Office of the Clerk of the Peace for the County of Middlesex, or in such Course or Direction on the North Side of the Line of the new Street by this Act authorized to be made as aforesaid, and in such Manner as shall be agreed upon between the Mayor, Aldermen, and Commons and the Metropolitan Railway Company.

As to Northern Communication with under Surface of Meat Market.

5. All the Powers, Provisions, Directions, Restrictions, Clauses, and Enactments contained in "The London City Improvement Act, 1847," and in the Clauses of "The Lands Clauses Consolidation Act, 1845," incorporated therewith, shall extend and be applied to this Act, with reference to the taking of Land, and the Erection and Construction of the intended Street, and the Improvements, Matters, and Things by this Act authorized, and shall be in as full Force and Effect, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act, and made applicable to the Subject Matter hereof, except only so far as the same or any

Powers of 10 & 11 Vict. c. cclxxx. &c. extended to this Act.

of them may be repealed, altered, or varied by this Act : Provided always, that the Word " Schedule," where used in the said recited Act, shall, with respect to the Objects and Purposes of this Act, be deemed to mean the Book of Reference deposited in the Office of the Clerk of the Peace for the City of London and in the Office of the Clerk of the Peace for the County of Middlesex.

Certain Sections of 23 & 24 Vict. c. xciii. to apply to this Act.

6. The following Sections of " The Metropolitan Meat and Poultry Market Act, 1860," shall extend and apply to the Works by this Act authorized to be made, and to the Lands by this Act authorized to be purchased, in as full and ample a Manner as if they were re-incorporated in this Act, and made expressly applicable to such Works and Lands ; that is to say, Section III. relating to the taking of Lands when situated in the County of Middlesex :

Section XVI. for Protection of Sewers in the City of London :

Section XVII. for Protection of Sewers of Metropolitan and other Boards.

Power to make Street according to deposited Plan.

7. It shall be lawful for the Mayor, Aldermen, and Commons to make and maintain a new Street from the Western End of the authorized Line of the intended new Street on the North Side of the Metropolitan Meat and Poultry Market, as authorized by the Metropolitan Meat and Poultry Market Act, 1860, to Victoria Street, according to the Map or Plan thereof which has been deposited at the Office of the Clerk of the Peace for the City of London, and at the Office of the Clerk of the Peace for the County of Middlesex : Provided always, that it shall not be lawful for the Mayor, Aldermen, and Commons to open the said Market or any Part thereof, for the Exposure and Sale of Meat, Poultry, or other Provisions, or to permit the Use of a Railway Station underneath the said Market, until the said intended new Street shall have been made and opened.

Maps and Plans deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection, § 8.

No House, &c. to be taken without Consent, unless mentioned in the Book of Reference, § 9.

Premises may be taken, notwithstanding Errors in Book of Reference, § 10.

Powers for compulsory Purchases limited to Five Years, § 11.

As to Appropriation of Parts of Smithfield Market Place.

12. And whereas it is necessary, in order to provide a more convenient Approach to the intended Goods Station beneath the Market, that the Entrance thereto should be of greater Width and at a less Inclination than was shown in the Plan referred to in the Eighth Section of the Metropolitan Meat and Poultry Market Act, 1860, and the Mayor and Commonalty and Citizens of the City of London have therefore proposed to the Honourable Charles Alexander Gore, One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenue, that an Alteration should be made in the said Entrance, as shown by a Plan (in this Section referred to as the substituted Plan) which has been signed by the said Charles Alexander Gore,

Gore, and has been deposited at the Office of Land Revenue Records and Enrolments, and the said Charles Alexander Gore has assented to such Proposal : Therefore the Entrance to the Goods Station underneath the Market shall be constructed according to the substituted Plan, and no Erection or Building shall at any Time hereafter be made on any Part of the Land coloured Red on the substituted Plan, other than a Fountain and a Dwarf Wall, with Iron Rails thereon, not exceeding in the whole Four Feet Six Inches in Height, on either Side of the Entrance, and such Entrance shall not be used for Railway Passengers, or for any other Purpose than for the Passage of Waggons, Carts, and other Vehicles with Goods, and for the Servants of the Railway Company or other Persons transacting Business on their Premises under the Meat Market, and, except as far as the Provisions of the Eighth Section of the Metropolitan Meat and Poultry Market Act, 1860, are by this Section expressly varied, all such Provisions shall continue in force, and no Cart or other Vehicle shall at any Time after the opening of the said Market stand within 50 Feet of the outer Wall of Saint Bartholomew's Hospital in Smithfield Market Place, and in making the Byelaws authorized to be made by the Metropolitan Meat and Poultry Market Act, 1860, proper Provision shall be made to prevent any Carts or Vehicles standing in Smithfield Market Place within 50 Feet of the outer Wall of Saint Bartholomew's Hospital.

13. No Cart or other Vehicle shall at any Time after the opening of the said Market stand to load or unload for Market Purposes within the Distance of 30 Feet from the Houses on the North Side of Charterhouse Lane ; and in making the Byelaws authorized to be made as aforesaid proper Provision shall be made to prevent any Carts or other Vehicles from standing within the Distance of 30 Feet from the Houses on the North Side of Charterhouse Lane as aforesaid.

Regulation of Carts, &c. in Charterhouse Lane.

14. It shall be lawful for the Mayor, Aldermen, and Commons to appropriate the whole or any Part of the underground Surface beneath the intended Street for the Purposes of the Metropolitan Railway Company or any other Railway or other Company or Persons, and to enter into any Contract or Agreement with any Railway or other Company or Persons for all necessary Excavations, Buildings, Erections, and Works, and for the Lease of the same, at such Rent and upon such Terms and Conditions as shall be mutually agreed upon.

Under Surface of Street may be appropriated for Railway Purposes.

15. The Ground and Soil of the intended Street, and the Fee Simple and Inheritance thereof, shall be and the same is hereby vested in the Mayor and Commonalty and Citizens.

The Soil of the Street to be vested in the Corporation.

16. It shall be lawful for the Mayor, Aldermen, and Commons, for the Purposes of this Act, to charge upon and to borrow and raise on the Credit of the Market Tolls, and also of the Estates and other Property of the Mayor and Commonalty and Citizens, or any Part thereof, in addition to the said Sum of 235,000*l.* any Sum of Money not exceeding the Sum of 70,000*l.*, and also to charge upon and to borrow and raise on the Credit of the Estates and other Property of the Mayor and Commonalty and Citizens, or any Part thereof, and the Lands

Money may be borrowed on the Credit of the Tolls.

Money may be borrowed on the Security of

the Property
of the Cor-
poration.

by this Act authorized to be purchased or acquired, any Sum of Money not exceeding the Sum of 115,000*l.*, and upon Payment of any Money so to be raised under the Authority of this Act into the Chamber of the said City, by such Instalments and in such Proportions, at such Times and in such Manner as the Mayor, Aldermen, and Commons shall direct, every Person who shall contract to advance or contribute any Part of the said Monies shall in respect of the Sum which he shall so advance be entitled to Interest at such Rate as the Mayor, Aldermen, and Commons shall think reasonable, to be payable half-yearly, and to continue until the Payment of each Principal Sum.

Sections 21, 22,
23, and 24 of
23 & 24 Vict.
c. xciii. in-
corporated.

Application of
Monies.

17. Sections 21, 22, 23, and 24 of "The Metropolitan Meat and Poultry Market Act, 1860," with respect to the borrowing of Money on Bonds, shall be incorporated with and form Part of this Act.

18. The several Sums of 70,000*l.* and 115,000*l.*, which may be raised and borrowed under the Authority of this Act, shall be applied in paying and discharging the necessary Costs, Charges, and Expenses of making the intended Street, and of otherwise carrying this Act and the Purposes thereof into full and complete Effect; and the said Sum of 115,000*l.* shall be paid off within Seven Years after the passing of this Act out of the Proceeds of the Sale of the said superfluous Lands, or otherwise by the Mayor, Aldermen, and Commons out of the Estates and other Property of the Mayor and Commonalty and Citizens.

If net Cost of
making new
Street be less
than 70,000*l.*,
the Difference
to be applied
in Redemption
of Monies
charged on
Market Tolls.

19. If at the Expiration of Five Years from the Day of the opening of the Market it shall appear that the whole of the Monies which shall have been expended under the Authority of this Act in respect of the Purchase and Acquisition of the Lands by this Act authorized to be purchased or acquired for the Site of the said intended Street, or in anywise relating thereto, (including all the Charges and Expenses incident to or incurred in obtaining the passing of this Act, and including all Interest paid in respect of the said several Sums of 70,000*l.* and 115,000*l.*, and otherwise in relation thereto, and all Expenses incurred in raising the said several Sums aforesaid, after deducting therefrom the net Amount of all Monies which may arise or be produced by the Sale of such of the aforesaid Lands as may not be thrown into and form Part of the actual Site of the said intended new Street, and the Value of such of the same Lands, if any, as may not then have been sold, including the net Amount of the Rents, if any, of the same Lands,) shall be less than the Sum of 70,000*l.*, the Amount of such Difference shall be applied by the Mayor, Aldermen, and Commons in or towards the Reduction of the said Sum of 70,000*l.*, or other the Monies which may then be charged on the Market Tolls; and for the better carrying into execution the Objects and Purposes of the present Provision a separate and distinct Account shall be kept of all Monies received or expended for any of the several Purposes aforesaid.

Separate Ac-
counts to be
kept.

Sale of super-
fluous Lands.

20. It shall be lawful for the Mayor and Commonalty and Citizens from Time to Time to sell and dispose of all or any

Part of the Lands purchased or acquired by them under the Authority of this Act, and which shall not be laid into and form Part of the Street by this Act authorized to be made, either with or without having first demised and leased the same on Building Leases, and to convey the Lands so sold or disposed of, and the Fee Simple thereof, free from all Incumbrances, notwithstanding any Monies may be then charged upon all or any Part of the same Lands.

21. If at the Expiration of Five Years from the Day of the opening of the Market it shall appear from the annual Statement of the Accounts by Section 41 of "The Metropolitan Meat and Poultry Market Act, 1860," required to be laid before both Houses of Parliament, that the average annual Amount of the Market Tolls received during such Five Years shall not have been sufficient to satisfy the whole of the Charges thereon imposed by "The Metropolitan Meat and Poultry Market Act, 1860," "The Newgate Market Abolition Act, 1861," and by this Act, and also One Thirtieth Part of the Principal Monies borrowed on the Security of and then charged upon the Market Tolls, then and in such Case it shall be lawful for the Mayor, Aldermen, and Commons, on and after the First Monday next after the Day on which such last-mentioned annual Statement of Accounts shall have been laid before both Houses of Parliament, and thenceforth so long as any Principal Money or Interest shall remain a Charge upon the same Tolls or any Part thereof, to demand and take a Toll of not exceeding One Farthing for and in respect of any Quantity not exceeding One Stone of 14 Pounds of all Meat, Poultry, and other Provisions brought into the Market, and so in proportion for any greater Quantity, instead of One Farthing for every 21 Pounds, as specified in Schedule A. to "The Metropolitan Meat and Poultry Market Act, 1860," and such Toll, so increased at such Rate as aforesaid, shall thenceforth, for all Intents and Purposes whatsoever, be considered and deemed to be the Toll authorized by the said Schedule until the Principal Money shall have been paid off.

22. All Interest upon the Money borrowed under the Authority of this Act, and charged upon the Toll and Railway Rent, shall be paid thereout by the Mayor and Commonalty and Citizens during the first Five Years after the opening of the Market; and if the Amount of the Toll and Railway Rent shall be insufficient for that Purpose, the Deficiency shall be paid by the Mayor and Commonalty and Citizens, and shall not be added to the Capital hereby authorized to be borrowed, or allowed to accumulate as a Charge on the said Toll and Rent; and as well before as after the Expiration of Five Years from the opening of the Market all the surplus Toll and Railway Rent, after Payment of the Interest, shall be from Time to Time applied in paying the Principal Money, or in redeeming and cancelling the Securities upon which the same shall have been raised; and the Powers of re-borrowing any Sum so paid off by means of the surplus Tolls and Railway Rent, and of re-issuing any Securities so redeemed, and cancelled shall cease and determine.

In certain Events Market Tolls to be altered.

Surplus Tolls to be applied in Payment of Principal Money.

Saving Rights of Her Majesty and Corporation of London to certain Streets, § 23.

Cap. clxxv.

“Stafford and Uttoxeter Railway Act, 1862.”

Proposes the making of a Railway from Stafford, in the County of Stafford, to Uttoxeter, in the same County, with a Branch therefrom to connect with the Colwich Branch of the North Staffordshire Railway, near the Weston Station on that Railway; and to authorize Arrangements with reference to other Undertakings and Companies.

Incorporation of Consolidation Acts, § 1.

Subscribers incorporated, with a Capital of 130,000*l.* and with Power to borrow 43,300*l.*, §§ 4 to 9.

Meetings; Directors, &c., §§ 10 to 17.

Power to make Railway according to deposited Plans, §§ 18, 19.

Protection of Earl of Shrewsbury, § 20.

Power to alter Engineering Works, § 21.

Communications with any other Railway to be made under the Direction of the Engineer of that Railway, §§ 22, 23.

Four Years for Completion of Works, §§ 25, 26.

Tolls, §§ 27 to 34.

Power to use Portions of certain Railways, § 35.

Terms of such Use, § 36.

For protecting local Traffic, § 37.

Reciprocal Facilities for Forwarding and Interchange of Traffic to and from the Company's Railway with other Companies, §§ 38, 39.

Provisions in case of Delay of Irish Mail, § 40.

Protecting London and North-western and other Railway Companies, §§ 41, 42.

Cap. clxxvi.

“The Aberystwith and Welsh Coast Railway Act, 1862.”

Recites that by the “Aberystwith and Welsh Coast Railway Act, 1861,” the Aberystwith and Welsh Coast Railway Company were authorized to make and maintain the several Railways in that Act specified, and to raise a Capital of 400,000*l.* by Shares, and to borrow 133,000*l.*; that it is expedient that the Company be entitled to make and maintain the additional Lines of Railway, and the Pier and other Works by this Act authorized.

Incorporation of Consolidation Acts, §§ 2 to 6.

Compulsory Purchases to be made within Three Years, § 8.

Power for Company to purchase by Agreement flooded and waste Lands near their Railway, § 10.

Restriction as to Purchase of Crown Lands, §§ 11, 12.

Power to execute Works, §§ 13 to 16.

Level Crossings, §§ 17 to 20.

Works on Pier; Lights and Beacons, §§ 21, 22.

Admiralty Provisions, §§ 23 to 29.

Works to be completed within Five Years, §§ 30, 31.

Power to reclaim Lands ; when reclaimed to be sold within Ten Years, §§ 33, 34.

Appointment of Pier-master and Officers, § 35.

Power of Constables to search Vessels, § 36.

Tolls and Rates for Railway and Pier, Cranes, &c., §§ 37 to 42.

Company not to obstruct Traffic, § 43.

Sections 66 and 67 of 24 & 25 Vict. c. clxxxi. to apply, § 44.

Power to raise additional Capital of 250,000*l.*, § 45.

Power to cancel unissued and forfeited Shares and to issue new Shares instead thereof, §§ 46 to 52.

Appropriation of new Shares, §§ 53 to 60.

Power to borrow 83,300*l.*, §§ 61 to 63.

Saving Rights of Crown and of other Companies, §§ 68 to 71.

Cap. clxxvii.

“The Andover and Redbridge Railway Amendment Act, 1862.”

Recites Two Acts relating to the Andover and Redbridge Railway Company, viz., “The Andover and Redbridge Railway Act, 1858,” and “The Andover and Redbridge Railway Act, 1860 ;” that the Company have made great Progress in the Construction of their Railway, but they require for the Purposes of their Undertaking certain Lands which they were by the said Act of 1858 authorized to purchase, but the Powers to acquire which expired on the 12th July 1861, and it is expedient that these Powers should be revived ; and that the Company should be empowered to acquire for the Purposes aforesaid certain other Lands near to their Railway ; that the Time for making the said Railway will expire on the 12th July 1863, and it is expedient that the said Period should be extended ; that the Company are by the said Act of 1858 authorized to raise 130,000*l.* by Shares and 43,000*l.* by borrowing, and all the said Shares have been issued, and none thereof have been forfeited, and the Company have borrowed and now owe 43,000*l.*; and it is expedient that they should have Power to raise additional Capital for the general Purposes of their Undertaking ; that none of the existing Shares of the Company are entitled to any Preference or Priority of Dividend.

Lands Clauses and Parts of Companies Clauses Acts incorporated, § 1.

Extending Time for compulsory Purchase of certain Lands till 1st January 1864, §§ 2 to 5.

Level Crossing, §§ 6 to 10.

Saving Powers of first-recited Act in favour of London and South-western Railway Company, § 11.

Admiralty Provisions respecting Works at Redbridge, §§ 12 to 14.

As to Sale of Lands belonging to Duchy of Lancaster, §§ 15, 16.

Company may cancel forfeited Shares, and issue new in lieu thereof, §§ 18 to 20.

Power to raise further Capital of 15,000*l.* and to attach Preference Dividend of Six per Cent., §§ 22 to 25.

Power to borrow 5,000*l.*, §§ 26, 27.

Saving Rights of Crown and Duchy of Lancaster, § 32.
Schedule (Form of Conveyance).

Cap. clxxviii.

“ Briton Ferry Dock Act, 1862.”

Recites that in 1851 the Briton Ferry Floating Dock Company were incorporated for the Purpose of making the Briton Ferry Dock and other Works (including a Line of Railway near to Baglan Bay), and were authorized to raise a Capital of 60,000*l.* by 3,000 Shares of 20*l.* each, and to borrow 20,000*l.*, and the Vale of Neath Railway Company were authorized to take Shares to the Extent of 20,000*l.*, and to appoint Three of the Directors of the Company, and Arrangements between the Company and the South Wales Railway Company with respect to the Construction and Maintenance by one or other of those Companies of the Company's Line of Railway were authorized, and the Company were authorized to take Tonnage Rates on Vessels, Rates on Goods, Cranage and other Rates, and Railway Tolls, and Provision was made for the Payment to the Commissioners for improving the Port and Harbour of Neath of the Tolls or Dues on Vessels entering the Limits of the Port or Harbour and River of Neath, and using or entering the Company's Docks or Works; that the Tolls or Dues and Rates which the Neath Harbour Commissioners demand and take in respect of Vessels or Goods in the Port or Harbour are levied by them under the Act of 6 & 7 Vict. c. lxxi., and by that Act they are authorized to take Tonnage Rates on Vessels and Rates on Goods not exceeding the Sums specified in the Schedule F. to the reciting Act annexed; and it is provided that the several Rates specified in Schedule F. shall at all Times be charged equally and after the same Rate in respect of the same Description of Goods; that by “ The Briton Ferry Dock Act, 1857,” the Company were authorized to raise an additional Capital of 45,000*l.* by Shares, and to borrow an additional Sum not exceeding 15,000*l.*, and the Vale of Neath Company were authorized to take further Shares to the Extent of 10,000*l.*, and the Company were authorized from Time to Time to lease for any Term not exceeding 21 Years in possession and not in reversion, for such Rents and upon such Terms and Conditions as might be agreed on, any Parts of their Lands, Yards, Buildings, Wharfs, Cranes, Machines or other Conveniences used or required for the Purposes of their Docks or Railways (but not Lands, Yards, or Buildings not required for those Purposes) to any Person who might be willing to erect or construct upon any Lands so demised any Buildings, Wharfs, Cranes, Machines, or other Conveniences, or who might be

willing to rebuild, reconstruct, or substantially improve any Buildings, Wharfs, Cranes, Machines, or other Conveniences which, or the Site whereof, should be included in any such Demise ; that by "The Vale of Neath Railway Act, 1859," the Vale of Neath Company were authorized by Agreement with the Company from Time to Time to guarantee, either temporarily or permanently, any Interest not exceeding the Rate of Six per Cent. per Annum on any Part not exceeding in the whole the Sum of 40,000*l.* of the Capital thereafter to be raised by the Creation of Shares or Debt thereafter to be incurred of the Company ; that the Company's Capital now consists of 105,000*l.* and their Debenture Debt amounts to 30,000*l.* ; that the Vale of Neath Company hold Shares to the Amount of 30,000*l.* Part of the Company's Capital, and have guaranteed Interest on Part of the Company's Capital, and have agreed to guarantee Interest on a further Part thereof not exceeding in the whole 40,000*l.* ; that it is expedient that Provision be made with respect to a Lease to the South Wales Company of Part of the Land and Works of the Company ; that the South Wales Company be authorized to contribute to the Undertaking of the Company ; that the Company and the South Wales Company and the Vale of Neath Company be authorized to enter into Agreements for the Purposes in this Act specified, and that Provision be made with respect to the fixing by a Joint Committee of those Three Companies of the Tolls, Rates, and Charges to be taken by the Company ; that further Provision be made with respect to the varying of the Rates on Goods to be taken by the Neath Harbour Commissioners ; and that the Company be authorized to raise further Monies.

Part of Companies Clauses Act incorporated, §§ 2, 3.

Power for Company and South Wales Company to enter into Contracts, § 4.

Purposes of Contracts between Company and South Wales Company, § 5.

Power for Company to lease Part of their Wharfs, &c. to South Wales Company, §§ 6, 7.

Powers and Duties of Company to be exercised by South Wales Company as to Premises leased, §§ 8, 9.

Power for South Wales Company to provide Staiths, &c., § 10.

Power for South Wales Company to take Shares of Company's Capital to the Amount of 15,000*l.*, § 11.

Power for South Wales Company to appoint Person to vote at Meetings of Company, § 12.

South Wales Company may appoint Directors of Company, §§ 13 to 20.

Power of Company and South Wales Company and Vale of Neath Company to enter into Agreements, §§ 21 to 27.

Appointment, Proceedings, and Powers of Joint Committee, §§ 28 to 40.

Power for Neath Harbour Commissioners to vary Rates from Time to Time, § 41.

Power for Company to raise 30,000*l.* by new Shares, § 42.

Cancelling and reissuing of Shares, §§ 43 to 49.

- Preferential Dividend on new Shares not to exceed 6l. per Cent., §§ 50 to 53.
 Power of Vale of Neath Company to guarantee Interest on Part of Company's Capital reserved, § 54.
 Saving Rights of Crown, § 59.

Cap. clxxix.

“ Cowbridge Railway Act, 1862.”

Recites that the Construction of a Railway from the Town of Cowbridge, in the County of Glamorgan, to a Point near the Llantrissant Station of the South Wales Railway, and of a Railway from thence to join the Llantrissant and Taff Vale Junction Railway, and of a Railway from the first-mentioned Railway to join the South Wales Railway near the Goods Shed of the said Llantrissant Station would be of public and local Advantage; that by “The Llantrissant and Taff Vale Junction Railway Act, 1861,” the Taff Vale Railway Company were authorized to contribute towards the Funds of the Company incorporated by that Act, and to agree for working the Railways by that Act authorized; that it is expedient that the Company to be incorporated by this Act and the Taff Vale Railway Company should be empowered to make and carry into effect Contracts and Arrangements with respect to the working of the Railways and Works by this Act authorized to be constructed, and other Purposes, and that the Taff Vale Railway Company should be empowered to subscribe towards the said Undertaking.

Incorporation of Lands and Railways Clauses and of certain Provisions of Companies Clauses Consolidation Acts, §§ 2, 3.

Incorporation of Company, with a Capital of 35,000l., §§ 4, 5, and §§ 14, 15.

Power for Taff Vale Railway Company to subscribe 5,000l., § 6.

Taff Vale Railway Company may apply any existing Funds towards their Subscription, § 7.

Power for the Taff Vale Railway Company to raise Money by Shares or Stock with a Preference not exceeding 5l. per Cent., §§ 8 to 12.

Power for Taff Vale Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class, § 13.

Subscribing Company may appoint Persons to vote, §§ 16, 17.

Power to borrow 11,600l., §§ 18, 19.

Meetings; Directors, &c., §§ 22 to 26.

Power to make Railways and Works according to deposited Plans, § 27.

Description of Lines, § 28.

Dimensions of Bridges, § 29.

Span of Arches, § 30.

Power to alter Engineering Works, § 31.

Communications with other Railways how to be made, §§ 32 to 36.

Three Years for compulsory Purchase of Lands, § 38.

Four Years for Exercise of other Powers, §§ 39, 40.

Power to take Tolls, §§ 41 to 50.

Power to enter into Traffic Arrangements with Taff Vale Company, §§ 51 to 57.

Cap. clxxx.

“The Pulteney Harbour Amendment Act, 1862.”

Recites 26 Geo. 3. c. cvi., incorporating certain Persons by the Name and Style of the British Society for extending the Fisheries and improving the Sea Coasts of this Kingdom, and enabling them to subscribe a Joint Stock, to purchase Lands and build thereon free Towns, Villages, and Fishing Stations in the Highlands and Islands in that Part of Great Britain called Scotland, and for other Purposes; and 54 Geo. 3. c. xcvi., being an Act to enable the British Society to levy certain Rates and Duties on Vessels frequenting their Harbours, and 7 & 8 Vict. c. lii., being an Act to explain and amend the Acts incorporating the British Society for enlarging and improving the Harbour of Pulteney Town, in the County of Caithness, and for lighting, cleansing, and improving the said Town, and better supplying the same with Water; that the Society were by the first-recited Act authorized to raise a Capital Joint Stock, not exceeding 150,000*l.*, of which 35,000*l.* has been subscribed and paid up; and under the Powers thereby granted they have constructed a Harbour called Pulteney Town Harbour, in the County of Caithness, which has proved of great local and public Advantage; that by the third-recited Act the Society were authorized to enlarge and improve the said Harbour of Pulteney Town, and to borrow the Sum of 10,000*l.*, but in consequence of the Changes which have taken place in the Coasting and Fishing Trade of the Country, involving the Employment of a larger Class of Vessels and Boats, and of other Causes, it was found that the Works then authorized would have proved insufficient, and the same were not proceeded with, and no Part of the said Sum of 10,000*l.* has been raised; that by 20 & 21 Vict. c. xciii. the first and second recited Acts were repealed, and so much of the third-recited Act was repealed as relates to or affects the Harbour of Pulteney Town and the Constitution and Regulation of the Society; and the Society were re-incorporated and authorized to enlarge and improve the said Harbour, to raise Funds for that Purpose, and to levy certain Rates; but the Works thereby authorized have never been commenced; that it is necessary, for the Accommodation of the increasing Traffic of the said Harbour, and for the Protection of Vessels and Fishing Boats resorting thereto, that the said Harbour be extended and improved, and that the Society should be authorized to apply a Sum of 40,000*l.* which they have at their Command to the Execution of the necessary Works.

Fourth-recited Act in part repealed.

4. From and after the passing of this Act Sections 25, 26, 27, 28, 30, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of the fourth-recited Act shall be and the same are hereby repealed.

Funds to be applied in defraying Expense of Works.

5. The Society shall from and out of the said accumulated Funds belonging to them apply the Sum of 40,000*l.* towards defraying the Expense of the Works authorized by this Act.

Power to borrow on Mortgage.

6. It shall be lawful for the Society from Time to Time to borrow on Mortgage any Sum not exceeding 60,000*l.*

Power to borrow on Cash Account, § 7.

Arrears may be enforced by Appointment of Judicial Factor, § 8.

Application of Monies, § 9.

Limits of Harbour, § 10.

Power to cleanse and improve Harbour, § 11.

Works to be made according to deposited Plan; Admiralty Provisions, § 12 to 15.

Rates on Vessels, § 16.

Rates on Goods, § 17.

Certificate of Sheriff to be Evidence of Expenditure, § 18.

Rates for Use of Cranes, Weighing Machines, Sheds, &c., § 19.

Power to purchase or employ Steam Tugs, § 20.

Power to license Meters and Weighers, § 21.

Power to license Pilots, § 22.

Vessels not taking Pilots to pay Pilotage, § 23.

Masters and Mates of Vessels may be examined as Pilots for their own Vessels, § 24.

Penalty for wilfully cutting Moorings, § 25.

Notice to Shipmasters, § 26.

Penalty on Shipmasters, § 27.

Sections 29, 54, 55, 56, 57, and 58 of fourth-recited Act applied to this Act, § 28.

How Penalties may be sued for, § 29.

Sinking Fund, § 30.

Power to lease Rates, § 31.

Saving Rights of Sir George Dunbar and his Feuars and Tenants, of the Magistrates and Town Council of Wick, and of the Crown, §§ 32 to 34.

Any Lands reclaimed not to be taken without Consent of Commissioners of Woods, &c., § 35.

Saving Jurisdiction of Admiralty, § 36.

Schedules (Rates).

Cap. clxxxi.

“The Edinburgh, Perth, and Dundee Railway (Fife and Kinross Amalgamation) Act, 1862.”

Recites that in 1851 the Acts relating to the Edinburgh, Perth, and Dundee Railway Company were consolidated; and by “The Edinburgh, Perth, and Dundee Railway Company (Arrangement) Act, 1853,” and “The Edinburgh, Perth, and Dundee Railway Act, 1861,” by which the Kinross-shire Railway Company and Undertaking were

amalgamated, further Powers were conferred upon the Company ; that by "The Kinross-shire Railway (Branches) Act, 1861," the Kinross-shire Railway Company were empowered to make certain Branches ; that in 1855 the Fife and Kinross Railway Company were incorporated and authorized to make a Railway from Ladybank, on the Company's Railway, by Auchtermuchty and Strathmiglo to Milnathort and Kinross, and to raise 70,000*l.* by Shares of 10*l.* each, and 23,000*l.* by Mortgage of their Undertaking ; that in 1857 the Fife and Kinross Railway Company were authorized to raise a further Capital of 12,000*l.* by new Shares, and to borrow 4,000*l.*, and in 1858 to extend their Railway, and make a Joint Station with the Kinross-shire Railway Company at Kinross ; that by their Act of 1861 (upon the Recital that the Fife and Kinross Railway Company had created and issued 5,615 Shares, and 2,585 Shares had not been issued, that the Sum of 43,754*l.* had been received on account of Shares, and 27,000*l.* had been borrowed) the said Company were, in addition to their previously authorized Capital, but restricted to the Extent of the 2,585 unissued Shares which they were prohibited from creating and issuing, authorized to raise for the general Purposes of their Undertaking any Sum not exceeding 53,850*l.* by the Creation and Issue of new Shares in their Undertaking (their Share Capital being restricted to 110,000*l.* in the whole), and to borrow on Bond or Mortgage any further Sum not exceeding 9,600*l.* ; that under the first and second recited Acts relating to that Company they created and issued 5,615 Shares, representing a Capital of 56,150*l.*, whereof 46,676*l.* 8*s.* 9*d.* have been paid up ; and under the last-recited Act have created and issued 4,450 Shares of 10*l.* each, representing a Capital of 44,500*l.*, bearing a preferential Dividend of 4*l.* 10*s.* per Centum per Annum, whereof the whole Amount has been paid up, and have also created or are about to create 935 Shares of 10*l.* each, representing a Capital of 9,350*l.*, bearing a preferential Dividend not exceeding 5*l.* per Centum per Annum, but no Part thereof has been paid ; that the Fife and Kinross Railway Company have borrowed 27,000*l.* or thereabouts on Mortgage of their Undertaking, and have expended 115,106*l.* in the Construction of the Railway and Works authorized by the recited Acts relating thereto, and the Line is completed and open for public Traffic, and under statutory Agreement is used, worked, maintained, and managed by the Company ; that the Fife and Kinross Railway might be worked with greater Economy and Convenience if it were Part of the Company's Undertaking, and entirely under the Management and Control of the Company ; and the Fife and Kinross Railway Company have agreed with the Company, subject to the Approval of Parliament, that their Undertaking and Capital Stock should be amalgamated with the Undertaking and Capital Stock of the Company.

Incorporation of Consolidation Acts, § 3.

Amalgamation of Companies, § 4.

Saving of Rights and Liabilities, §§ 5 to 20.

Ordinary Shares of the Fife and Kinross Railway Company to be Shares of Company.

21. At and from the Date of the Amalgamation, the Shares constituting the Share Capital of the Fife and Kinross Railway Company, representing 56,150*l.* of ordinary and 53,850*l.* of Preference Share Capital, shall be and are hereby declared to be Shares of the same Amount each, and representing the same Amount of Capital of the Company, and such Shares shall form Part of the general Capital of the Company, and shall be subject to the Provisions relating thereto, but shall constitute separate Classes of Shares, and the ordinary Shares shall be called "Fife and Kinross Shares," and the Preference Shares "Fife and Kinross Preference Shares," but the Holders thereof shall be entitled to Dividends only out of the Profits of the Fife and Kinross Railway, and not out of the Profits of any other Part of the Company's Undertaking; and the Holders of such Shares shall have the same Rights of voting and other Rights, Powers, and Privileges as are competent to the Shareholders or Holders of Stock of the Company.

Separate Account to be kept of Revenue of Fife and Kinross Railway, and how same to be applied.

22. A separate Account shall be kept of the Receipts constituting the gross Revenues of the Fife and Kinross Railway, that is to say, the Tolls, Rates, and Charges arising from the use of the Fife and Kinross Railway, and the Conveyance of Traffic thereon, and other Receipts arising therefrom; and such gross Revenues shall be applied as follows: (First) in payment of public and parochial Burdens chargeable in respect of the Fife and Kinross Railway and Works connected therewith, including Poors Rates, County Rates, Prison Assessments, and other Rates, Taxes, and Assessments, and the Taxes or Rates payable in respect of Passengers on the said Railway, of Feu Duties, Ground Annuals, Rents, and other Payments for Lands used for the said Railway, and the Interest on the Mortgage Debt of the Fife and Kinross Railway Company incurred and applied for the Purposes of the said Fife and Kinross Railway; (Second) in Payment to the Company of the following Allowances, as and for the Working Expenses and Expenses of Maintenance of the Fife and Kinross Railway, viz., of 40 per Centum of the gross Receipts (under Deduction of 500*l.*, being Interest on the Value of the Working Stock which belonged to the Fife and Kinross Railway Company), until the gross Revenue exceeds 5,500*l.* per Annum, and of an Addition of One per Centum of the gross Receipts over and above the said 40 per Centum for every 200*l.* of additional gross Revenue above the First 5,500*l.* until the total gross Revenue amounts to 8,500*l.*, when the said Allowance shall be 50 per Centum of the gross Revenue without Deduction of Interest on Value of Plant; (Third) in Payment of Interest on the undischarged Debts of the Fife and Kinross Railway Company, and in satisfaction of Obligations of the Fife and Kinross Railway Company, so far as such Obligations may not have been provided for by the raising of Monies under this Act; (Fourth) in Payment of Dividend on the Fife and Kinross Preference Shares issued or to be issued at the preferential Rate attached or to be attached thereto, and the unappropriated Surplus of such gross Revenue after the said

Payments

Payments shall be divided half-yearly amongst the Holders of Fife and Kinross ordinary Shares in proportion to the Number of such Shares held by them respectively.

23. The Directors of the Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Fife and Kinross Shareholders present, in Person or by Proxy, at any General Meeting convened with special Notice of the Purpose, raise by the Issue of Shares such further Sum or Sums of Money as they may think fit, not exceeding 53,850*l.*, in so far as not already issued under and in lieu of the Shares authorized by "The Fife and Kinross Railway Amendment Act, 1861," before recited, and may, with the like Consent, attach to the Shares to be so created and issued the same Amount of Dividend, and the same Privileges as are by the last-recited and this Act attached to the Fife and Kinross Preference Shares; and the said Shares shall be called "Fife and Kinross Preference Shares," and shall confer on the Holders thereof the same Rights, Powers, and Privileges as are by this Act conferred on the Holders of Fife and Kinross Preference Shares; and the same shall be of such nominal Amount, and shall be issued, apportioned, and allotted to such Persons and in such Manner as may be determined by the said Meeting.

Shares to be created in lieu of Shares authorized to be created by 24 & 25 Vict. c. cxxxi.

24. The Proprietors of the Fife and Kinross Shares and Fife and Kinross Preference Shares shall, over and in the Fife and Kinross Railway and Works, and the Revenues arising on the Fife and Kinross Railway, have a Real Lien or Real Security for the Payment of the Dividends due to them on the said Shares; and such Lien or Right in Security shall be rendered available in the Manner herein-after mentioned: Provided always, that if the Revenue arising from the Fife and Kinross Railway available for Dividend in any Year ending the 31st Day of January shall be insufficient to pay the Dividend due upon the Fife and Kinross Preference Shares, the Deficiency or any Part thereof shall not be chargeable against the Revenue of the Company available for Dividend in any subsequent Year, or against any other Funds of the Company.

Fife and Kinross Shareholders to have Lien on Fife and Kinross Railway.

How Lien to be made effectual, §§ 25 to 29.

30. The Company shall, at the Request of the Holder of any Fife and Kinross Preference Shares, or of the Holders of any Fife and Kinross Shares, give to such Holder, free of Expense, a Certificate or Certificates, under the Common Seal of the Company, of such Share, or of any Number of such Shares, held by the same Holder; and until a Certificate or Certificates be given, the Certificate or Certificates (if any) given by the Fife and Kinross Railway Company under their Common Seal shall continue in force.

Certificate of Shares to be given.

Conditions of Preference to be stated on Certificate, § 31.
Register of Fife and Kinross Shares to be kept, § 32.

33. The Company may, in lieu of the Fife and Kinross Railway Company, and at the Time and in the Manner that Company is authorized, from Time to Time borrow on Mort-

Power to borrow on Mortgage.

gage on the separate Security of the Fife and Kinross Railway, and if paid off may again borrow any Sums of Money not exceeding in the whole the Sums authorized to be borrowed by the before-recited Acts relating to the Fife and Kinross Railway, inclusive of the Sum already borrowed by the Fife and Kinross Railway Company; and the said Sums so authorized to be borrowed on the Security of the Fife and Kinross Railway, amounting, issued and unissued, to the aggregate Sum of 36,600*l.*, and the Interest thereof, shall, over and in the Fife and Kinross Railway and the Revenues thereof, be preferable to all other Bonds and Mortgages already issued or hereafter to be issued by the Company, and the Interest or Dividends thereon, in the same Way as if the Fife and Kinross Railway had remained a separate and independent Undertaking.

Mortgagees may appoint Judicial Factor, § 34.

Mortgages to retain their Priority, § 35.

Application of Monies raised by Shares or Mortgage, § 36.

Rights of Holders of Feu Duties not to be prejudiced, § 37.

Existing Preferences not to be prejudiced, § 38.

Fife and Kinross Shareholders may elect Auditor, § 39.

Election of Auditor, § 40.

Duties of Auditor, § 41.

Tolls.

42. The Company may, except for and in respect of the Articles herein-after mentioned, demand and receive for the Use of the Fife and Kinross Railway, or in respect of any Traffic thereof, or for locomotive Power or Services performed by the Company, such Tolls or Charges as they think fit, not exceeding the maximum Rate of Tolls and Charges for the like Purposes which the Company were authorized to demand and receive under "The Edinburgh and Northern Railway Act, 1845," upon the Railway by that Act authorized :

For Coal and Iron the maximum Toll shall be 2*d.* per Ton per Mile, and for Carriages under One Ton the maximum Rate shall be 6*d.* per Ton per Mile.

Short Distances.

43. Provided always, That in estimating the Amount of Rates, Toll, or Charge in respect of Traffic conveyed partly on the Fife and Kinross Railway and partly on any Part of the Company's Railway, the Fife and Kinross Railway shall be deemed Part of the Company's Railway: Provided also, that for Traffic conveyed only on the Fife and Kinross Railway for a less Distance than Six Miles, the Company may charge as for Six Miles, and no more; provided further, every Passenger travelling upon the Fife and Kinross Railway may take with him his ordinary Luggage, not exceeding 112 Pounds in Weight for First-class Passengers, 100 Pounds in Weight for Second-class Passengers, and 60 Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Traffic to be carried by shortest Route, and Division of Traffic Receipts.

44. The Receipts for all Traffic between Stations of the Fife and Kinross Railway and Stations on the Company's Railway, and for all Traffic passing over Part of the Company's Railway between Stations on the Fife and Kinross Railway and Stations on other Railways, shall be apportioned to the Revenue Accounts of the Fife and Kinross Railway and the Company

Company respectively, in proportion to the Mileage by the shortest Route ; but it shall be in the Option of the Company to convey said Traffic by any Route they may think fit, provided they credit the Revenue Account of the Fife and Kinross Railway with its Mileage Proportion of the Through Rates as by the shortest Route; for Mineral Traffic, a Terminal of 4*d.* per Ton shall be credited to the Revenue Accounts of the Fife and Kinross Railway and the Company respectively, and for all other Traffic, viz., for foreign Traffic, the usual Terminals allowed by the Clearing House from Time to Time shall be given to the Fife and Kinross Railway Company ; and for local Traffic, including Traffic to and from the short Lines connected with the Company's Railway, a Terminal of 1*s.* 6*d.* per Ton shall be allowed to each Company.

45. In the event of a Railway being made Northwards viâ Kinross by the Company, or by others in their Interest, as much of the Fife and Kinross Railway shall be used as practicable, and the Fife and Kinross Revenue Account shall be credited with a Share of the Through Rates according to Mileage. Division of Receipts.

46. All Traffic to and from the Devon Valley Railway, to and from Places on the Fife and Kinross Railway and the Company's Railway, or passing over these Railways, shall be forwarded by the shortest Route, and the Distance between the Devon Valley Railway and the Company's Kinross Station shall be reckoned as double the actual Distance in the Division of the Receipts. Traffic in connexion with Devon Valley Railway.


47. Whereas by the said "Kinross-shire Railway (Branches) Act, 1861," the said Kinross-shire Railway Company were authorized to make and maintain a Branch, commencing by a Junction with the said Company's Main Line near the Northern Terminus thereof at Kinross, and terminating by a Junction with the Devon Valley Railway at the Southern End of a Field numbered 42 in the Parish of Kinross in the deposited Plans : And whereas the said Branch Railway has not yet been made, or the Land acquired for making the same : And whereas the Devon Valley Railway joins the Fife and Kinross Railway about Six Furlongs from the Point of Commencement of the said intended Branch Railway, by which Means there is already a continuous Line of Communication between the Devon Valley Railway on the one hand and the Edinburgh, Perth, and Dundee Railway, the Kinross-shire Railway, and the Fife and Kinross Railway on the other hand : And whereas in consequence of the Amalgamation of the Three last-mentioned Undertakings, the said intended Branch Railway is not now required for the Traffic of the Kinross-shire and Edinburgh, Perth, and Dundee Railways, or for the Accommodation of the Public : Be it therefore enacted, That the Company shall relinquish the Construction of the said Branch Railway from their Main Line near Kinross to join the said Devon Valley Railway authorized by "The Kinross-shire Railway (Branches) Act, 1861 ;" and all the Powers and Authorities granted by the said Act in relation to the said Branch shall cease and determine. Relinquishment of Branch to Devon Valley Railway.

Cap. clxxxii.

“Vale of Neath Railway Act, 1862.”

Recites that by their Act of 1859 the Capital of the Vale of Neath Railway Company was declared to be 865,000*l.* including 150,000*l.* which they were authorized to raise by Shares, and they were authorized to borrow not exceeding (inclusive of their then Debenture Debt,) 288,333*l.*, but not exceeding 238,333*l.*, until the whole of their Capital of 865,000*l.* was subscribed for or taken, and One Half thereof actually paid up; that by that Act they were authorized to guarantee to the Briton Ferry Dock Company Interest not exceeding 6*l.* per Centum per Annum on not exceeding 40,000*l.*, Part of the Dock Company's Capital, and to raise by Shares, or partly by Shares and partly by borrowing, 16,000*l.* to be applied exclusively to the Acquisition of the Property of the Aberdare Valley Railway Company; that they have guaranteed Interest at 5*l.* per Centum per Annum on 40,000*l.*, Part of the Dock Company's Capital; that they have not acquired any Part of the Property of the Aberdare Valley Railway Company, and have not raised any Money for the Purpose; that by “The Swansea and Neath Railway Act, 1861,” the Swansea and Neath Railway Company were authorized to raise a Capital of 120,000*l.* by Shares, and to borrow 40,000*l.*, and to make the Swansea and Neath Railway, commencing by a Junction near to Neath with the Company's Railway, and terminating at Swansea with a Branch therefrom; that by that Act the Company were authorized to subscribe to and become Shareholders in the Swansea Company to the Extent of 100,000*l.*, and to raise by Shares for the Purposes of that Subscription a further Capital of 100,000*l.*, and Provision was made for the completing by the Company on default of the Swansea Company of the Swansea and Neath Railway, and for the raising by the Company of Capital for the Purpose, and for the running over, working, and using by them of that Railway; that they have subscribed for and hold Shares to the Amount of 100,000*l.* of the Swansea Company's Capital; that accordingly they are authorized to raise by Shares and by borrowing as follows:

By Acts previous to and by the Act of 1859	} By Shares - - By borrowing - -	£
		865,000 288,333
By the Act of 1859	- By Shares or borrowing	16,000
„ „ 1861	- By Shares - -	100,000
Total	- - -	<u>£1,269,333</u>

that the Company's Capital and Mortgage Debt on the 1st June 1862 consisted of the following Particulars: 

	£	£
Preferential 5l. per Cent. Shares ("The Vale of Neath Railway Act, 1859,") - - -	150,000	
Preferential 5l. per Cent. Shares ("The Vale of Neath Railway (Capital) Act, 1855," and "The Swansea and Neath Railway Act, 1861,") - - -	140,810	
Ordinary Consolidated Stock -	674,190	
	<hr/>	
Capital raised - - -	-	965,000
Mortgage Debt - - -	-	267,653
	<hr/>	
Total Capital raised and Mortgage Debt -	-	1,232,653
To be raised - - -	-	36,680
	<hr/>	
Total - - -	-	<u>£1,269,333</u>

that it is expedient that the Company be authorized to contribute a further Sum towards the Undertaking of the Swansea Company, to lay down Narrow Gauge Rails on their Railways in addition to the Broad Gauge Rails thereon ; and to raise further Monies.

Incorporation of Parts of Companies Clauses Consolidation Act, §§ 2, 3.

4. The Company by Agreement with the Swansea Company may lend to them on Mortgage all or any Part of the Sum of 40,000*l.*, which, by the Act of 1861, they are authorized to borrow on Mortgage. Company may lend Money to Swansea Company.

5. The Company may subscribe for or take and hold Shares of the Capital of the Swansea Company to the Extent of 20,000*l.* in addition to the 100,000*l.* which, by "The Swansea and Neath Railway Act, 1861," the Company are authorized to subscribe towards the Undertaking of the Swansea Company. Company may take further Shares in Swansea Company.

Nominee of Company to vote at Meetings of Swansea Company, § 7.

Agreements between Swansea Company and Company, §§ 8 to 12.

Tolls during Agreement, § 13.

Power to lay down Narrow Gauge, § 14.

As to crossing of Cwm Bach Branch of the Aberdare Railway, § 15.

16. The Company from Time to Time may raise, by the Creation and Issue of new Shares, and in addition to all other Sums which from Time to Time they are otherwise authorized to raise, all such Sums not exceeding the following as the Company think fit ; (that is to say,) Power for Company to raise by new Shares further Capital.

	£
For any Loan to the Swansea Company	- 40,000
For taking Shares of the Capital of the Swansea Company	- 20,000
For laying down Narrow Gauge Rails on the Vale of Neath Railway, and incidental Expenses	- 100,000
	£160,000
	£160,000

Power to create new Shares of different Classes, and to attach a Preference not exceeding 5*l.* per Cent., §§ 17 to 20.

Cancelling of forfeited Shares, §§ 21 to 26.

Issuing and Disposal of new Shares in lieu of cancelled Shares, §§ 27 to 35.

Power to borrow 33,300*l.*, §§ 36 to 41.

Penalty for trespassing on Railways.

42. And whereas by reason that Parts of the Railways in the Possession or Management of the Company form the shortest and most convenient Way to and from certain of the Collieries, and Iron and other Factories, Mines, and Works situate upon or near thereto, the Practice of trespassing upon and using Parts of the Railways as Footpaths has for some Time past become frequent : And whereas on account of the heavy and numerous Trains passing along the Railways, and the Steepness of the Gradients on many Parts thereof, that Practice is necessarily attended with peculiar Danger to the Persons so trespassing, and many and fatal Accidents have resulted therefrom : And whereas it is expedient to make further Provision for preventing Trespass on the Railways : Therefore, if any Person shall be or pass upon any of the Railways in the Possession or Management of the Company except for the Purpose of crossing the same, after having received Warning by the Company or any of their Agents or Servants, not to go or pass thereon, every Person so offending shall forfeit and pay any Sum not exceeding 40*s.* for every such Offence.

Notice of foregoing Provision to be published, § 43.

Cap. clxxxiii.

“ The West Midland and Severn Valley Railways Act, 1862.”

Recites that by “ The Severn Valley Railway (Leasing) Act, 1860,” the West Midland Railway Company were authorized to take a Lease of the Undertaking of the Severn Railway Company, and the Terms and Stipulations of such Lease were required to be such as are set forth in the Schedule to such Act, and the West Midland Railway Company have taken such Lease accordingly ; that the Rent reserved by such Lease is a certain Proportion of the gross Receipts arising from the Traffic conveyed on the Severn Valley Railway, and also a certain Proportion of the gross Receipts

on the Railways of the West Midland Railway Company, arising from Traffic passing thereon to and from the Severn Valley Railway; that it is expedient that the Rent reserved by the said Lease, contingent upon the Amount of Traffic, should be commuted for fixed Payments.

2. In lieu of the Rent reserved under the Provisions of "The Severn Valley Railway (Leasing) Act, 1860," and set forth in the Schedule thereto and in the Lease granted in pursuance thereof, the West Midland Railway Company shall from and after the Day on which the said Lease of the Severn Valley Railway shall take effect, pay in respect of the Lease of the Undertaking of the Severn Valley Railway Company the following Sums; (that is to say,)

Alteration of
Terms of Lease
of Severn Val-
ley Railway.

First. Interest from the said Day on which the said Lease shall take effect from Time to Time due and to become due in respect of the Principal Sums owing upon Mortgages and Bonds, and all Rentcharges (if any) of the Severn Valley Railway Company, and Interest upon Mortgages and Bonds issued by the West Midland Railway Company under the Provisions of this Act for the Purposes of the Severn Valley Railway :

Second. Dividends upon the Preference Shares not exceeding in the whole the Sum of 120,000*l.*, created and issued by the Severn Valley Railway Company, at and after the Rate of 4*l.* 10*s.* per Centum per Annum upon the Amount from Time to Time paid up on such Shares, commencing on the said Day on which the said Lease shall take effect :

Third. All the Office and Establishment Expenses of the Severn Valley Railway Company and the Salaries and Charges of the Secretary and necessary Clerks and Staff of the Severn Valley Railway Company, but nevertheless with the Option to the West Midland Railway Company, upon their giving to the Severn Valley Railway Company Six Months Notice of their Intention so to do, of employing their own Secretary, Clerks, and Staff in transacting and carrying on the Office Business of the Severn Valley Railway Company :

Fourth. Dividends on the ordinary Shares or Stock of the Severn Valley Railway Company, commencing on the said Day on which the said Lease shall take effect, at and after the Rates and for the Periods following ; (that is to say,)

For each Half Year ending respectively on the 30th Day of June and the 31st Day of December in the Years 1862 and 1863, Dividends at the Rate of 3*l.* per Centum per Annum :

For each Half Year ending respectively on the 30th Day of June and the 31st Day of December in the Year 1864, Dividends at the Rate of 3*l.* 10*s.* per Centum per Annum :

For each Half Year ending respectively on the 30th Day of June and the 31st Day of December in the Years 1865, 1866, and 1867, Dividends at the Rate of 4*l.* per Centum per Annum :

For every succeeding Half Year thenceforth during the Continuance of the said Lease, and ending respectively on the 30th Day of June and the 31st Day of December in each Year, Dividends at the Rate of 4l. 10s. per Centum per Annum, and so in proportion for any Period less than One Half of a Year, in case of the Commencement or Determination of the said Lease during the Currency of any financial Half Year :

and such Payments shall be made and accepted in lieu of any Rent reserved or Payments directed to be made under the said Act or the Schedule thereto, and the Lease granted in pursuance thereof by the West Midland Railway Company in respect of the Severn Valley Railway, but, save as aforesaid, the said Act and the Lease granted in pursuance thereof shall remain and have full Force and Effect.

Time of Payment of Dividends.

3. The Interest, Dividends, and other fixed Payments hereby respectively made payable shall be payable half-yearly at the same Period as the Interest, Dividends, and other similar fixed Payments of the West Midland Railway Company are now paid or are payable.

Reservation of existing Rights of Debenture and guaranteed Stockholders.

4. The Payment of such Sums of Interest, Dividends, and fixed Payments payable under the Powers of this Act in respect of the said Lease shall not be made so as to prejudice or affect any other Rents now payable by the West Midland Railway Company, or any Section thereof, or any Rights of any of the Holders of Mortgages, Bonds, or Debenture Stocks created or hereafter to be created by the West Midland Railway Company or any Section thereof, nor shall it be made so as to prejudice or affect the Rights or Priorities of any of the Holders of any guaranteed or preferential Stocks or Shares of that Company or of any Section thereof, created or authorized to be created at the passing of this Act : Provided always, that the gross Receipts upon and in respect of the Severn Valley Railway shall always be and remain in the first instance applicable half-yearly to the Payment of the Interest, Dividends, and fixed Payments by this Act made payable.

Reserving other Rights, &c. of the Lease, &c.

5. Except as expressly enacted, this Act shall not prejudice, alter, or affect any of the Powers or Provisions of the said Lease or of "The Severn Valley Railway (Leasing) Act, 1860."

Reservation of Powers of Purchase to West Midland Company.

6. And whereas by the 6th Section of the Schedule to "The Severn Valley Railway (Leasing) Act, 1860," it was provided that the West Midland Railway Company should have the Option, at any Time within 10 Years after the Commencement of the Lease, to purchase the Undertaking of the Severn Valley Railway Company at Par : Therefore on the 31st Day of December 1871, or on any earlier 30th Day of June or 31st Day of December which may be fixed by the West Midland Railway Company by Six Months previous Notice, the Severn Valley Company shall sell and the West Midland Railway Company shall purchase the Undertaking of the Severn Valley Railway Company at a Price equivalent to the aggregate nominal Amount of the then paid-up ordinary Stock and Share Capital of

of the Severn Valley Railway Company, and shall also assume or satisfy all the then Rentcharges, Mortgage and Bond Debts, preferential Stock and Shares, and other fixed Liabilities of the Severn Valley Railway Company, and the same shall accordingly then become and thenceforth be Debts and Liabilities of the West Midland Railway Company.

Cap. clxxxiv.

“Brecon and Merthyr Railway Act, 1862.”

Recites that in 1859 the Brecon and Merthyr Tydfil Junction Railway Company was incorporated with a Capital of 80,000*l.*, and with Power to borrow 26,600*l.*, for the Purpose of making a Railway to commence in the Parish of Llanddety, in the County of Brecon, and to terminate in the Parish of Merthyr Tydfil, in the same County; a Railway from that Line to join the Dowlais Railway, and a Stone Road to commence in the said Parish of Llanddety, to be carried across the River Usk by a Bridge, and to terminate near the Parish Church of Llausaintfread, in the County of Brecon; that by their Act of 1860 they were empowered to relinquish the Construction of the authorized Main Line from the Commencement thereof to a Point in the said Parish of Llanddety, and of the whole of the said Stone Road and Bridge, and in lieu thereof to construct other Railways in extension of the authorized Main Line, and to complete their Communication with the Town of Brecon, and also to raise further Sums not exceeding 50,000*l.* by Creation of ordinary Shares in their Undertaking, and 16,600*l.* by borrowing on Mortgage; that by the same Act the Taff Vale Railway Company were empowered to subscribe any Sum not exceeding 30,000*l.* towards the Undertaking or any specified Portion of the Undertaking, and (to that Extent) to become Shareholders, and take and hold Shares in the Capital or any specified Portion of the Capital of the Company, and to raise Money for that Purpose by the Creation of Shares or Stock in the Undertaking of the Taff Vale Railway Company, but that Company has not exercised those Powers; that by their Capital Act, 1861, the Company were authorized to raise further Sums not exceeding in the whole 63,000*l.*, by the Creation of new Shares in their Undertaking (with Power to attach thereto a Preference or Priority of Interest or Dividend not exceeding the Rate of Five per Centum per Annum), and not exceeding 21,000*l.* by borrowing on Mortgage; and by their Extensions Act, 1861, the Company were empowered to make—First. A Railway commencing by a Junction with the authorized Main Line in the Parish of Merthyr Tydfil, in the County of Glamorgan, and terminating near the Dowlais Roadside Pond in the same Parish; secondly, a Railway commencing by a Junction with the Railway therein-before described and terminating by a Junction with the Railway of the Rhymney Railway Company at or near the Pont Aber Bargoed Station thereon; that by the same Act the Company were prohibited from opening for Traffic any

Portion of the Railways by that Act authorized between the Commencement of the same therein-before described in the Parish of Merthyr Tydfil, and the Property numbered on the Plans deposited for the Purposes of that Act 163^a in the Parish of Gelligaer, until they should have completed and opened for Traffic so much of the Railways authorized by the original Act as were authorized to be made in the Parish of Merthyr Tydfil, and until they should have made a Junction between those Railways and the Dowlais Railway, or until the Company should have completed and opened for Traffic any Line which might by the Authority of Parliament be substituted for the said Portion of the Railways of the Company authorized by the original Act, and which should connect the Railway of the Company with the Taff Vale Railway at Merthyr Tydfil; that the same Act also enacted that in the Event therein specified (and which Event has happened) the Powers of the Company with respect to the making and maintaining of that Portion of the Railway in that Act secondly described, which lay between the Junction thereof with the Main Line of the Rhymney Railway and the said Field numbered 163^a in the Parish of Gelligaer, and the entering upon, taking, and using of Lands for the Purposes thereof should absolutely cease, and that the same should not for any Purpose be Part of their Railway; that by the same Act the Company were empowered to raise for the Purposes of that Act any Sums not exceeding in the whole 130,000*l.* by new Shares, and 43,300*l.* by borrowing on Mortgage on the Security of the Railways by that Act authorized, and the Tolls, Rates, and Charges thereon, and (if so agreed) the future Calls upon the Shareholders under that Act; and that Act enacted that the Railways and Works thereby authorized to be constructed should for financial Purposes form a separate Undertaking, and that the Capital and new Shares created under the Powers of that Act should constitute a separate Capital, and that the Profits from Time to Time applicable to Dividend of the Railways by that Act authorized should be wholly applied in Payment of Interest or Dividend on the new Shares created under the Powers of that Act, and that the Holders of those Shares should not in respect thereof be entitled to Interest or Dividend out of any other Profits of the Company; that it is expedient to make a Railway (in substitution for a Portion of the Railways authorized by the original Act) from the authorized Main Line in the Parish of Llanddety to join (with a double Junction) the Taff Vale Railway at Merthyr Tydfil; also a Railway from the authorized Main Line in the Parish of Merthyr Tydfil to join in the same Parish the authorized Line of the Railway first described in "The Extensions Act, 1861," and in substitution for Part of that Line; also Two Deviation Railways in the Parish of Gelligaer, in the County of Glamorgan, in substitution for Parts of the authorized Lines of the Railway secondly described in "The Extensions Act, 1861;" and a Line of Railway to connect the before-mentioned Railways with the

Merthyr, Tredegar, and Abergavenny Railway, and the Sirhowy Railway; recites that the recited Section 6 of "The Extensions Act, 1861," was enacted at the instance of the Taff Vale Railway Company, and it is expedient that the same be repealed, and that such other Provision as in this Act contained be substituted for that Section; proposes to raise further Money for the Purposes of this Act; to authorize the Taff Vale Railway Company to subscribe a further Sum towards the Undertaking of the Company, and to sanction the making of Agreements with the Company.

Incorporating Lands and Railways Clauses Acts, §§ 2, 3.

Power to make Railways, §§ 4 to 8.

Communications with other Railways, §§ 9 to 11.

Pant Junction with Dowlais Limestone Railway to be maintained, § 12.

Provisions of Sections 13 to 16 of Extensions Act, 1861, incorporated with Act for Protection of Dowlais Iron Company, § 13.

Saving Rights of the Dowlais Iron Company, § 14.

For Protection of the Property of Anthony Hill, Esq., § 15.

Accommodation Works for Quarries in Morlais Castle Land, § 16.

As to Junctions with private Tramways, § 17.

Not to take certain Lands of Merthyr, Tredegar, and Abergavenny Railway Company without Consent, § 18.

19. The Powers of the Company for the compulsory Purchase of Land for the Purposes of the Railways by this Act fourthly and fifthly authorized shall not be exercised after the Expiration of Three Years from the passing of "The Extensions Act, 1861," and for the Purposes of the other Railways by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

20. The Railways by this Act fourthly and fifthly authorized shall be completed within Five Years from the passing of "The Extensions Act, 1861," and the other Railways by this Act authorized shall be completed within Three Years from the passing of this Act.

Limiting Time for Completion.

Junction with the Vale of Neath Railway, §§ 21 to 25.

26. For the Purposes of the Tolls, Rates, and Charges to be taken thereon respectively, and for all other Purposes not in this Act otherwise provided for, the Railways by this Act firstly and secondly authorized, and the Works connected therewith, and the Lands acquired for the Purposes thereof, shall be deemed Part of the general Undertaking of the Company; and all other the Railways and Works by this Act authorized, and that Portion of the authorized Main Line which lies between the Commencement of the Railway by this Act firstly authorized and the Commencement of the Railway by this Act thirdly authorized, (and which Portion is required only for connecting with the authorized Main Line the other Railways forming the separate Undertaking,) and the Works connected therewith respectively, and the Lands acquired for the Purposes thereof respectively, shall be deemed Part of the

Tolls, &c.

separate Undertaking of the Company, and Tolls, Rates, and Charges may accordingly be levied and collected on those Railways and that Portion of Railway respectively: Provided always, that the maximum Charges to be made upon, for, or in respect of each Railway by this Act authorized, and on that Portion of Railway, shall not exceed those limited to be taken on that Undertaking of the Company of which that Railway or Portion of Railway is to be Part as aforesaid.

Facilities for
Transmission
of Traffic.

27. The Merthyr, Tredegar, and Abergavenny Railway Company, or other the Company or Companies or Persons from Time to Time having the Working or Management of the Merthyr, Tredegar, and Abergavenny Railway, on the one hand, and the Company, or other the Company or Companies or Persons from Time to Time having the Working or Management of the Brecon and Merthyr Railway on the other hand, shall mutually and reciprocally from Time to Time afford all proper and sufficient Facilities, including Through Rates and Through Booking for the Accommodation and Transmission of, and shall properly and sufficiently accommodate and transmit on their respective Railways, between the Junction of the Merthyr, Tredegar, and Abergavenny Railway with the Newport Section of the West Midland Railway, and the Junctions of the Brecon and Merthyr Railway with the Taff Vale Railway and Vale of Neath Railway, or on any Parts of those their respective Railways, all Traffic which having passed on either of those Railways is from Time to Time tendered for Transmission on any other of those Railways, and also all Traffic which is from Time to Time tendered for Transmission on either of those Railways in order to its being afterwards transmitted on any other of those Railways.

Terms for
Facilities.

28. All such Facilities for the Accommodation and Transmission of Traffic shall be afforded by the said Companies and Persons respectively, subject to such reasonable Rules and Regulations, and on Payment of such Tolls, Fares, Rates, and Charges as the Companies or Persons interested from Time to Time agree on, or as, failing Agreement between them, shall be determined under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator to be in every Case agreed on between them, or, failing their Agreement on that Behalf, to be on their or either of their Application appointed by the Board of Trade, and the said Arbitrator shall have the Power to order the said Companies to invoice Goods through.

Abandonment
of Part of
authorized
Works.

29. The Company shall abandon and relinquish the Construction of the following Portions of their authorized Lines of Railway; (to wit)

So much of the Railways authorized by the original Act as lies between the Point at Pant up to which they are already constructed, and the Termination of those authorized Railways where the same were intended to join the Dowlais Railway:

So much of the Railway by "The Extensions Act, 1861," first authorized, as was intended to have been made between the Commencement and Termination of the Railway by this Act thirdly authorized.

So much of the Railway by "The Extensions Act, 1861," secondly authorized, as was intended to have been made between the Commencement and Termination of the Deviation Railway by this Act fourthly authorized, and also between the Commencement and Termination of the Deviation Railway by this Act fifthly authorized.

Compensation to be made where Contracts have been entered into or Notices given, § 30.

Repeal of Section 6 of Act of 1861, § 31.

32. Except with the Consent in Writing thereto of the Taff Vale Railway Company, under their Common Seal, the Company shall not use the Railways authorized by "The Extensions Act, 1861," or the Deviation Railways fourthly and fifthly herein-before described and by this Act authorized, for the Purpose of any Through Traffic requiring to pass over the entire Length of the Company's Railways, between any Point of their Main Line from Brecon to Merthyr and the Railway of the Rhymney Railway Company, until they shall have completed and opened for Traffic the Railway by this Act firstly authorized, and shall have made the Junction between that Railway and the Taff Vale Railway.

Other Provisions substituted.

Equal Rates to be charged for Traffic, § 33.

Siding to be made for the Convenience of the Brithdir Estate, § 34.

35. The Company may apply for the Purposes of the Railways by this Act firstly and secondly authorized any Monies raised or to be raised by them under the Acts, or any of the Acts herein-before recited (excepting "The Extensions Act, 1861"), and for the Purposes of the Railways by this Act thirdly, fourthly, and fifthly authorized any Monies raised or to be raised by them under "The Extensions Act, 1861."

Application of authorized Funds.

36. The Company may from Time to Time (in addition to the Sums of Money which by the recited Acts they are authorized to raise) raise for the Purposes of the general Undertaking, and by the Creation of new Shares in that Undertaking, any Sums not exceeding in the whole 112,000*l.*, and for the Purposes of the separate Undertaking, and by the Creation of new Shares in that Undertaking, any Sums not exceeding in the whole 65,000*l.*, and may create the new Shares in each Undertaking respectively, in One or more Classes, and of such Amount as will allow the same to be conveniently apportioned or disposed of, according to the Resolution of any Ordinary or Extraordinary Meeting of the Company.

Power to raise additional Money by new Shares.

37. The Shares for raising the said Sum of 112,000*l.* for the Purposes of the general Undertaking are herein-after comprised under the Term "General Shares," and the Shares for raising the said Sum of 65,000*l.* for the Purposes of the separate Undertaking are herein-after comprised under the Term "Extension Shares."

Names of Shares.

38. The Profits of the Railways by this Act firstly and secondly authorized shall be and be deemed Profits of the general Undertaking, and shall be applicable accordingly, and the Holders of Extension Shares and of Shares created under

Certain Profits to be Profits of general Undertaking ;

“The Extensions Act, 1861,” shall not in respect thereof have or be entitled to any Interest or Dividend out of the Profits of the general Undertaking.

and others of
separate Under-
taking.

39. The Profits of the Railways by this Act thirdly, fourthly, fifthly, sixthly, and seventhly authorized, and of the said Portion of Railway by this Act made Part of the separate Undertaking, shall be and be deemed Profits of the separate Undertaking, and the Profits of the separate Undertaking from Time to Time applicable to Dividend shall be applied wholly in Payment of Interest or Dividend on the Sums from Time to Time paid up on the Shares created under “The Extensions Act, 1861,” and the Extension Shares created under this Act, *pari passu*, and the respective Holders of those Shares shall not in respect thereof be entitled to Interest or Dividend out of the Profits of the general Undertaking.

New Shares to
bear a distinc-
tive Title.

40. All new Shares created under the Powers of this Act shall be designated by a distinctive Title in the Books of the Company and on the Certificates issued for the same.

Votes and
Qualifications
for Extension
Shares.

41. The Extension Shares shall not confer any Right of voting or Interference at any Meeting of the Company on any Question or Proceeding which shall not directly affect the separate Undertaking, and any Director whose Qualification consists only or in any greater Proportion than One Half thereof of Shares in the separate Undertaking shall not vote or interfere at any Meeting of the Directors on any Questions or Proceeding which shall not directly affect the separate Undertaking.

For keeping
separate Ac-
counts and
for ascertaining
divisible Pro-
fits.

42. The Company shall keep separate Accounts of all Receipts and Payments from, for, or on account of the separate Undertaking, and the Balance of those Receipts, after deducting for Expenses of Working and Management, such a Proportion (not exceeding 50 per Centum per Annum) of such Receipts as shall be determined by any Meeting of the Company before the Issue of such Shares, and also after deducting all Rates, Rents, and Taxes payable on or in respect of the Railways forming the separate Undertaking, and all Interest on borrowed Money for the Time being secured or charged upon those Railways, shall for the Purposes of this Act be deemed the Profits of the separate Undertaking applicable to Dividend.

Application of
existing Powers
of Taff Vale
Company to
subscribe.

43. The Powers of Subscription and taking Shares given to the Taff Vale Railway Company by the 18th Section of the Act of 1860 shall extend and apply to the Undertaking and Capital of the Company as by this Act and the recited Acts authorized, and may be exercised accordingly.

Power for the
Taff Vale Com-
pany to sub-
scribe.

44. The Taff Vale Railway Company may from Time to Time, with the Sanction of Three Fifths at least of the Votes of the Proprietors voting, personally or by Proxy, at some Extraordinary Meeting of that Company convened with Notice of this Purpose, subscribe any further Sums not exceeding in the whole 30,000*l.* towards the Undertaking, or any specified Portion of the Undertaking of the Company, and may to that Extent become Shareholders, and take and hold Shares in

the Capital; or any specified Portion of the Capital, of the Company.

45. It shall not be lawful for the Taff Vale Railway Company, without the further Authority of Parliament in that Behalf, to sell or dispose of any Shares so taken by them in the Capital of the Company. Shares taken by them to be retained.

The Taff Vale Railway Company may apply any existing Funds towards their Subscription, § 46.

Power for the Taff Vale Railway Company to raise Money by Shares or Stock with preferential Dividend of Five per Cent., §§ 47, 48.

All Shares of same Class to bear same Dividend, &c., § 49.

Saving existing Preferences, § 50.

51. The general Shares created by the Company, and the Shares and Stock created by the Taff Vale Railway Company under the Powers of this Act, shall respectively be entitled to the preferential Dividend (if any) which may have been attached to them by the Company creating the same as aforesaid out of the Profits of that Company in each Year applicable to Dividend on those Shares in priority to the ordinary Shares and Stock in that Company entitled to Dividend out of the same Profits, but if in any Year ending the 31st Day of December there shall not be Profits so applicable available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company, or (as the Case may be) the Taff Vale Railway Company. Defining Profits applicable to preferential Dividends.

Qualifications of new Shareholders, § 52.

Disposition of new Shares, § 53.

Limit of Amount and Number of Calls, § 54.

Unissued Shares may be cancelled, § 55.

56. The Company may from Time to Time, with the Authority of any General Meeting, borrow on Mortgage (in addition to the other Sums which they are by this Act or any other Act authorized to borrow) any Sums not exceeding as follows; (to wit) Power to borrow on Mortgage.

In respect of the additional Share Capital by this Act authorized for the Purposes of the general Undertaking, they may borrow for the Purposes of that Undertaking on the Security thereof, and of the Tolls, Rates, and Charges arising therefrom, any Sums not exceeding in the aggregate 37,300*l.* :

In respect of the additional Share Capital by this Act authorized for the Purposes of the separate Undertaking, they may borrow for the Purposes of that Undertaking on the Security thereof, and of the Tolls, Rates, and Charges arising therefrom, any Sums not exceeding in the aggregate 21,600*l.*

Restrictions as to borrowing, §§ 57 to 59.

Incorporating certain Provisions of Companies Clauses Consolidation Act, § 61.

Subscribing Company may appoint Person to vote, §§ 62, 63.
 Extending Traffic Arrangements with Individuals to Extensions, § 64.

Cap. clxxxv.

“The West Shropshire Mineral Railway Act, 1862.”

Recites that the making of a Railway from the Oswestry and Newtown Railway, near Llanymynech, to the Shrewsbury and Welchpool Railway, in the Parish of Westbury, would be of great public Advantage; and that it is expedient to provide for the Use by the Oswestry and Newtown Railway Company of the said Railway.

Incorporation of Consolidation Acts, § 2.

Company incorporated, with a Capital of 90,000*l.*, and with Power to borrow, 30,000*l.*, §§ 3 to 10.

Meetings; Directors, &c., §§ 11 to 18.

Power to make Railways, §§ 19, 20.

Power to alter Engineering Works, § 21.

Level Crossings, §§ 22 to 24.

Three Years for compulsory Purchase of Lands, § 25.

Five Years for the Completion of Works, § 26 and § 31.

Junctions to be made in manner specified, §§ 28 to 30.

Tolls for Railway, §§ 32 to 41.

Power for Oswestry and Newtown Railway Company to use Railway, § 42.

Power to erect Toll Gates and Toll Houses, § 43.

Tolls for the Use of the Bridge; Regulations, and Penalties, §§ 44 to 57.

Schedule (Carriages; Tolls).

Cap. clxxxvi.

“Brecon Markets Act, 1862.”

Recites that by 1 & 2 Vict. c. xii. for providing Market Places and for regulating the Markets within the Borough of Brecon, the Mayor, Aldermen, and Burgesses of the Borough of Brecon were authorized to purchase certain Lands in the Borough of Brecon, and to appropriate the same and other Lands in the Borough for the Purposes of the reciting Act, and to provide thereon Market Houses and Market Places, and to preserve for the Corn Market a Portion of the then existing Market Place (that Portion being situate under the Guildhall of the Borough), and to maintain and regulate the then Corn Market and the then Cattle Market, and the Market House or Market Place by the reciting Act authorized to be provided; and, for the Purpose of providing the new Market House or Market Places, the Corporation were authorized to borrow at Interest on the Credit of the Tolls, Rents, and Stallage specified in the Second Schedule to the reciting Act, and in the Third Schedule to this Act annexed, such Sums as they should think requisite, and to assign the said Tolls by way of Mortgage accordingly, but subject to the Provisions of the reciting Act with respect to the Priority of Payment and Application of such

Tolls ; and for the Purposes of the reciting Act the Corporation were authorized to raise Money by Mortgage or Sale of their Lands, and to apply the Money to be received by virtue of the reciting Act, and (subject as therein expressed) the said Tolls, first in paying the Expenses of obtaining the reciting Act, and next in paying the Expenses of providing the Market Places, and next in retaining and setting apart such Sums as, with the Rents, Tolls, and Dues which should be received by the Corporation from any Property belonging to them other than the said Tolls, should be equal in Amount to or necessary to make up the annual Sum of 210*l.*, the Amount of the net annual Income of the Corporation from the whole Tolls of the Borough and other Property of or belonging to them, of which Sum of 210*l.* a competent Part should be applied by the Corporation towards defraying the Interest of any Incumbrance then affecting their Property, and the Remainder should be by them applied to such Purposes and in such Manner as by Law they were then authorized and empowered to apply their net annual Income, and afterwards the Surplus Tolls should be applied in paying the Interest of all Monies borrowed under and for the Purposes of the reciting Act ; and subject to those Payments the Residue of the Surplus Tolls should be divided into Two equal Parts, one of which should be paid to the Persons entitled to any of the Securities for any Money so borrowed on Mortgage, and their respective Executors, Administrators, and Assigns, in proportion to the respective Sums advanced by them, without any Preference, and the other should be retained by the Corporation towards enabling them to pay off the Money borrowed on Mortgage, and after the Payment thereof the whole of the Surplus Tolls should be by them applied to such Purposes of public Benefit within the Borough as to them should seem meet ; and the Tolls theretofore payable in respect of the Market in the Borough should continue until the new Market Places were completed and opened for public Use, and thereafter there should be paid to the Corporation or their Collector in respect of the Markets such Tolls, Rents, and Stallage as should from Time to Time be appointed by the Corporation, not exceeding the scheduled Tolls ; and the Corporation were authorized to remove the Corn Market to some other convenient Place belonging to the Corporation in the Borough, and to appropriate Land belonging to the Corporation in the Borough for the Cattle Market, and to take Tolls for the Cattle Market, and Provision was made for the holding of the then Markets in the Streets in the Borough until other Market Places were provided, and the Corporation were authorized to provide Slaughter-houses in the Borough ; that the Corporation accordingly, under the Powers of the recited Act, provided a Market House, but they have not provided any Slaughter-house, and they have removed their general Market to the new Market House so provided, but they have not removed the Corn

Market from below the Guildhall, and the Cattle Market and the Fairs are still held in the Streets in the Borough ; that the Corporation borrowed at Interest on the Security of the scheduled Tolls divers Sums amounting in the whole to 9,914*l.* 14*s.* 6*d.*, and under the recited Act the Corporation granted Assignments of the scheduled Tolls for securing the Repayment, with Interest thereon, of the Monies so borrowed ; that for securing the Repayment, with Interest, of 1,500*l.*, Part of the Money so borrowed, the Corporation made a Mortgage of Parts of their Corporate Estates by way of collateral Security for the same, and their Mortgage Creditor afterwards obtained a Judgment against them for the Amount of the Debt ; that the Repayment, with Interest of 8,414*l.* 14*s.* 6*d.*, the Residue of the Money so borrowed, is secured only by the Debentures for the same, and the whole of the 1,500*l.* so secured by Debentures, and collaterally secured by Mortgage, and in respect of which Judgment against the Corporation has been obtained, and almost the whole of the Interest thereon which has become payable since the 4th September 1855, are now due and unpaid ; that the whole of the 8,414*l.* 14*s.* 6*d.* so secured by Debentures alone, and almost the whole of the Interest thereon which has become payable since the 1st January 1851, are now due and unpaid ; that the Property of the Corporation, other than their Property under the recited Act, comprises the Guildhall of the Borough, and the Borough Lock-up or Police Station, and a Manor or reputed Manor (if any), and divers Messuages, Lands, Chief Rents, and Tenements, and their Markets and Fairs, and Tolls and Dues arising from the same, and Drift Tolls payable on Goods of divers Persons passing through the Borough ; that the net Income arising from the Corporate Estates averages about 140*l.* a Year, consisting of about 40*l.* a Year for the Drift Tolls, and about 100*l.* a Year from Rents and Profits of other Parts of the Corporate Estates ; that the Corporate Estates or Parts thereof are subject to divers Incumbrances ; and with the Exception of the Drift Tolls have been extended, and are now held by a Creditor by Elegit for a Debt originally of 750*l.* and Costs, but the net Income arising from the same is insufficient to keep down the Interest on his Debt ; that the scheduled Tolls are received by a Receiver appointed by the Court of Chancery on behalf of the Debenture Holders ; and the average net Amount of the scheduled Tolls is about 320*l.* a Year, out of which about 70*l.* a Year is paid to the Corporation, in order to make up their Income, as provided by the recited Act, to 210*l.* a Year, and the Residue thereof is insufficient to keep down the Interest payable to the Debenture Holders ; that the only Income which the Corporation now derive for their own Benefit from their Corporate Estates and their Property under the recited Act together is about 110*l.* a Year, consisting of about 40*l.* a Year arising from the Tolls and Dues forming Part of the Corporate Estates, and about 70*l.* a Year paid to them out of

the scheduled Tolls, the Residue of their 210*l.* a Year being taken by their Elegit Creditor ; that by reason of the Manner in which the scheduled Tolls and the Corporate Estates respectively are now managed they do not produce so great an Amount of Income as they might produce if they were placed under One Management ; that the Debenture Holders, except one Edward Evans, who cannot be found, are willing to accept a Composition for their respective Debts, on condition of the Provision by this Act made in that Behalf, and for the better Management of the Corporate Estates and the Property of the Corporation under the recited Act being made ; that it is expedient that Parts of the Estates and Property of the Corporation be vested in and managed by a Company, and that Provision be made for the Discharge of the Debts and Liabilities of the Corporation ; that divers of the Debenture Holders and other Persons interested in the Welfare of the Borough are willing and it is expedient that they should be united into a Company for the Purpose, and that it is expedient that the recited Act be repealed, and that other Provisions with respect to the Markets and Fairs in the Borough be made ; and that the Company be authorized to provide a new Market Place in the Borough for the Cattle Market and Slaughter-houses, and to acquire Lands for the Purpose, and that the Cattle Market be removed from the Streets in the Borough to the Market Place so provided.

Limits of Act, § 3.

Incorporation of Consolidation Acts, § 4.

The Brecon Markets Company incorporated, with a Capital of 3,000*l.*, and Power to borrow 750*l.* on Mortgage, §§ 6 to 11. Meetings ; Directors, &c., §§ 14 to 19.

Recited Act repealed, § 20.

21. On the Commencement of this Act, and except only as is by this Act otherwise expressly provided, the Markets and Fairs in the Borough, and the Market House, Market Places, and Places for holding Fairs in the Borough, and the Works and Conveniences connected therewith, and all Tolls, Rents, Stallages, Dues, and other Monies payable in respect of the Markets and Fairs, Market Houses and Market Places, Works and Conveniences respectively, and the Drift Toll payable on Goods of Persons passing through the Borough, and the Manor or reputed Manor (if any), and all Messuages, Lands, Chief Rents, Tenements, and Hereditaments of the Corporation, and all other the Real, Personal, and Mixed Estates and Effects of or to which the Corporation or any Persons on their Behalf were immediately before the passing of this Act seized, possessed, or entitled either at Law or in Equity, or otherwise howsoever, with their and every of their respective Rights, Members, and Appurtenances, including all such Parts thereof as immediately before the Commencement of this Act were comprised in any Mortgage or held by any Tenant by Elegit, are by this Act vested in the Company as their own Property, but, except only as is by this Act otherwise expressly provided, subject and without Prejudice to the Estates, Interests,

Parts of Property of Corporation vested in Company.

Claims, and Demands whatsoever of all Mortgagees and Tenants by Elegit of the same or any Parts thereof respectively, and subject and without Prejudice to all other Charges and Incumbrances on and all Liabilities of and Claims and Demands against the Corporation in respect of the same.

Parts of Property of Corporation reserved to them.

22. Provided, That the Guildhall in the Borough and the Borough Lock-up or Police Station in the Borough respectively belonging to the Corporation, with their respective Rights, Members, and Appurtenances, and a Sum of 200*l.* or thereabouts due and payable to the Corporation as Purchase Money or Compensation in respect of the Gaol Field lately taken by the Authorities of the County of Brecon for the Purposes of the County Gaol, and all Interest (if any) thereon, shall not be vested by this Act in the Company, but are by this Act expressly excepted and reserved to the Corporation as their own Property, and (except only as is by this Act otherwise expressly provided) for their own Use absolutely, and free from all Rent or other Payment whatsoever: Provided nevertheless, that the Company shall at all Times be entitled to and have the User, as heretofore and now had, for the Purposes of and connected with the Corn Market, of the Corn Market Place under the Guildhall, free from all Rent or other Payment whatsoever; and the Corporation shall apply the Sum of 150*l.*, Part of that Sum of 200*l.*, or thereabouts, when received by them from the Authorities of the County of Brecon, towards Payment of the Expenses of obtaining this Act.

General Saving of Rights, § 23.

Provisions of other Acts continued, § 24.

Scheduled Tolls continued, § 25.

Conveyances, &c. preserved, § 26.

Tolls, &c. due to be paid to Company, § 27.

Payment of Debts of Corporation, § 28.

Actions not to abate, &c., § 29.

Penalties to be recoverable, § 30.

Books, &c. continued Evidence, § 31.

Officers, &c. of Corporation to account to them, § 32.

Powers of Receiver to cease.

33. On the Commencement of this Act the Powers and Authorities of the Receiver appointed by the Court of Chancery to receive the scheduled Tolls shall cease: Provided that the Receiver shall duly account for all Monies received or receivable by him as Receiver, and for the Application thereof, and shall be entitled to his Fees and Allowances accordingly.

Possession by Elegit Creditors to cease.

34. From and after the Commencement of this Act, the Elegit Creditor of the Corporation shall cease to have or to be entitled to the Possession or Receipt of or any Estate or Interest in or Claim or Demand affecting or in respect of the Rents, Issues, and Profits of any Part of the Property of the Corporation by this Act vested in the Company, and instead thereof shall have the Security provided for him by this Act.

Limit of Liability of Com-

35. Provided, That the Lands and other Property vested in the Company by or under this Act, or any Part thereof, or

the Company, shall not, under any of the Provisions of this Act, or otherwise, except by their own Agreement, be subject or liable to any Charge, Incumbrance, Claim, or Demand whatsoever made, occasioned, or suffered by the Corporation, or by reason of any Act or Default of the Corporation, subsequently to the 30th Day of November 1861.

pany to Claims against Corporation.

36. In order to the Discharge of the Principal Monies and Interest secured by the Debentures issued under the recited Act for 9,914*l.* 1*s.* 6*d.*, which are specified in the First Schedule to this Act annexed, the Company from Time to Time, by Agreement with the Holder of any of those Debentures, may issue to him, by way of substitution for his Debenture under the recited Act, a Debenture in the Form given in the Second Schedule to this Act annexed, or to the like Effect, and when any Debenture under this Act is substituted for any Debenture under the recited Act, the Debenture under the recited Act shall be cancelled, and all Rights and Liabilities in respect thereof shall be by this Act extinguished.

Substitution of Debentures under Act for Debentures under recited Act.

37. Subject to the Provisions of this Act, the Provisions "with respect to the borrowing of Money by the Company on Mortgage or Bond" of "The Companies Clauses Consolidation Act, 1845," except so much of those Provisions as relates to Bonds and to the Payment of the Principal Sums secured by the Mortgages, are incorporated with this Act, and apply to the Debentures so from Time to Time granted under this Act, and Transfers thereof, and the Debenture Holders and the Company respectively, with respect to the same.

Application of Provisions of Companies Clauses Act to Debentures under Act.

38. If the Interest payable under this Act for any Year on the Principal Monies specified in the Debentures under this Act amounts to 5*l.* per Centum, then, on the Expiration of that Year, all those Debentures, and all Rights and Liabilities in respect thereof, shall be by this Act extinguished.

Extinguishment of Debentures under Act.

39. On the Extinguishment of those Debentures the Capital of the Company shall be by this Act increased by a Sum of Stock equal to the Amount of the Principal Monies specified in the extinguished Debentures, and thenceforth the Company's Capital of 3,000*l.* and the additional Capital so created shall be their Capital under this Act.

Addition to Capital on Extinguishment of Debentures under Act.

40. The Stock so created shall be by this Act vested as fully paid up Stock in the several Persons who at the Time of the Extinguishment of those Debentures were the several registered Holders of those Debentures, in rateable Proportion to the Amounts of the Principal Sums specified in their respective Debentures so extinguished.

Additional Capital vested in Holders of extinguished Debentures.

41. Every Portion of Stock so vested shall be vested in the Person entitled thereto, subject to the same Trusts, Provisions, and Liabilities as those which immediately before the vesting thereof affected the Interest secured by the extinguished Debenture in respect of which the Portion of Stock is so vested, but so as not to revoke but give Effect to any Will or Testamentary or other Disposition of or affecting the same Interest.

Stock to be subject to same Trusts, &c. as Interest secured by extinguished Debenture.

Company to pay 210*l.* a Year to Corporation.

42. From and after the Commencement of this Act the Company shall pay to the Corporation the yearly Sum of 210*l.* by equal half-yearly Payments on or within 28 Days after the 30th Day of June and the 31st Day of December in every Year, and the First half-yearly Payment thereof shall be made on or within 28 Days after whichever of those Days happens next after the Commencement of this Act, but with a proportionate Abatement in respect of a broken Half Year.

210*l.* a Year to be First Charge on scheduled Tolls.

43. The yearly Sum of 210*l.* so payable to the Corporation is by this Act charged on the scheduled Tolls, Markets, and Market Places by this Act vested in the Company, and shall be the First Charge on those scheduled Tolls next after the Costs, Charges, and Expenses of and incident to the Collection and Recovery thereof, and shall be the First Charge on the said Markets and Market Places.

Application by Corporation of 210*l.* a Year.

44. The yearly Sum of 210*l.* so payable to the Corporation is by this Act substituted for the yearly Sum of 210*l.* provided for by Section 34 of the recited Act, and accordingly a competent Part thereof shall be applied by the Corporation towards defraying the Interest of any Incumbrance which at the Time of the passing of the recited Act affected any of their then Property other than the scheduled Tolls, and which immediately before the Commencement of this Act remained undischarged, and the Remainder thereof shall be by them applied to such Purposes and in such Manner as they were by Law at the Time of the passing of the recited Act authorized and empowered to apply their net annual Income referred to in that Section.

Corporation to pay off their Elegit Creditor.

45. The Corporation shall pay, satisfy, or discharge the Debt, Costs, and Claims of their present Elegit Creditor, and in order thereto may grant any Mortgage of or Security on all or any Parts of their Guildhall and Borough Lock-up or Police Station, and that yearly Sum of 210*l.*, as they think fit, and the Company, and their Property, Revenues, and Effects, shall be by this Act wholly freed from the Debt, Costs, and Claims of that Elegit Creditor, and all Securities for and Liabilities in respect of the same.

Company to pay off Judgment Creditor of Corporation.

46. The Company shall pay, satisfy, or discharge the Debt, Costs, and Claims of the Judgment Creditor of the Corporation (who is also a Mortgagee and Debenture Holder), and the Corporation, and their Property, Revenues, and Effects, shall be by this Act wholly freed from the Debts, Costs, and Claims of that Judgment Creditor, and all Securities for and Liabilities in respect of the same, and the Company shall within Six Months after the passing of this Act procure Satisfaction of that Judgment to be duly entered up.

Order of Application of Company's Income.

47. The Income of the Company from Time to Time applicable for the Payment of Interest on their Debt and Dividends on their Capital shall, but without Prejudice to the Claims, in accordance with this Act, of the Creditors of and Claimants against the Company, and subject to the Payment of the yearly Sum of 210*l.* to the Corporation, be applied as follows, and in the following Order ; (that is to say,)

First, in Payment of the Interest from Time to Time payable on Monies borrowed by the Company under this Act :

Secondly, in Payment of the Interest on Monies (if any) from Time to Time received by the Company in advance of Calls on Shares of the Company's Capital :

Thirdly, so long as the Debentures under this Act are not extinguished, in Payment half-yearly of Dividends not exceeding 5*l.* per Centum per Annum on the Amount from Time to Time called and paid up in respect of the Company's Capital of 3,000*l.* :

Fourthly, so long as the Debentures under this Act are not extinguished, the Residue of the Company's Income so applicable shall be applied in Payment half-yearly to the several Holders of those Debentures rateably of Interest on the Principal Sums specified in their Debentures respectively :

Fifthly, when the Debentures under this Act are extinguished, the Surplus of the Company's Income so applicable, after making the First and Second Payments, shall be applied in Payment half-yearly of Dividends on the Amount from Time to Time called and paid up, or, in accordance with this Act, deemed to be paid up, in respect of the Company's then Capital under this Act.

As to Votes of Stockholders, § 48.

Power for Company to purchase Lands for Purposes of Act, § 49.

Three Years for compulsory Purchase of Lands, § 50.

Lands for extraordinary Purposes, § 51.

Power for Company to sell Lands not required for Purposes of Act, §§ 53 to 56.

57. The net Monies produced by the Sales of such Lands shall be applied by the Company in or towards repaying to their Capital Account all Sums paid by them in satisfaction or discharge of the Debt, Costs, and Claims of the said Judgment Creditor, and in Payment of any other Charges, Incumbrances, Claims, and Demands, should such hereafter be made against the Corporation in respect of the said Lands, on such net Monies, according to the respective Priorities of such Charges, Incumbrances, Claims, and Demands, with Interest on such Sums, Charges, Incumbrances, Claims, and Demands respectively ; and if, when such Sums, Charges, Incumbrances, Claims, and Demands, and Interest are fully paid, there shall be any Surplus of those net Monies, the Company shall pay the Surplus to the Corporation ; but the Interest of the Corporation in the Surplus shall not give to them any Interest in those Lands, or any Right to interfere with the Sale thereof, or any Right to interfere in any other Manner with the Company or their Affairs, except only the Right, when the Surplus (if any) is paid to them, of ascertaining by Inspection of the Accounts and Vouchers of the Company that the Sum so paid is the whole Sum so payable.

Application of
Monies produced by Sales.

Accounts of the Monies and Application thereof, § 58.

- Power to Company to lease Lands not required for Purposes of Act, § 59.
- Effect of Leases and Application of Rents, § 60.
- Sales, &c. to be subject to Restrictions of Municipal Corporation Acts, § 61.
- Rights of Company, § 62.
- Power for Company to maintain and regulate Markets and Fairs, § 63.
- Power for Company to provide Place for Cattle Market, § 64.
- Slaughter-houses, § 65.
- Power for Company to provide Place for Corn Market, § 66.
- Weighing Houses, § 67.
- Power for Company to improve Market Houses, &c., § 68.
- General Power for Company to appoint Places and Times for Markets and Fairs, § 69.
- Company alone to hold Markets and Fairs, § 70.
- Market Days and Fair Days, §§ 71, 72.
- Power for Company to license Basket Men, § 73.
- Penalty for Sale in Streets without Licence, § 74.
- Tolls for Market, &c. (Third Schedule), § 75.
- Tolls for Slaughter-houses (Third Schedule), § 76.
- Tolls for weighing and measuring (Third Schedule), § 77.
- Tolls for weighing Carts, &c. (Third Schedule), § 78.
- Drift Tolls and Fair Tolls (Fourth Schedule), § 79.
- Tolls, &c. not to be altered without Consent of Corporation, § 80.
- Tolls vested in Company, § 81.
- Power for Company to let Markets, &c. for Three Years, § 82 to 84.
- Inspection of suspected Slaughter-houses, § 85.
- Disposal of Offal, &c., § 86.
- Contracts for Gas and Water, § 87.
- Contracts for Drainage, § 88.
- Contracts between Company and Corporation, § 89.
- Saving Rights of Corporation, &c., § 90.
- Saving Rights of Creditors of Corporation, § 91.
- Schedules (Debenture Holders; Form of Debenture; Tolls).

Cap. clxxxvii.

“The Eastern Counties Railway (Epping Lines) Act, 1862.”

Recites that by 6 & 7 Will. 4. c. cvi. the Eastern Counties Railway Company were incorporated; that in 1859 the Epping Railways Company were incorporated and authorized to make Two Railways, one thereof to commence by Two Junctions with the Woodford and Loughton Branch of the Company and to terminate in the Parish of Thoydon Garnon, in the County of Essex, and the other to commence by a Junction with the said intended Railway in the Parish of Thoydon Garnon and to terminate in the Parish of Chipping Ongar in the same County, and a Sum of 8,000*l.* was by and in the Names of certain of the Directors of the said Company deposited with the Court of Chancery for securing

in the Manner in the said Act mentioned the Completion of the Railways or Part thereof within the Time limited by the said Act ; that by the " Epping Railways (Dunmow Extension) Act, 1860," the Epping Railways Company were authorized to make a Railway from the last-mentioned Railway near the Chipping Ongar Terminus thereof to near the Town of Great Dunmow in the County of Essex, and a further Sum of 6,400*l.* was by and in the Names of certain of the Directors of the said Company deposited with the Court of Chancery for securing in the Manner in the said Act mentioned the Construction of the last-mentioned Railway or some Part thereof ; that in 1861 the Bishop Stortford, Dunmow, and Braintree Railway Company were authorized to make a Railway from the Northern and Eastern Railway at Bishop Stortford through Dunmow to the Company's Braintree Branch Railway at Braintree, and the Company were authorized to subscribe towards that Undertaking ; that the Epping Railways Company have not exercised any of the Powers conferred upon them by the recited Acts of 1859 and 1860, and the Time limited for the compulsory Purchase of Lands under the Act of 1859 is limited to Two Years from the passing of the said Act, and the Time limited for the Completion of the Works by the same Act authorized is limited to Three Years from the passing of the said Act, and the said Sums of 8,000*l.* and 6,400*l.* remain deposited with the Court of Chancery ; that the Construction of the Bishop Stortford, Dunmow, and Braintree Railway would answer in a more beneficial Manner most of the Objects of the said intended Railway from Chipping Ongar to Dunmow, and the Construction of both the said Railways is not of urgent Necessity, and it is expedient that the Construction of the said intended Railway from Chipping Ongar to Dunmow should be abandoned ; that the Railways authorized by the Act of 1859 will when constructed be within the Area provided with Railway Accommodation by the Company, and would properly form Part of their System of Railways, and the Company are willing to make the same and the Epping Railways Company are willing to relinquish their Powers for the Construction thereof to the Company upon being repaid the Expenses incurred by them in reference to their Undertaking and upon being relieved from further Liability under the recited Acts of 1859 and 1860, and it is expedient that the Company should be authorized to make the said Two Railways upon the Terms aforesaid, and that Provision should be made for securing the Completion of the said Two Railways, and that the Time limited for the compulsory Purchase of Lands and Completion of the Railways should be extended ; that by an Agreement dated the 6th February 1854, and made between the Company of the First Part, the Eastern Union Railway Company of the Second Part, and the Norfolk Railway Company of the Third Part, and confirmed by the Eastern Counties, and the Norfolk, the Eastern Union, the East Anglian, and the Newmarket Railways Act, 1854, it was agreed that the Company should

work the Undertakings of the Three Companies, and that the gross Receipts therefrom, subject to certain Deductions, including Interest upon the Cost of certain Works thereafter to be constructed, should be divided amongst the said Companies in the Proportions in the said Agreement specified, and by "The Eastern Counties Railway Act, 1861," further Provision was made with respect to the Division of such gross Receipts, and it has been agreed between the said Companies that the Interest upon the Sums expended by the Company for the Purposes of this Act should be included in the Interest to be deducted from the said gross Receipts and allowed to the Company.

Company to pay Epping Railways Company their Costs incurred in relation to the Acts of 1859 and 1860, § 1.

Application of Monies received and Dissolution of Epping Railways Company, § 2.

On Payment of Costs, &c. Company to have the Powers of the Epping Company for making the Railways, § 3.

Railway authorized by Act of 1860 to be abandoned and Act repealed, § 4.

Compensation to be made where Contracts have been entered into and Notices given, § 5.

Conveyances to remain in force, § 6.

Continuance of Liabilities of Company under repealed Acts, § 7.

Extending Period for compulsory Purchase of Lands for One Year, § 8.

Parties aggrieved by Extension of Time may have Compensation, § 9.

Extending Period for Completion of Railway for Two Years, § 10.

Contracts not to be prejudiced, § 11.

If Railways not completed, &c. within a limited Period, Dividends on ordinary Shares to be suspended, §§ 12, 13.

New Works included in Agreement and Amalgamation, § 14.

Power to raise 100,000*l.* by the Creation of new Shares or Stock, and to attach a Preference not exceeding 5*l.* per Cent., §§ 15 to 25.

Canceling and reissuing of Shares, §§ 26 to 34.

Power to borrow 33,330*l.*, §§ 35 to 37.

Cap. clxxxviii.

"Middle Level Act, 1862."

Recites that according to a Law of Sewers made at King's Lynn in the Sixth Year of Charles the First (1630) Francis Earl of Bedford, in such Manner and to such Extent as thereby appears, undertook the Drainage of the Great Level of the Fens (commonly called the Bedford Level) situate within the Counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, and Huntingdon, and the Isle of Ely, and particularly bounded and described in the Act next herein-after recited, and he was to have for his Recompence 95,000 Acres of Land within the Bedford Level (being about One Third Part thereof), with convenient Highways and

Passages to the same, and the new Rivers, Cuts, and Drains to be made by the said Earl and his Assigns, and the Banks of the same, and the Forelands in the Inside of the said Banks, not to exceed 60 Feet in Breadth; and the said Earl afterwards agreed with certain other Persons to become Participants or Adventurers with him in the said Undertaking, and the said Earl and his Son and Heir Earl William and their respective Participants or Adventurers performed the said Undertaking, and were adjudged to be entitled to and put in possession of the said 95,000 Acres of Land which lie dispersed throughout (some Portion thereof being situate within each Parish and Place in) the Bedford Level, and the same are commonly called and known as "Adventurers Lands," the Residue of the Fen Lands in the Bedford Level being, by way of Distinction, called or known as "Free Lands;" that by the Act 15 Charles 2. (1663), c. 17, intituled "An Act for settling the Draining of the Great "Level of the Fens called Bedford Level," it was, among other things, enacted, that the said William Earl of Bedford, and the Adventurers and Participants of the said Earl Francis and Earl William, or either of them, their Heirs and Assigns, should be a Body Corporate by the Name of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, with Power to sue and be sued, and without Licence of Mortmain to purchase Lands and Hereditaments as therein mentioned, and Goods and Chattels, and dispose thereof in the Name and to the Use of the Corporation, and to lay Taxes upon the Adventurers Lands only for the Support, Maintenance, and Preservation of the Bedford Level, and do all other Things in order to the Support, Maintenance, and Preservation of the Bedford Level, and Works made and to be made; and for the Maintenance and Preservation of the Bedford Level by convenient Outfalls to Sea the Corporation were made and constituted Commissioners of Sewers for and of the Bedford Level, and were empowered from thenceforth to exercise the Powers of Commissioners of Sewers within and of the Works made and to be made without the Bedford Level for conveying the Waters thereof by convenient Outfalls to Sea, and no other Commissioners of Sewers were to intermeddle within the Bedford Level, or with any Works made within or without the Bedford Level for the Maintenance or Preservation thereof; and the Corporation was empowered from Time to Time to erect any new Works within or without the Level for conveying the Waters of the Level by convenient Outfalls to Sea, and was not to be liable to Damages for any Breaches of Banks, and the Works of the Adventurers and Corporation were to be without Prejudice to Navigation; that several other Acts were afterwards passed with respect to the Corporation, amongst others the Act (Local and Personal) of the Fourth and Fifth Years of Queen Victoria (1841), Cap. 47; that for the Purpose of performing the said Undertaking the Bedford Level was divided into Three Levels, respectively called the North

Level, Middle Level, and South Level, and separate Works were made for the Protection and Drainage of each Level, and at a Court of the Corporation held on the 10th March 1697 the Middle Level was defined as extending from the North Side of the Old Bedford River to the South Side of Moreton's Leam; and the Middle Level is now and for many Years past has been protected from Inundation by certain Barrier Banks in this Act particularly described, the whole of which Banks, with small Exceptions comprised in the First Schedule hereto, belong to or are now maintained by the Corporation; that the Lands specified in the First Schedule hereto are now and have been for many Years last past enclosed and protected by the Barrier Banks of the Middle Level, and the same drain into the Old Bedford River, and were included in the Act herein-after referred to as the Second Middle Level Act (1844); and that the Water drained from the North Level is discharged into the Sea by and through the Nene Outfall, and the Water drained from the Middle Level and South Level is discharged into the Sea by and through the Ouse Outfall; that by 27 Geo. 2. (1753), c. 19, commonly called the "First North Level Act," and by the "North Level Act, 1857," and by certain Acts therein recited or noticed relating to the Drainage of the North Level and to the Improvement of the Outfall of the River Nene, all the Powers and Duties of the Corporation so far as concerned the North Level, which in the said Act is described or referred to as that Part of the Bedford Level which lies between the North Side of Moreton's Leam and the South Side of the Welland River, were in the first instance partially superseded, and ultimately, together with the Revenues and Estates received and held by the Corporation for the Use or Purposes of the North Level, transferred to and vested in the North Level Commissioners; that by the Act 27 Geo. 2. (1753), c. 12, herein-after referred to as the "Nene Navigation Act," certain Persons were constituted Commissioners of the Nene Navigation, with Power to levy Tolls and borrow Money on the Security thereof, and apply the same in scouring out, cleansing, widening, and deepening the River Nene and certain other Rivers and Drains in the Middle Level, and in making Haling Ways, and in repairing Damages done to the Banks by haling thereon, and in other Works not prejudicial to Drainage; that the Act 34 Geo. 3. (1794), c. 92, herein-after referred to as the "Wisbech Canal Act," contains Provisions relating to the Nene Navigation Commissioners; and that divers Public and Local and Personal Acts of Parliament (the Dates and Titles whereof respectively are set forth in the Second Schedule hereto), and which are commonly known and in this Act are referred to as "District Acts," have from Time to Time been passed for improving the Drainage of divers Districts in the Middle Level, the general Scope and Object of which Acts are the Appointment of separate Commissioners for each District, with Powers to assess Taxes upon all the Fen Lands, as well

"Adventurers" as "Free," in such Districts respectively, and to raise Funds and make and erect Engines and other Works for the embanking, draining, or improving the Fen Lands within such Districts respectively, which Drainage Works are known and distinguished as "Internal Works," and are in general limited to the raising or otherwise more effectually discharging the surplus Water from the Lands in such Districts respectively into the natural Rivers or arterial or main Channels, Cuts, or Drains of the Middle Level; that by several Local and Personal Acts, commonly known as the "Eau Brink Acts," and by the "Ouse Outfall Act, 1860," certain Owners of Fen Lands in the Middle Level and South Level and adjacent Parts were constituted Commissioners, with Power to lay Taxes on all the Fen Lands in the Middle Level and South Level, as well "Adventurers" as "Free," and upon certain contiguous Lands, and to raise Funds and make a new Cut called the Eau Brink Cut, for straightening and improving the River Ouse above King's Lynn, and to contribute towards making a new Cut for straightening the said River below King's Lynn, and improving the Outfall thereof; and by the "Ouse Outfall Act, 1860," a Board called "Conservators of the Ouse Outfall" was constituted and incorporated, with Power to maintain and improve the Outfall by the River Ouse from the upper End of the Eau Brink Cut to open Sea; and by the same Act another Board called "the Denver Sluice Commissioners" was constituted (from Persons interested in Lands draining into the Ouse through or near to Denver Sluice) and incorporated with Powers to maintain and improve the River Ouse for the Purposes of Drainage from Denver Sluice to the Eau Brink Cut; that by Three several Acts, namely, 50 Geo. 3. (1810), c. 125, commonly called the "First Middle Level Act," the Act 7 & 8 Vict. (1844), c. 106, commonly called the "Second Middle Level Act," and the Act 11 & 12 Vict. (1848), the Short Title whereof is "The Middle Level Drainage Amendment Act, 1848," certain Owners of Fen Lands in the Middle Level are constituted Commissioners, commonly called Middle Level Drainage Commissioners, with Power to levy Taxes on all the Fen Lands in the Middle Level, as well "Adventurers" as "Free," and to raise Funds, and deepen, widen, and improve the natural Rivers and arterial Drainage Channels, Cuts, or Drains in the Middle Level (except in certain Districts called the Sutton and Mepal and Manca and Welney Districts), and to make a new Outfall Drain for the Middle Level, and other Works for improving and securing as well the Drainage thereof as the Navigation in and upon the navigable Rivers and Cuts previously or thereby made navigable; and in the last-mentioned Act Provision is made for the Drainage of the excepted Districts through the Middle Level by Agreement; that whereas by the Operation of the Nene Navigation Act, District Acts, Eau Brink Acts, Ouse Outfall Act, and Middle Level Acts, the Jurisdiction of the Corporation in regard to the Drainage of the Middle

Level has been practically superseded, and especially so by the Middle Level Acts, whereby Provision was made for the much better and more efficient Drainage thereof than was contemplated or provided for by the Corporation Acts ; and the Duties and Works now performed and kept up by the Corporation in the Middle Level are very limited ; that the Works of Drainage of the Middle Level and South Level are quite distinct, except only in regard to the Outfall, all the Works relating to the Maintenance and Improvement of which are now vested in the "Conservators of the Ouse Outfall ;" that the Corporation has not levied any Tax on the Adventurers Lands for several Years past, and the Rents and Revenues of the Corporation arising from the Banks, Forelands, Lands, and Hereditaments belonging to the Corporation within the Middle Level have during that Time been and still are more than sufficient for the Maintenance of the Middle Level Works now kept up by the Corporation, and it is just that the whole of those Rents and Revenues should be applied exclusively to Middle Level Works ; and that as well for the more effectually securing the Application thereof accordingly, as also for the Purpose of removing the Inconvenience arising from the Existence of concurrent Jurisdictions in relation to the same Works, it is expedient that all Rivers, Cuts, Drains, and Works, and also all Banks, Forelands, Lands, and Hereditaments, of the Corporation, situate and being within the Middle Level, should be transferred to and vested in the Middle Level Commissioners, but with such Provisions for the Superintendence of Works within or affecting the Sutton and Mepal and Manca and Welney Districts as are in this Act contained ; and it is also just, and the Owners of Free Lands within the Middle Level are willing, that upon such Transfer being made the Distinction between Adventurers Lands and Free Lands in the Middle Level should cease, and that the Adventurers Lands in that Level should not after the Commencement of this Act be liable to be taxed by the Corporation or by any other Body or Person, and that the Powers conferred upon the Corporation by the King's Lynn Port Act should be transferred to the Conservators of the Ouse Outfall ; that under the Second Middle Level Act certain additional Tolls were granted to the Nene Navigation Commissioners, One Moiety of which additional Tolls they were directed to pay over to the Middle Level Drainage Commissioners ; and by the same Act, after reciting that there was then due from the Nene Navigation Commissioners the Sum of 10,000*l.* borrowed on Security of the Tolls, and also 23 Years Interest thereon, and that the Tolls had been found inadequate to the Discharge of the Arrears of Interest, and after defraying the Expenses of collecting the same, and other necessary Charges, and of One Year's Interest, and of the official Salaries, the said Tolls had produced on an Average of the then last Seven Years an annual Surplus of less than 50*l.*, it was enacted, that the Nene Navigation Commissioners should by and out of their Funds pay and satisfy the Interest Monies (when and as

- they should severally become due, and in preference to all other Payments, but that such Funds should not be applicable to the Discharge of the Arrears of Interest or of the Principal Sums, or any Part thereof, to a greater Amount than the Sum of 50*l.* per Annum; that under "The Middle Level Drainage Amendment Act, 1848," a Portion of the Moiety of additional Navigation Tolls by the Second Middle Level Act ordered to be paid to the Middle Level Drainage Commissioners are made payable to the Sutton and Mepal Commissioners; that the said Debt of 10,000*l.* and 30 Years Interest still remain due, and since the passing of the Second Middle Level Act the Nene Navigation Commissioners have paid on an Average the yearly Sum of 137*l.* 2*s.* 7*d.* or thereabouts only on or in respect of Works, and the yearly Sum of 337*l.* 18*s.* 11*d.* or thereabouts in the Collection of Tolls and Establishment Charges, and in Payment of legal and other Expenses; that the Middle Level Drainage Commissioners have under their said Acts concurrent Jurisdiction with the Nene Navigation Commissioners in regard to the Works authorized to be done by the latter Commissioners for maintaining the Navigation under their Control, and by reason of the enlarged Powers and Funds of the Middle Level Drainage Commissioners their Jurisdiction is the more efficient, and for the avoiding of a Diversity and Conflict of Jurisdictions it is expedient that the Nene Navigation Act, so far as regards the Rights and Powers of the Nene Navigation Commissioners, should be repealed, and that such Rights and Powers, with the Tolls, Rights, and Property now vested in the Nene Navigation Commissioners, should, after the Commencement of this Act, be exercised by and be vested in the Middle Level Commissioners, and that such Provision should be made for Payment of the said Debt of 10,000*l.*, and the Arrears of Interest thereon, and for redeeming or purchasing up the same, and in respect of the Portion of Tolls payable to the Sutton and Mepal Commissioners, as are herein-after contained; and also that certain Provisions in the Middle Level Acts should be altered and amended, and that the Middle Level Commissioners should be incorporated, and that additional Provisions in relation to the said Acts should be made; and that it is also expedient that the general Powers of the District Commissioners with regard to their Meetings and Proceedings, the Assessment and Recovery of Taxes, and to the Mode of assessing the Compensation for Lands taken or injured, should be made uniform; and that inasmuch as there are within the Middle Level divers Occupation Roads and Drove-ways which generally have not been gravelled, or are otherwise out of Repair, and for the Improvement or Repair whereof no Powers or Funds at present exist, it is desirable that the District Commissioners or the Proprietors of Lands not within any District should have such Powers conferred upon them in regard to the improving and repairing of Roads and Ways, not being public Highways, and for facilitating the Dedication thereof as

public Highways, and to be thenceforth repaired and maintained accordingly, as are herein-after contained; that it is expedient to repeal Three several Acts (Local and Personal) passed in the 50th Year of George 3d (1810), namely, c. 46., c. 47., and c. 77., commonly called the "Old Bedford Barrier Bank Act, Upper Division," "Old Bedford Barrier Bank Act, Lower Division," and "Moreton's Leam Barrier Bank Act."

Commencement of Act, 1st October 1862, § 1.

Transfer of Powers of the Corporation over Middle Level and of Drainage Works to Middle Level Commissioners.

5. All the Powers, Liabilities, Duties, Authorities, and Jurisdictions which immediately before the Commencement of this Act were vested in the Corporation under the Corporation Acts, or otherwise, over, and so far as they do not extend over or relate to the South Level, but not further or otherwise, shall be transferred to and vested in the Middle Level Commissioners to all Intents and Purposes, and shall and may, subject to the Provisions of this Act, be by them used and exercised as fully and effectually as they can now be used or exercised by the Corporation, and all Drainage or other Works which the Corporation are now liable to maintain within or for the Purposes of the Middle Level proper, together with all Ways, Roads, and Appurtenances, shall (subject to the Provisions of this Act) be transferred to, vest in, and be maintained by the Middle Level Commissioners.

Transfer of Estates to the Middle Level Commissioners.

6. All Banks, Forelands, Drains, Sluices, Bridges, Tolls, Rents, Reversions, Rights of Soil, Herbage, Lands, Tenements, and Hereditaments whatsoever, now belonging to or vested in the Corporation, situate or being, issuing or accruing, within the Middle Level proper, (including all Lands, Tenements, and Hereditaments at or near Guyhirn in the Parish of Wisbeach Saint Peter now vested in or belonging to the Corporation,) and all the Rights, Easements, and Appurtenances belonging thereto, and all Benefit and Advantage thereof, shall be and become vested in the Middle Level Commissioners for all such and the same Estate and Interest, and subject to such Agreements or Leases, Liabilities, Claims, or Rights, if any, as the same were respectively vested in the Corporation or were subject to immediately before the Commencement of this Act; and the Rents, Issues, and Proceeds of the said Banks, Forelands, Herbage, Tolls, Lands, Tenements, and Hereditaments accruing due before the 7th Day of April 1863 shall be received and recoverable by the Corporation, and the Rents, Issues, and Proceeds thereof accruing due after the 6th Day of April 1863 shall be received and recoverable by the Middle Level Commissioners.

Powers of Middle Level Commissioners over their Properties to extend to Properties transferred to them by this

7. All and singular the Powers and Authorities of the Middle Level Commissioners in respect of any Drainage or other Works or Properties or Revenues vested in them previously to the Commencement of or by this Act, or in respect of any Rents now receivable or recoverable by them, shall extend and apply to, and be used, exercised, and enjoyed and applied by them to or in respect of, the Works, Properties, Revenues, and other Matters and Things transferred to or vested in them by this Act.

8. No Person shall be or act as a Governor, Bailiff, or Conservator, or vote at any Election of the Governor, Bailiffs, and Conservators, or otherwise act at any Meeting of the Corporation, in respect of any Lands within the Middle Level proper.

Owners in the Middle Level excluded from the Corporation.

9. The present Governor, Bailiffs, and Conservators of the Corporation shall continue and be qualified to act as such until the Election of Governor, Bailiffs, and Conservators which shall take place next after the Commencement of this Act; and at, from, and after such Election the Corporation created by the said Act of the 15th Year of Charles the 2d (1663), Cap. 17, shall consist of One Governor, Six Bailiffs, Ten Conservators and Commonalty; and 300 Acres or more shall be a sufficient Qualification for each Bailiff, instead of the Provisions of the said Act requiring 20 Conservators, and 400 Acres or more for each Bailiff.

Present Governor, Bailiffs, and Conservators to continue until next Election.

10. So far as relates to Lands within the Middle Level proper, it shall not be necessary to enter any Lease, Grant, Conveyance, Will, or other Document with the Registrar or other Officer of the Corporation or of the Middle Level Commissioners.

Registry of Conveyances, &c. in Middle Level unnecessary.

11. In all Cases in which it is provided by any Act or Acts of Parliament now in force that any Works shall not be executed without the Consent or Approbation of the Corporation, the Corporation shall in every Case where any such Works exclusively relate to or affect the Middle Level proper, or any Part or Parts thereof, before consenting to the Execution thereof, give Notice in Writing to the Middle Level Commissioners of their Intention to consent to the Execution thereof, and if the said Commissioners shall be of opinion that such Works will be prejudicial to the Middle Level proper, or any Part or Parts thereof, they may appeal to the Board of Trade, and if in the Opinion of the Board of Trade, or of a Civil Engineer to be appointed by the Board of Trade to inquire into and report upon the Matter of such Appeal, such Works will be prejudicial to the Middle Level proper, or any Part or Parts thereof, then the same, or such Portion thereof as would in the Opinion of the Board of Trade prejudicially affect the Middle Level proper, or any Part or Parts thereof, shall not be executed without the Consent of the Middle Level Commissioners.

As to Cases where the Assent of the Corporation is now required to Works affecting the Middle Level.

12. All Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings in the Possession of the Corporation or any of its Officers, which exclusively relate to or concern the Middle Level proper, or any Part thereof, or any Lands or Hereditaments of the Corporation wholly situate therein, shall be delivered up to the Middle Level Commissioners; and all Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings which relate to or concern the Middle Level proper, or any Part thereof jointly with any other Part or Parts of the Bedford Level, may be retained by the Corporation or delivered up to the Middle Level Commissioners, as the Corporation think fit, but with full Liberty for the Middle Level Commissioners, if not so delivered up, or any Person or Persons they

Books, &c. to be delivered up or inspected.

may appoint from Time to Time, to have free Access thereto, and to take Copies or Extracts therefrom, and to call for the Production thereof at all reasonable Times, on Payment of all reasonable Charges in respect thereof; and if the Corporation so require, the Middle Level Commissioners shall give to the Corporation an Inventory of and a Receipt in Writing for such of the Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings as shall be so delivered up under the Hands of Three of the Middle Level Commissioners.

Corporation
Accounts to be
made up.

13. On the 6th Day of April 1863 a full and complete Account shall be made up and stated by the Corporation showing the Balance then due from or to their Receiver and Expenditor General, and such Account shall be credited with the Amount of all Rents, Revenues, and Monies then due to the Corporation, and shall be debited with all Sums of Money then due from the Corporation, and the Deficiency (if any) of such Account shall be raised and paid by the Middle Level Commissioners upon or out of the Funds and Property by this Part of this Act transferred to and vested in them, and by the Corporation out of the Funds and Property remaining vested in them, according to the Proportions in which previous to the passing of this Act the Adventurers Lands in the Middle Level proper and South Level respectively were chargeable to a single Adventurers Tax, and the Surplus, if any, shall be divided between the Corporation and the Middle Level Commissioners in the same Proportions.

The Adventurers
Tax to
cease.

14. The Adventurers Lands lying within the Middle Level proper shall after the Commencement of this Act cease to be liable to be taxed by the Corporation, or by any other Body or Person under the Powers of the Corporation Acts, or any or either of them, but without Prejudice to the Rights and Remedies (if any) of the Nene Valley Drainage and Navigation Improvement Commissioners (in this Act called the Nene Valley Incorporated Commissioners) against the Corporation.

As to Claim of
the Nene Val-
ley Commis-
sioners.

15. In case the Sum of 320*l.* which the Corporation are liable to pay to the Nene Valley Incorporated Commissioners or their Successors shall not be paid on or before the 6th Day of April 1863, then the said Sum shall forthwith be raised and paid in the like Manner and Proportions as any Deficiency on the Account to be then made up is herein-before provided and directed to be raised: Provided that nothing in this Act contained shall in any way increase, alter, or vary the Liability of the Corporation under the Nene Valley Acts, or any Award in pursuance thereof, or any of them.

Account to be
kept of Funds
transferred.

16. The Middle Level Commissioners shall keep a separate and distinct Account, to be called "the Adventurers Account," of all the Rents and Revenues, Income of Property or Hereditaments, and other Funds by this Part of this Act transferred from the Corporation to and vested in or made payable to the Middle Level Commissioners, and of their Application thereof; and such Funds shall and may be applied to the following Purposes in the Order of Priority herein-after expressed: namely,

1. In paying the Middle Level proper Proportion of the Deficiency (if any) of the Corporation Account to be made up on the 6th Day of April 1863 :
2. In keeping in repair and insured against Loss or Damage by Fire the said Property and Hereditaments, or any of them, and in Payment of Taxes, Tithe Rentcharges, and other Outgoings and Expenses due from or payable by the Owners thereof, or otherwise in relation thereto :
3. In Payment to the Corporation of the Sum by this Act prescribed towards the Expenses of maintaining the Hundred Feet River and Works connected therewith :
4. In maintaining and supporting in an efficient State the Barrier Banks, Sluices, and Bridges of the Middle Level proper, which immediately before the passing of this Act were maintained by the Corporation, except Welche's Dam Sluice and such Sluices and Bridges as are in this Act specified as Works connected with the Hundred Feet River :
5. In Payment to the Sutton and Manca Committee of the annual Sum of 160*l.* on the Sixth Day of April in every Year, the First Payment thereof to be made on the 6th Day of April 1864 :
6. In providing a Reserve Fund, as herein-after directed :
7. And after answering the several Purposes aforesaid, any Surplus from Time to Time thereafter arising shall be transferred to the general Funds of the Middle Level Commissioners."

17. The Middle Level Commissioners shall, out of the Adventurers Account, pay annually to the Corporation the Sum of 250*l.* (the First Payment whereof shall be made on the 6th Day of April 1864), which Sum shall be applied by the Corporation towards the Maintenance by the Corporation of the Hundred Feet River and Works connected therewith, namely, the Cradge Bank from Mepal Bridge to Welmore Lake Sluice, the Seven Holes Sluice, Welmore Lake Sluice, the Great Dyke-pen Sluice, the Bridge over the Old Bedford and Hundred Feet Rivers at Sutton Gault and Mepal, Sutton and Mepal Causeways, and the Great Dyke across the Washes ; and no Liability shall attach to the Middle Level Commissioners other than the said annual Payment of 250*l.* in respect of the Hundred Feet River and the said Works connected therewith.

18. Provided, That in no Case whatever shall the Sutton and Manca Committee or the Commissioners of Sutton and Mepal District, or the Commissioners of Manca and Welney District, or the Owners or Occupiers of any Lands in the said Districts, be or hereafter be made liable for any Deficiency in the Funds of the Adventurers Account.

19. It shall be obligatory upon the Middle Level Commissioners to maintain and keep in an efficient State of Repair the Barrier Banks, Sluices, and Bridges of the Middle Level proper, which immediately after the Commencement of this Act are to be maintained by the Middle Level Commissioners ; and in case the Funds arising from the Adventurers Account,

Payment to Corporation in respect of Hundred Feet River, &c.

Sutton and Manca Committee not to be liable for any Deficiency in the Adventurers Fund.

Provision for the Maintenance of Barrier Banks, &c.

together with the Reserve Fund then invested, shall in any Year be insufficient for that Purpose, then the Deficiency shall be advanced and paid by the Middle Level Commissioners out of their general Funds : Provided that the Middle Level Commissioners shall not be under any greater or other Liability in respect of a Breach of any Bank, Sluice, or other Work in the Middle Level proper than the Corporation was liable to immediately before the Commencement of this Act.

Provision for Reserve Fund.

20. The Middle Level Commissioners shall from Time to Time, when and so often as the Reserve Fund shall be less than 5,000*l.*, invest and accumulate the Surplus of the Adventurers Account until the same shall amount to a Sum not less than 5,000*l.*, and may, if they think fit, from Time to Time increase the same until it amounts to not exceeding 10,000*l.* as a Fund to be called the Reserve Fund, to be immediately applicable, in case of Need, to the Restoration and Maintenance or Repair of the Barrier Banks, Sluices, and Bridges of or for the Protection of the Middle Level proper, which after the Commencement of this Act are to be maintained by the Middle Level Commissioners ; and every such Investment may be made in the joint Names of the Chairman and any Two Members of the Middle Level Board herein-after constituted in or upon any of the Public Stocks or Funds or Government Securities of Great Britain, with Power for the Board to cause the same to be called in or converted, sold out, varied, or transposed at any Time or from Time to Time ; and neither the Board nor the Middle Level Commissioners or their Treasurer shall be answerable for any involuntary Loss or Deficiency of or in the said Money, Stocks, or Funds.

As to Low Bank of the Old Bedford River.

21. It shall be obligatory on the Middle Level Commissioners to maintain in an efficient State of Repair the Low Bank of the Old Bedford River from Welney Bridge to the Old Bedford Sluice.

Power to agree with the Owner of late J. Gamble's Land for Maintenance of Bank.

22. Inasmuch as the Owner of Lands numbered 11 in the First Schedule hereto, and which lately belonged to John Gamble, deceased, is *ratione tenuræ* or otherwise liable, or reputed so to be, to maintain the Barrier Bank upon or near the said Lands next the Hundred Feet River, and as it is expedient that such Banks should be under the Control and Charge of the Middle Level Commissioners, therefore the Middle Level Commissioners and the Owner for the Time being of the said Lands may enter into a Contract or Agreement for the Maintenance by those Commissioners of the said Bank in consideration of the Payment by such Owner of such gross or yearly Sum, and upon such Terms and Conditions in other respects, as the Parties may mutually agree, and the Charge of maintaining such Bank shall, after any such Agreement, be placed to the Adventurers Account, and the same Account shall be credited with such gross or yearly Sum.

As to Exercise of Powers under King's Lynn Port Act.

23. From and immediately after the Commencement of this Act the Powers and Duties granted to, vested in, or conferred upon the Corporation by the "King's Lynn Port Act" shall be transferred to and vested in the Conservators of the Ouse Outfall in the same Manner to all Intents as if the Conservators

of the Ouse Outfall had been named in the King's Lynn Port Act instead of the Corporation; and the Conservators of the Ouse Outfall shall and may exercise all such Powers and Rights under or in relation to the King's Lynn Port Act as the Corporation could or might have exercised in case this Act had not been passed.

24. From and immediately after the Commencement of this Act the several Sections of the Nene Navigation Act which are specified in the Third Schedule to this Act annexed are by this Act repealed, except only so far as is otherwise expressed in the same Schedule; provided that the Repeal thereof shall not have any retroactive Operation.

Repeal of Part of Nene Navigation Act.

25. From and immediately after the Commencement of this Act, and except only as is by this Act otherwise expressly provided, the Middle Level Commissioners shall to all Intents represent the Nene Navigation Commissioners as if the Nene Navigation Commissioners and the Middle Level Commissioners had originally been and continued without Intermission to be one and the same Body; and the Middle Level Commissioners shall have and may exercise in their own Name all such Powers and Rights of Action as the Nene Navigation Commissioners would have and might exercise in their own Name if this Act were not passed.

Middle Level Commissioners to represent Nene Navigation Commissioners.

Old Officers to continue, § 26.

General Saving of Rights under Nene Navigation Act, § 27.

Conveyances, &c. of Nene Navigation Commissioners to remain, § 28.

Actions by or against the Nene Navigation Commissioners not to abate, &c., § 29.

Debts due by and to Nene Navigation Commissioners to be paid to and by Middle Level Commissioners, § 30.

Books, &c. continued Evidence, § 31.

Penalties to be recoverable, § 32.

Property of Nene Navigation Commissioners vested in Middle Level Commissioners, § 33.

Nene Navigation Commissioners to deliver their Books, &c. to the Middle Level Commissioners, § 34.

Deposit and Production of Books, § 35.

36. From and after the Commencement of this Act, but subject to the Provisions of this Part of this Act, the Middle Level Commissioners shall have the Superintendence of, and shall and may maintain, manage, and regulate, the Navigations which immediately before the Commencement of this Act were under the Superintendence of the Nene Navigation Commissioners, in the same Manner and subject and liable to the same Restrictions to all Intents and Purposes as the Nene Navigation Commissioners had or could have done if this Act had not been passed; and all Powers which under the Nene Navigation Act or otherwise were immediately before the Commencement of this Act vested in or could or might be exercised by the Nene Navigation Commissioners, or any Committee thereof, for the Preservation and Improvement of the said Navigations or in relation thereto, shall become and be vested

The Middle Level Commissioners to have the Management of the Navigation.

in or may be exercised by the Middle Level Commissioners, or any Committee thereof in that Behalf appointed by and under or in accordance with the Provisions of this Act, and the Provisions as well of the Middle Level Acts as of the Nene Navigation Act, and of the Wisbech Canal Act, remaining in force: Provided that the Middle Level Commissioners shall not be compellable to do any Act or Work for the Improvement of the Navigation upon the Old Bedford River, or upon that Part of the Forty Feet River or Drain which lies to the East of Horseway Sluice.

Application of
Navigation
Tolls, &c.
until Payment
of Debt.

37. The Middle Level Commissioners shall keep a separate Account, to be entitled the "Navigation Account," of the Tolls, Rents, and other Income (if any) by this Part of this Act transferred to and vested in the Middle Level Commissioners, and shall yearly and every Year pay and apply the Monies to be received on such Account to the following Purposes and in the following Order; namely,

- 1st. In Payment to the Middle Level Commissioners of the yearly Sum of 45*l.*, which under the Nene Navigation Act was payable to the Corporation out of the Tolls collected at Standground and Salthirn otherwise Salter's Lode Sluices, and at the Old Bedford Sluice, in order to keep in repair the said Sluices and the Ebb Doors thereof:
- 2nd. In Payment to the Sutton and Manea Committee of so much of One Moiety of the net Amount of the additional Tolls granted by the Second Middle Level Act as shall be received at the Old Bedford Sluice, and which, under "The Middle Level Drainage Amendment Act, 1848," were made payable to the Sutton and Mepal Commissioners; and as to the Residue of such One Moiety of the said additional Tolls, to pay or transfer the same to the General Account of the Middle Level Commissioners:
- 3rd. In Payment to the General Account of the Middle Level Commissioners of the yearly Sum of 250*l.* in full of and by way of Compensation for the Works by this Part of this Act transferred to the Middle Level Commissioners, and of the Establishment Charges of and in relation to the Superintendence and Preservation of the Navigation:
- 4th. In Payment to the Holders of the Mortgages or Securities on the said Tolls of so much and such Part of the Arrears of Interest due to them respectively as shall be sufficient to reduce the Arrear to 30 Years up to the 1st Day of January 1862:
- 5th. In Payment of the accruing Interest from the 1st Day of January 1862 on the Principal Sums for the Time being remaining due on Mortgages or Securities to the respective Holders or Persons entitled to such Mortgages or Securities respectively:
- 6th. And shall apply the Surplus in redeeming or paying off and discharging the said Mortgages or Securities.

38. If and when and in case the said Sum of 10,000*l.* and all Arrears of Interest thereof shall become fully paid under the Provisions of this Part of this Act, then the Middle Level Commissioners shall apply and dispose of the Navigation Tolls, Rents, and Income in manner following; (that is to say,) they shall yearly pay One Half of the net Tolls (such net Tolls to be ascertained by deducting from the gross Tolls the yearly Sum of 50*l.*, to be placed to the General Account of the Middle Level Commissioners, in full of Costs incidental to the Collection of the said Tolls and Establishment Charges), to be collected at the Old Bedford Sluice to the Sutton and Manea Committee if and so long as that Committee shall continue, and shall transfer the Residue or the whole (as the Case may be) of such Tolls, Rents, and Income to the General Account of the Middle Level Commissioners; provided that if the said Debt, or any Part thereof, shall in exercise of any of the Provisions of this Act be paid by the Middle Level Commissioners out of their own proper Funds under the Provisions in this Part of this Act contained, then the same shall not be deemed to be satisfied for the Purposes of this present Section until the full Amount of Debt and Interest due to such Creditors shall have been fully repaid and satisfied to the Middle Level Commissioners, and for such Purpose the Middle Level Commissioners shall be deemed entitled to stand in the Place of the Creditors whose Securities shall have been paid by those Commissioners, and whether the same shall or shall not have been transferred to or in trust for them.

Application
after Payment
of Debt.

Certificates of lost Securities to be issued to the Owners thereof, § 39.

Certificate to be Evidence, § 40.

Certificates to be renewed when destroyed, § 41.

42. Inasmuch as the several Persons mentioned in the Fifth Schedule hereto, being respectively Owners of the several Bonds or Securities referred to in the said Schedule heretofore executed by the Nene Navigation Commissioners, and charged upon the Navigation Tolls, are willing to accept the Sum of 65*l.*, and Interest from the 1st Day of January 1861 to the Time of Payment, at the Rate secured by such Bonds respectively, in full Satisfaction of all Principal and Interest due upon such Bonds respectively, therefore the Middle Level Commissioners shall be and they are hereby authorized and required within Six Months after the Commencement of this Act to pay the Sum of 65*l.*, with Interest as aforesaid from the said 1st Day of January 1861 to the Time of Payment, unto the said Owners, in full Satisfaction of all Principal and Interest due on each and every of the Bonds mentioned in the said Schedule, and thereupon such Owners respectively shall transfer the said Bonds to or in trust for the Middle Level Commissioners, or deliver the same up to be cancelled, as those Commissioners may require; and upon Tender of the Sum of 65*l.* and Interest as aforesaid to the registered Owner thereof for the Time being all future Interest upon any Bond in respect of which such Tender shall be made shall cease.

Agreement
for Satisfaction
of certain
Bonds con-
firmed.

Middle Level Commissioners empowered to agree for the Redemption or Transfer of other Bonds.

43. The Middle Level Commissioners shall be and they are hereby authorized from Time to Time or at any Time, as they shall think fit, to agree with the registered Owner for the Time being of any of the Bonds or Securities charged upon the Navigation Tolls not comprised in the said Fifth Schedule hereto for a Sum of Money to be paid by way of Composition in full of the Principal and all Arrears of Interest then owing on such Bonds respectively, and to require and take a Transfer thereof to or in trust for the Middle Level Commissioners, or otherwise deliver the same up to be cancelled, as those Commissioners may require.

Power to Executors, &c. to consent.

44. All Executors and all Committees of the Estates of Idiots and Lunatics who, as such, are for the Time being entitled to any Money charged or secured on the Navigation Tolls, may enter into any such Agreement as last aforesaid as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof; and all Executors and Committees so consenting are hereby severally indemnified for so doing: Provided always, that no such Agreement shall be binding if made for a less Sum than 65*l.* for the Discharge of any Bond and full Payment of all Interest which shall have accrued due after the 1st Day of January 1861.

Middle Level Commissioners may exercise borrowing Powers.

45. For the Purpose of completing and carrying into effect any of the Provisions of this Third Part of this Act the Middle Level Commissioners may from Time to Time apply any Portion of their general Funds, or, if they think fit so to do, they may and are hereby authorized (but without Prejudice to any then existing Mortgage) to exercise all or any of the borrowing Powers granted or given to or vested in them by any of the Middle Level Acts or by this Act, or which immediately before the Commencement of this Act were vested in the Nene Navigation Commissioners.

Repeal of Barrier Banks Acts, § 46.

General Saving of Rights under Barrier Banks Acts, § 47.

Books, &c. continued Evidence, § 48.

Barrier Banks Commissioners to pay Money and deliver Books, &c. to Middle Level Commissioners, § 49.

Conveyances, &c. to remain in force, § 50.

Actions, &c. not to abate, § 51.

Debts due to and by the Barrier Banks Commissioners to be paid to and by the Middle Level Commissioners, § 52.

Repeal of Parts of Middle Level Acts, § 53.

Middle Level Commissioners incorporated, § 54.

And to represent the Middle Level Drainage Commissioners.

55. From and after the Commencement of this Act the Middle Level Commissioners hereby incorporated shall be treated and considered as representing the Middle Level Drainage Commissioners to all Intents and Purposes in the same Manner as if the Middle Level Drainage Commissioners had originally been incorporated and called by the Name "Middle Level Commissioners," and had not been known by any other Name.

56. After the Commencement of this Act every Corporation, or Body of Commissioners, or Trustees for charitable or other public Purposes, being seised or possessed of or entitled to 100 Acres of Land liable to be taxed by the Middle Level Commissioners, shall be and are hereby authorized to act as Middle Level Commissioners in manner herein-after directed.

Corporations,
&c. empowered
to act as Com-
missioners.

57. When there are more than One Trustee, Committee, or Guardian for the same Property, only One such Trustee, Committee, or Guardian shall act as a Middle Level Commissioner at One and the same Time ; and only One Member or Officer of any Body of Commissioners, or of Trustees for charitable or other public Purposes, to be for that Purpose from Time to Time appointed by or at any Meeting of the Body represented, shall act as a Middle Level Commissioner at One and the same Time ; and any Corporation may from Time to Time appoint One of its Members or Officers to act in the Stead and Name and during the Pleasure of the Corporation as a Middle Level Commissioner.

How Trustees
and Corpora-
tions are to act.

Joint Owners may act or appoint Deputies, § 58.

Deputies to act for One Person only, § 59.

Declaration of Commissioners, § 60.

False Declaration a Misdemeanor, § 61.

62. The Clerk to the Middle Level Commissioners shall make and keep a Register in alphabetical Order of the Names of the Persons for the Time being who shall have claimed and who as far as he knows shall be entitled to act as Middle Level Commissioners, and may and shall from Time to Time erase the Name of every Person who shall be dead, or who shall have parted with his Qualification, or otherwise shall have become disqualified to act as a Middle Level Commissioner.

Register of
Commissioners.

63. The Person to be elected Chairman of the General Meeting of the Middle Level Commissioners to be held on the First Thursday in November after the passing of this Act, and at the General Meeting to be held on every succeeding First Thursday in November, shall be and continue Chairman of all Meetings of the Middle Level Commissioners to be held thenceforth until the General Meeting of the Middle Level Commissioners to be held on the First Thursday in November then next following ; and if at any Meeting of the Commissioners the Chairman be not present, or the Office of Chairman be vacant, One of the Commissioners shall be elected Chairman of such Meeting in the Manner directed by Section 13 of the Second Middle Level Act, and at every General Meeting held on the First Thursday in November the Chairman going out of Office at that Meeting shall, if present and willing to act, be the Chairman.

As to the
Chairman of
the Commis-
sioners.

64. If any casual Vacancy occurs in the Office of Chairman, during any Year, the Middle Level Commissioners shall at their next Meeting to be held after the Occurrence of such Vacancy elect another Chairman, to continue in Office until the General Meeting to be held on the First Thursday in November then next following.

For supplying
casual Vacan-
cies.

Election of
Middle Level
Board.

65. The Middle Level Commissioners shall at their General Meeting to be held on the First Thursday in November after the passing of this Act, and at their General Meeting to be held on the First Thursday in November in every subsequent Year, elect 14 Commissioners, who, together with the Chairman of the Commissioners for the Time being, shall constitute and shall be called "the Middle Level Board."

Regulations as
to the Board.

66. The following Regulations shall be observed by and be binding on the Middle Level Board ; (namely,)

1. The Members of the First and every succeeding Board shall vacate their Offices on the First Thursday in November in each Year succeeding their Election :
2. The Offices of vacating Members shall be filled up by an equal Number of qualified Persons to be elected as herein-before mentioned :
3. Every Member of the Board going out of Office shall be re-eligible, and if at any Time when an Election of Members ought to but the same does not take place, the retiring Members shall continue in Office until the succeeding Year :
4. Any casual Vacancy occurring in the Board may be filled up by the Board, but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred :
5. During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred :
6. If a Member of the Board cease to be a Middle Level Commissioner, or is adjudged bankrupt, or compounds with his Creditors, such Person shall cease to be a Member of the Board, and his Office shall thereupon be vacant :
7. Any Person who acts as a Member of the Board without being duly qualified or after he has become disqualified shall incur a Penalty not exceeding Fifty Pounds ; and in any Proceeding for the Recovery of such Penalty the Burden of proving his Qualification shall be upon the Person against whom such Proceeding is taken :
8. All Acts done by any Meeting of the Board or by any Person acting as a Member of the Board shall, notwithstanding it may be afterwards discovered that there was some Defect in the Election of any such Board or Person acting as aforesaid, or that they, or he, or any of them were or was disqualified, be as valid as if every such Board or Person had been duly elected or appointed and was qualified to be a Member.

As to Proceed-
ings of the
Board.

67. The Proceedings of the Board shall be conducted in accordance with and subject to the following Rules :

1. The Board shall from Time to Time meet for the Despatch of Business, and may make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions :—
That

- (a) No Business shall be transacted at any Meeting unless at least Five Members are present at the Commencement and Close of such Business :
- (b) All Questions shall be decided by a Majority of Votes of the Members present :
- (c) The Names of the Members present as well as of those voting upon each Question shall be recorded :
2. The Chairman of the Middle Level Commissioners for the Time being shall be Chairman of the Board :
 3. If at any Meeting the Chairman is not present at the Time appointed for holding the same, or if the Office of Chairman be vacant, the Members present shall choose some One of their Number to be Chairman of such Meeting :
 4. In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote :
 5. The Board may delegate any of their Powers to Committees, consisting of such Members of their Body as they think fit ; any Committee so formed shall in the Exercise of the Powers delegated conform to any Regulations that may be imposed on them by the Board :
 6. If the Chairman of the Board is a Member of any Committee he shall be the Chairman thereof, and if the Chairman be not a Member then the Committee may elect a Chairman of their Meetings ; if no such Chairman is elected, or if the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting :
 7. A Committee may meet and adjourn as they think proper ; Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote :
 8. The Board shall cause Minutes to be made in Books provided for that Purpose—
 - Of the Names of the Members present at each Meeting of the Board and Committees of the Board ;
 - Of all Orders made by the Board and Committees of the Board ; and
 - Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board ;
 And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof :
 9. Section 90 of "The Middle Level Drainage Amendment Act, 1848," shall extend and apply as well to the Middle Level Board or any Committee thereof as to

Powers of the Board.

any Committee appointed under the Middle Level Acts or either of them.

68. The Superintendence of all Matters and Affairs belonging to or vested in the Middle Level Commissioners, and the Exercise of all Powers and Duties by this or any other Act authorized to be exercised or performed by them, shall, subject and without Prejudice to the Rights and Powers of the Commissioners at any of their Meetings, and of any Orders or Resolutions to be from Time to Time made or passed thereat, be placed in and may be exercised by the Middle Level Board subject to the following Restrictions ; (that is to say,)

1st. That the Board shall not have Power to lay Taxes or to borrow Money on Mortgage or Bond :

2nd. The Board shall not do any Act in contravention of any Order or Resolution made or passed at any Meeting of the Middle Level Commissioners ; and,

3rd. Any Person aggrieved by any Order or Act of the Board may appeal therefrom, or shall be entitled to such other Redress in reference thereto as he might have done or been entitled to against any Order or Act of the Commissioners.

Portions of 10 & 11 Vict. c. 16 incorporated.

69. Sections 11 and 53 of the "Commissioners Clauses Act, 1847," and also the Provisions of the same Act with respect to—

The Contracts to be entered into and the Deeds to be executed by the Commissioners, except Section 57, shall be incorporated with this Part of this Act, and shall extend as well to the Middle Level Commissioners as to the Middle Level Board ; and in the Construction of this Part of this Act and the incorporated Provisions, Part Five of this Act and the Middle Level Acts shall together constitute "the Special Act."

Separate Assessments of the Taxes unnecessary.

70. When and so long as it shall be found necessary by the Middle Level Commissioners to impose the "Further Tax" and the "Additional Tax" respectively authorized to be imposed by "The Middle Level Drainage Amendment Act, 1848," or either of those Taxes, the Middle Level Commissioners may assess the same in One and the same Instrument of Assessment jointly with the Tax authorized to be imposed by the Second Middle Level Act, and any such Assessment may be according to the Forms given in the Eighth Schedule to this Act, or as near thereto as the Circumstances will admit ; and it shall not be necessary for any Purpose to have separate Instruments of Assessment for each of the said Taxes.

As to assessing unknown Occupiers or Owners.

71. Whenever the Name of the Occupier or Owner of any Land liable to be assessed to any Tax by the Middle Level Commissioners shall not be known to them, it shall be sufficient to assess and designate him or them (as the Case may be) in the Assessment as "the Occupier" or "the Owner," without further Description.

Owners may be rated in certain Cases.

72. The Middle Level Commissioners may assess the Owner of any Lands in respect of which the Occupier is or would be liable to be taxed by them in any of the following Cases ; (that is to say,)

1. In case the Name of the Occupier of any Lands, the "Tax" upon which does not exceed 40s., shall not be known to them at the Time of making the Assessment :
2. In case of Land unoccupied at the Time of making the Assessment :
3. In case the rateable Value of any Occupation shall, according to the last Poor's Rate Assessment thereof, not exceed the Sum of 10*l*. :
4. In case any Owner shall require to be assessed, and shall have paid all previous Rates assessed upon him :

But every such Assessment upon any Owner shall be subject to the following Restrictions :

- (a) The Right to recover any Arrears of Rates from any future Occupier of the Premises shall not be affected :
- (b) If the Occupier of any Land whose Name is unknown to the Middle Level Commissioners at the Time of making the Assessment should afterwards become known, or if any Land then unoccupied should afterwards become occupied, the Middle Level Commissioners or their Clerk may, if they or he think fit, insert in the Assessment the Name of any such Occupier, who shall thereupon to all Intents and Purposes be deemed to be properly assessed, and the Taxes thereby assessed and charged upon any such Occupier may be collected and recoverable from him in the same Manner as if he had been originally named therein or assessed thereto.

73. It shall not be necessary to have separate Warrants of Distress for Arrears of separate and distinct Taxes due in respect of the same Land, but all Arrears for the Time being due from the Occupier of any Lands or in respect of the Lands in his Occupation shall and may be recoverable by One and the same Warrant of Distress, and such Warrant may be according to One of the Forms in the Ninth Schedule to this Act annexed, or as near thereto as Circumstances will admit.

Separate Warrants of Distress against the same Occupier unnecessary.

74. When and so soon as the Debt due from the Middle Level Commissioners on Mortgage or Bond shall be reduced to the Sum of 300,000*l*., and whenever the Debt due from those Commissioners on Mortgage or Bond shall not exceed such Amount, it shall not be obligatory on those Commissioners to assess the Tax called the "Further Tax;" and when and so soon as the Debt due from those Commissioners on Mortgage or Bond shall be reduced to the Sum of 150,000*l*., and whenever the Debt due from them on Mortgage or Bond shall not exceed such last-named Amount, it shall not be obligatory on them to assess the Tax called the "Additional Tax," subject however to the Proviso herein-after contained ; to wit,

Taxes may be reduced on Payment of Portions of the Mortgage or Bond Debts.

That the Security and Remedies by the Middle Level Acts or this Act given or intended to be given to any Mortgagee or Bond Creditor shall not by this present Section be in anywise prejudiced or affected, and that no Mortgagee or Bond Creditor shall be hindered or prevented

from levying all or any of such Taxes in pursuance of the Provisions in that Behalf herein-after contained.

Errors as to the Contents of taxable Lands may be corrected.

75. Notwithstanding anything in the Middle Level Acts or either of them contained to the contrary, it shall be lawful for the Middle Level Commissioners or Middle Level Board to correct any Error in the Apportionment of Taxes made under or referred to in the Middle Level Acts or any of them as to the Content of any Lands mentioned therein, and for such Purpose to order a Survey of any such Lands, but no Alteration shall be made in the apportioned Acre Tax chargeable on any such Lands.

Remedy by Action.

76. If any Tax assessed by the Middle Level Commissioners on any Lands shall be unpaid and in arrear for 30 Days after the same shall become due and payable, then it shall be lawful for the Middle Level Commissioners (without Prejudice to any of their other Remedies) to recover the same and the Penalty imposed for Nonpayment thereof, with Costs of Suit, by Action, to be brought against the Person who was the Occupier of the Lands charged with such Tax at the Time the same became due and payable, in any Court having Jurisdiction in Actions of Debt for the Amount claimed in the Parish or Locality in which the Lands are situate, or in the Parish or Place in which the principal Office of the Commissioners shall for the Time being be situate.

Lands may be let for Recovery of Arrears and Penalties.

77. In case any Tax assessed by the Middle Level Commissioners on any Lands shall be in arrear for the Space of Six Months, and no sufficient Distress can be found upon those Lands, then it shall be lawful for the Middle Level Commissioners at any Meeting to let the same Lands, or so much of the same as they shall judge sufficient and proper, (and for that Purpose to inclose and set apart any Portion of any Common, Lammas, or Half Year Lands,) to such Person, for such Number of Years not exceeding Three, at such Rents, and upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent received for the same in or towards Payment and Discharge of such Arrears and Penalty, and of all Charges and Expenses incurred in or about the letting of the said Lands, rendering the Overplus (if any) to the Person for the Time being appearing to be entitled thereto.

For Delivery of Possession of Lands let.

78. Upon Application made by the Middle Level Commissioners or their Clerk, it shall be lawful for any Justice to order any Constable, with proper Assistance, to enter upon any Lands so let under the Powers of the preceding Section, and to deliver the same to the Person to whom the Lands are let, and such Person shall hold and enjoy the same Lands freed and discharged from any Claims and Demands from any Person whomsoever for and during the Term, not exceeding Three Years, for which the Lands are let, and subject to the Rent and Stipulations reserved and made payable in respect thereof.

Taxes may be apportioned in respect of Debt and Works.

79. In order that any Owner of Lands liable to be assessed by the Middle Level Commissioners may be enabled to redeem his Share or Proportion of the Debt for the Time being

owing by the Middle Level Commissioners on Mortgage or Bond, or any Part thereof, it shall be lawful for the Middle Level Commissioners and they are hereby required, from and thenceforth after any Portion of the Debt shall under the Provisions herein contained have been redeemed, to apportion the Taxes to be yearly imposed by them, that is to say, to specify in the Instrument of Assessment what Proportion of the Taxes or total Amount of Taxes thereby imposed shall be carried to the "Debt Account," and what Proportion thereof shall be carried to the "General Account;" and the Debt Account shall be credited with the Proportion of Taxes so directed to be carried to that Account, and also with all Monies received for the Redemption of Taxes or otherwise in relation to the Debt, and shall be debited with all Payments in respect of Principal or Interest; and the General Account shall be credited with all Penalties received in respect of Taxes, or any Proportion thereof, and shall be debited with all Expenses in relation to the Transfer or otherwise in relation to any Mortgage or Bond.

80. The Middle Level Commissioners may, with the Consent of the Mortgagees of the Taxes (if any) for the Time being, from Time to Time agree with any Owner of Lands liable to be taxed by them for the Redemption at Par of the pro ratâ Share of the Debt for the Time being owing from them on Mortgage or Bond as shall be payable for or in respect of such Lands, and upon receipt of the Redemption or Consideration Money the Middle Level Commissioners and the Mortgagees of the Taxes (if any) for the Time being shall give a Receipt and Discharge for the same, and shall execute and deliver to such Owner a Certificate under the Common Seal of the Middle Level Commissioners specifying the Proportion of Taxes so redeemed, and describing the Lands whereon the same was chargeable, and which shall thenceforth be exonerated from such Proportion of Taxes accordingly; and every such Certificate shall be registered with the Clerk to the Middle Level Commissioners in a Book to be kept for that Purpose, and to be entitled the "Tax Redemption Book," and for his Trouble in respect of such Certificate the Clerk shall be entitled to a Fee of not exceeding 20s., such Fee to be paid by the Party so redeeming.

As to the Redemption of Taxes in respect of Debt.

81. The Provisions in this Act contained as to the Redemption of Taxes in respect of Debt shall and may be exercised in respect as well of all or any Part of the Debt for the Time being owing on Mortgage or Bond, as of any Sum of Money which the Middle Level Commissioners shall have resolved to borrow on Mortgage or Bond, and those Commissioners may agree upon and determine as to the Tax or Part of a Tax and Term of Years for and in respect of which any such Redemption shall extend.

Provisions as to Redemption extended to Sums resolved to be borrowed.

82. The Middle Level Commissioners may, with the Consent of the Mortgagees of the Taxes (if any) for the Time being, by Notice in Writing require the Owner of any Land liable to be taxed by them, and distinguished by a separate Number on a certain Plan called "Plan of Part of the Bedford Level and

As to the voluntary Redemption of small Taxes.

Lands adjacent subject to the Eau Brink Tax, by J. G. Lenny, Bury Saint Edmunds, 1833," or any Part or Subdivision of any Land so distinguished, and the yearly Taxes to which the same Land or Subdivision are liable to be assessed by the Middle Level Commissioners shall not exceed 2s. 6d. per Annum, to redeem the Taxes to which such Lands are so liable to be assessed upon such Terms as to the Middle Level Commissioners and such Owner shall seem reasonable, so that the same be not less than 20 nor more than 30 Years Purchase of the Taxes to which the same are liable to be assessed ; and upon the Receipt of the Redemption or Consideration Money the Middle Level Commissioners and the Mortgagees of the Taxes (if any) for the Time being shall give a Receipt and Discharge for the same, and shall execute and deliver to such Owner a Certificate under the Common Seal of the Middle Level Commissioners, describing the Land whereon the Taxes so redeemed were chargeable, and which shall thenceforth be exonerated in perpetuity from Liability to be taxed by the Middle Level Commissioners under the Provisions of the existing Middle Level Acts ; and every such Certificate shall be registered with the Clerk to the Middle Level Commissioners in "the Tax Redemption Book," and for his Trouble in respect of such Certificate the Clerk shall be entitled to a Fee of not exceeding 5s.

Compulsory
Redemption of
small Taxes.

83. Every such Notice may be sent by Post addressed to the usual or last known Place of Abode of such Owner, and shall appoint a Time and Place for such Owner to attend the Middle Level Commissioners for the Purpose of arranging the Terms of Redemption ; and in case such Owner shall not attend pursuant to such Notice, or in case he and the Middle Level Commissioners cannot agree upon the Terms of Redemption, then and in either of such Cases the Middle Level Commissioners may fix and determine that the Redemption Money shall be such Sum as shall be equal to not exceeding 25 Years Purchase of the Taxes to which the Lands are liable to be assessed, and Notice of such Determination shall be sent by Post to such Owner addressed as aforesaid ; and in case of Nonpayment of the Redemption Money for Six Months after Demand, the same shall be recoverable by the Middle Level Commissioners by any of the Ways and Means by which the Taxes assessed by them are, under the Middle Level Acts or either of them or by this Act, made recoverable ; and on Payment or Recovery thereof the Middle Level Commissioners shall give such Receipt and execute and register such Certificate of Redemption as aforesaid.

Compensation
and Trust
Monies may be
applied in
Redemption
of Taxes.

84. Any Purchase or Compensation Money paid into the Bank of England in respect of any Lands belonging to Parties under Disability under the Authority of any Act or Acts of Parliament, and also any Monies held upon Trusts authorizing the Investment thereof in the Purchase of other Lands to be limited and settled upon the like Uses, Trusts, and Purposes as the Lands in respect of which the Owner for the Time being shall in exercise of any of the Provisions of this Act desire to redeem any Taxes or Proportion of Taxes are limited or settled,

or otherwise applicable to such Purpose, may, by Order of the Court of Chancery to be obtained by Petition in a summary Way, be applied in the Redemption of the Taxes or Proportion of the Taxes authorized to be imposed by the Middle Level Commissioners upon the Lands in respect of which such Money shall have been paid, or upon any other Lands settled therewith, or held to or upon the same or like Uses, Trusts, or Purposes; and as to any such Money not amounting to 200*l.*, and which shall have been paid to or shall be held by Trustees or by any such Party under Disability, the same may be applied by the Trustees or such other Party in the Redemption of such Proportion of the Taxes without any Order of the Court of Chancery.

85. All Monies received by the Middle Level Commissioners or their Treasurer under the Provisions of this Act for or in respect of the Redemption of Taxes shall be applied in and towards the Discharge of the Debt (if any) for the Time being owing from the Middle Level Commissioners on Mortgage or Bond, or if there be no such Debt, then in the Construction of any Works for the permanent Benefit of the Middle Level the Expense of which might be paid out of Money borrowed, or such Monies may be invested in Government or Real Securities.

86. In case any Person being Tenant for Life or Lives of any Land subject to be taxed under the Middle Level Acts, or any of them, shall have redeemed the said Taxes or any Proportion thereof, and paid the Consideration Money for the same, then and in such Case every such Person may and is hereby authorized by his last Will to charge such Land with the Payment of the Money which he shall have paid for the Redemption of such Taxes or any of them, or any Proportion thereof, and to direct and appoint the same to be paid to such Person as he shall by such last Will direct, or to merge and extinguish such Charge; and in case no such Charge shall be made or merged or extinguished, then the Amount of the Redemption or Consideration Money so paid shall be a Charge on the Land for or in respect of which the same shall have been paid, and such Charge shall be paid within 12 Months to the Executors or Administrators of the deceased Tenant for Life by the Tenant for Life in Tail or in Fee next in Succession next after his coming into possession of the said Land, together with Interest for the same at the Rate of 4*l.* per Centum per Annum from that Period, and if not paid within such Period of 12 Months then the Person entitled to receive the same shall and may recover the Interest then due and the future Interest half-yearly, if not paid within 30 Days after the 6th Day of January and the 6th Day of July in each Year, of the Tenant for Life or Years for the Time being, or the Principal and Interest of the Tenant in Tail or in Fee for the Time being, by Action in any Court having Jurisdiction for the Amount claimed in the Parish or Place in which the Lands in respect of which such Claim shall arise shall be situate, or by Entry and Distress upon such Lands in the same Manner and with the same Powers in all respects as Landlords

Application of
Redemption
Money.

Tenants for
Life to be
repaid Redem-
tion Money.

can by Law enter and distrain for Rent in arrear on a common Demise.

Owner redeem-
ing may
recover Tax
from the Occu-
pier if liable
thereto.

87. If any Owner, not being the Occupier of any Lands liable to be taxed or assessed by the Middle Level Commissioners, shall voluntarily or compulsorily redeem such Taxes, or any Part thereof, and if the Tenant or Occupier thereof shall by his Lease or Agreement be liable to the Payment of all Drainage Taxes, or to the Payment of all Taxes, whether Parliamentary or Parochial, except Land Tax, then and in any such Case such Owner shall and may receive and recover from such Tenant or Occupier the Amount of the Tax or Proportion of Tax so redeemed at the same Time, in the same Manner, and by the same Ways and Means, as such Owner is entitled or authorized to receive and recover the Rent of such Land from such Occupier.

As to Mort-
gages by the
Commissioners.

88. Without Prejudice to existing Mortgages, the Powers given to the Middle Level Commissioners by Sections 34, 35, and 36 of "The Middle Level Drainage Amendment Act, 1848," may be exercised in respect of any Monies authorized to be borrowed by them by any of the Middle Level Acts or this Act, and upon or in respect of any Taxes authorized to be imposed by the Middle Level Commissioners by any of the Middle Level Acts, or upon any Tolls, Lands, Tenements, or Hereditaments or other Property now vested in them or transferred to or vested in them under the Provisions of this Act; and the Middle Level Commissioners may in any Mortgage declare and agree that the Mortgagee shall be the first or only Mortgagee of the Property comprised therein or thereby mortgaged, and also in what Order the Securities of different Mortgages of the same Property shall stand; and in regard to any Money to be hereafter borrowed on Security of the said Taxes or any of them the Middle Level Commissioners may, by Order or Resolution at any Meeting, divide the Lands liable to be assessed thereto into Divisions or Districts, so as to give to different Mortgagees a first or only Charge upon the Taxes authorized to be imposed upon or in respect of the Lands in each such Division or District; nevertheless every such Order or Resolution shall be subject to the following Provisoes:

- 1st. That without Prejudice to the Rights given or by any Mortgage agreed to be given to any Mortgagee, the Taxes to be imposed on all the Lands liable to be assessed by the Middle Level Commissioners, as well those comprised as those not comprised in any such Mortgage, shall be applied by those Commissioners in and towards Liquidation and Satisfaction of any and every such Mortgage; and
- 2nd. That if, by reason of the Exercise of any of the Powers of any Mortgagee, any Occupier of Lands assessed to the Tax comprised in any such Mortgage shall pay a higher pro ratâ Tax than the Occupier of any Lands not comprised in any such Mortgage, and liable to be assessed thereto, every such Occupier paying such higher pro ratâ Tax shall be entitled to be recouped the

the Excess paid by him out of the general Funds of the Middle Level Commissioners.

89. In case the Middle Level Commissioners shall, at any Time while any Money shall remain due on any Mortgage made or to be made under the Powers of any of the Middle Level Acts or of this Act, neglect or refuse to exercise all or any of the Powers given to them for assessing, levying, or recovering Taxes so as to meet and provide for the Payment of the Principal Monies or Interest due on any such Mortgage, or any Part thereof respectively, according to the Terms of such Mortgage, then and in every such Case it shall be lawful for any Mortgagee for the Time being of the Taxes, his Executors, Administrators, or Assigns, for the Purpose of obtaining and enforcing the Payment of Interest or the Repayment of Principal Monies due on any such Mortgage (as the Case may require), to have and exercise (so far as regards the Taxes included in his Mortgage) the same or the like Powers, Rights, and Remedies for assessing and taxing the several Lands liable thereto, and for collecting, receiving, and enforcing the Taxes so assessed, as are by any of the Middle Level Acts or this Act given to the Middle Level Commissioners for the like Purpose.

Mortgagees may levy Rates if Commissioners neglect.

90. It shall be lawful for the Middle Level Commissioners, if and when and as they may think fit, from Time to Time at any General or Special Meeting convened with Notice of such Object, to raise upon Bond instead of Mortgage Security all or any Part of the Monies which they shall then have raised and owe on Mortgage, and which they may be desirous of repaying, or which they may at that Time, under any of the Middle Level Acts or under this Act, be authorized to borrow on Mortgage; and such Bonds may be issued at such Times, upon such Terms, and subject to the Priority of any Mortgage or not, and to any and such Conditions as to Redemption or otherwise, and with such Rights and Privileges, and shall carry such Rate of Interest not exceeding 5*l.* per Centum per Annum, payable half-yearly, to commence at once or at such future Time or Times when and as any such Bonds shall be issued, or otherwise, as the Middle Level Commissioners shall at any such Meeting resolve and determine; and it shall not be necessary for any Person lending any Money on any such Bond to inquire, or see to, or take Notice of the Purpose or Necessity for any such Loan, or of the Application of the Money so to be borrowed.

Power to raise Money on Bond.

91. The Bonds to be issued under the Authority of this Act shall be a Charge upon the Taxes, Tolls, Rents, and Hereditaments, and other Funds and Property of the Middle Level Commissioners, and shall be transmissible and transferable as and in other respects have the Incidents of Personal Estate, but the respective Holders of such Bonds shall not, as between themselves, be entitled to any Preference or Priority.

Bonds to be a Charge on Funds of the Commissioners.

92. The Middle Level Commissioners may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed on Bond, with the Interest thereof, and in such Case the Middle Level Commissioners shall cause such Period

Repayment of Money borrowed on Bond at Time fixed.

to be inserted in the Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall on Demand be paid to the Party entitled to such Bond; and if no other Place of Payment be inserted in such Bond, such Principal and Interest shall be payable at the principal Office or Residence of the Clerk to the Middle Level Commissioners.

Repayment of Money borrowed on Bond, if no Time fixed.

93. If no Time be fixed in the Bond for the Repayment of the Money so borrowed, the Party entitled to the Bond may, at the Expiration or at any Time after the Expiration of 12 Months from the Date of such Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Middle Level Commissioners may at any Time pay off the Money borrowed on giving like Notice; and every such Notice shall be in Writing or Print, or both, and if given by the Creditor shall be delivered to the Clerk, or left at the principal Office of the Middle Level Commissioners, and if given by the Middle Level Commissioners shall be given either personally to such Creditor or left at his Residence; or if such Creditor be unknown to the Middle Level Commissioners, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the "London Gazette," and in some Daily Newspaper published in London, and also in some Newspaper published and circulating in the County of Cambridge.

Interest to cease on Expiration of Notice by Commissioners, § 94.

Payment of Arrears of Interest to be enforced by Appointment of Receiver; Arrears of Principal and Interest, § 95.

Mode of appointing Receiver, § 96.

Arrears may be recovered by Action, § 97.

Bonds to be registered, § 98.

Mortgages not affected, § 99.

Commissioners released from Works agreed to be executed by other Parties.

100. Whereas the Works and Portions of Works mentioned in the Agreements herein-after referred to, and which under the Middle Level Acts or some or One of them the Middle Level Commissioners were required to execute, or certain substituted Works in lieu thereof, have, for the Considerations therein expressed and in conformity with the following Agreements; (that is to say,)

1. An Indenture dated the 11th Day of December 1852 between William Wells, Esquire, and the Middle Level Drainage Commissioners relating to the Works which those Commissioners were required to do in certain Drains or Watercourses called Caldecott Dike and Holme Lode, and as to the making and maintaining of a Portion of a new Cut on the Margin of Whittlesea Mere to its Point of Junction with Trundle Mere;
2. An Indenture dated the 6th Day of October 1851 between Edward Fellowes, Esquire, M.P., and divers other Persons being Inhabitants of Ramsey in the County of Huntingdon, and the Middle Level Drainage Commissioners,

sioners, relating to the Works which those Commissioners were required to do in a certain Drain or Water-course called "Bill Lode;" and

3. An Indenture dated the 7th Day of November 1850 between the Commissioners acting in execution of an Act of the 41st Year of the Reign of King George the Third relating to Lands in Upwell, Outwell, Denver, and Welney, mentioned in the Second Schedule hereto, of the one Part, and the Middle Level Drainage Commissioners of the other Part, relating to a Portion of the Works which under Section 61 of "The Middle Level Drainage Amendment Act, 1848," and the whole of the Works which under Sections 65 and 72 of the same Act, the Middle Level Drainage Commissioners were required to execute;

been executed, and are to be maintained by the said William Wells, the Inhabitants of Ramsey, and Upwell Commissioners respectively (being the Persons and Parties solely or principally interested in the Works to which such Agreements respectively relate): Therefore the Middle Level Commissioners shall be and they are hereby released from all Liability whatsoever under the Middle Level Acts for and in respect of the making or Maintenance of the several Works to or concerning which such Agreements respectively relate, and such Agreements shall as to the Works to which they severally relate be carried into effect accordingly.

101. Whereas the Middle Level Outfall Sluice which connected the Middle Level Main Drain with the River Ouse has been destroyed by the Tide, and the Destruction thereof has admitted the Flow of the Tide with great Force up the Drain, and by reason thereof Part of the Western Bank of the Drain in Magdalen Fen has been destroyed, and the tidal Waters have flowed through the Breach in the Bank, and a considerable Extent of Land on the Western Side of the Drain has been thereby laid under Water: And whereas in the Interests of the Public it is essential for repairing the Damage so done, and also in the event of any Accident, Damage, or Injury to any Sluice, Bank, or Work connected with the Outfall under the Charge of the Middle Level Commissioners, attended with Danger to the adjacent District, happening or being apprehended, that the Middle Level Commissioners should have such Powers for entering upon, taking, and using Lands and executing Works as by the Act of the Session of the Fifth and Sixth Years of Her Majesty, Chapter 55, with respect to Railways are conferred on Railway Companies in case of Accidents or Slips happening or being apprehended to their Cuttings, Embankments, or other Works: Therefore the Powers and Provisions of Sections 14 and 15 of that Act shall extend and apply (*mutatis mutandis*) to the Middle Level Commissioners as if they were a Railway Company, and to the entering upon, taking, and using by them of Lands, and the Execution by them of Works, for repairing the Damage which has so happened to the Outfall Sluice and the Western Bank of the Middle Level Main Drain, and for repairing

Provision as to Accidents to Outfall Sluice and Drain.

repairing or preventing Accident, Damage, or Injury to their Works connected with the said Outfall, and for providing a temporary Passage for the Waters of and through the said Drain ; and the Works which the Middle Level Commissioners from Time to Time may so execute shall comprise all such Dams, Banks, Sluices, Cuts, and other Works as they think requisite and the Board of Trade sanction ; and the Expression Owners and Occupiers of Lands in the said Sections 14 and 15 shall extend and apply to Drainage Commissioners and Commissioners of Sewers as well as to Owners and Occupiers of Lands ; and for the Purposes of those Works the Provisions “ with respect to the temporary Occupation of Lands near the “ Railway during the Construction thereof,” contained in the Railways Clauses Consolidation Act, 1845, are incorporated with this Act (the Expressions “ the Company ” and “ the Railway ” in those Provisions meaning for the Purposes of this Act the Middle Level Commissioners and their Works connected with the said Outfall) ; and, in addition to the other Powers conferred on the Middle Level Commissioners by this Section, they may, if and when they think fit, purchase by Agreement, to be used for the Purposes of their Works, any Lands lying within 400 Yards from either Side of the Middle Level Main Drain, and also within 1,300 Yards from the Point where it joins the River Ouse ; and notwithstanding anything in this Act to the contrary, this Section shall be in force and have effect on and after the passing of this Act : Provided that no new Sluice or other Work shall be made or erected for the Purpose of discharging the Water from the Middle Level Main Drain into the River Ouse nearer to the Marshland Smeeth and Fen Sluice than the said Drain at its Junction with the River Ouse.

Provision as to
Road and
Haling-way.

102. Notwithstanding anything contained in the recited Acts or this Act, the Middle Level Commissioners shall with all convenient Despatch after the passing of this Act, at their own Cost, erect a new Bridge, or otherwise provide and make and for ever maintain a good and sufficient continuous Road or Haling-path, over and along or near to that Part of the West Bank of the River Ouse where recently stood the Sluice Bridge and Roadway made by the said Commissioners, and referred to in the 155th Section of the Second Middle Level Act : Provided that no Alteration shall be made in the Site of the said Bridge, Road, or Haling-path unless with the Consent of the Commissioners acting in execution of the Act of the Thirtieth Year of King George the Third, Cap. 83, intitled “ An Act for empowering Persons navigating Boats, Barges, “ and other Vessels in the River Ouse in the County of Norfolk “ to hale or tow with Horses or other Beasts on the Banks or “ Sea Walls of the said River, and for making Satisfaction to “ the Owners of the said Banks or Sea Walls,” or with the Consent and Approval of the Board of Trade, but 14 Days previous Notice shall be given to the River Ouse Haling Commissioners or their Clerk by the Middle Level Commissioners of any Application intended to be made by them to the Board of Trade for such Consent and Approval.

103. A Committee (in this Act referred to as the Sutton and Manea Committee) of Seven Commissioners of the Sutton and Mepal and Manea and Welney Districts shall be constituted, Four Members whereof shall be elected or appointed by the Sutton and Mepal District Commissioners, and Three by the Manea and Welney District Commissioners, at any Half-yearly or other General or Special Meeting of the Commissioners of those Districts respectively convened and held in conformity with the Provisions of the Act or Acts of Parliament relating to such Districts respectively.

Constitution of
Committee of
Sutton, &c.
Districts.

104. A Copy of the Minutes of the Proceedings of the Meeting at which any such Election or Appointment shall be made, or of such Part thereof as shall relate to such Election or Appointment, purporting to be signed by the Chairman, shall be Evidence as well of the Fact as of the Correctness and Validity of every such Election or Appointment.

Evidence of
Appointment.

105. The Sutton and Manea Committee shall have the Superintendence and Management, at the Cost of such Committee, of the Old Bedford River from Welche's Dam to the Old Bedford Sluice, and the Low Bank of the said River from Welche's Dam to Welney Bridge, the Counter-wash Drain and the Bank on the North-west Side thereof, and that Part of the Forty Feet River or Vermuyden's Drain which is to the East of Horseway Sluice, and the Banks of the same (but subject to such Liability only (if any) to repair and maintain such last-mentioned Banks as the Corporation was liable to immediately before the Commencement of this Act), the Welche's Dam Sluice, and (but subject and without Prejudice to the Liability of the Middle Level Commissioners under the Provisions of this Act to repair and maintain the same) the Old Bedford Sluice, and in relation thereto may have and exercise all such and the same Powers as, if such Committee had not been constituted, the Middle Level Commissioners could or might have exercised in relation to such Rivers, Drains, Banks, and Sluices, subject to the following Restriction and Proviso :

Powers of the
Committee.

1st. The Sutton and Manea Committee shall not widen or deepen the said Rivers or Drains, or do any other Act so as to endanger or injure the Barrier Bank adjoining or near to the Old Bedford River, or any Bridge or Sluice over, in, or adjoining the said Rivers or Drains or either of them, or any Act whereby the Navigation through and along the Old Bedford River or any Part thereof may be impeded or prejudicially affected, without the previous Consent in Writing of the Middle Level Commissioners :

Secondly. Provided that nothing in this Section contained shall alter or vary the Liability of the Middle Level Commissioners to repair and uphold the Barrier Banks, Sluices, and Bridges of the Middle Level proper, which after the Commencement of this Act are to be maintained by the Middle Level Commissioners, according to the Provisions in that Behalf in this Act contained.

As to the
Appointment
of Sluice
Keepers.

106. The Sluice Keeper of the Old Bedford Sluice shall be appointed by and be subject to the Dismissal of the Sutton and Manea Committee; and the Regulation of the said Sluice as well as of the Welche's Dam Sluice shall be under the Direction of the said Committee; and the Salaries of the Sluice Keepers of both the said Sluices, not exceeding the present Amount of such Salaries, with the Perquisites, shall be paid by the Middle Level Commissioners.

As to Supply
of fresh Water
to Upwell
North and
South Districts.

107. Notwithstanding anything in the Middle Level Acts or any of them contained to the contrary, the Middle Level Commissioners, and the Sutton and Manea Committee, and the Commissioners of Upwell South District, may agree to allow fresh Water to be taken into the Upwell North and South Districts at any Time they may think proper.

Regulations
as to the
Committee.

108. The Regulations which by the Fifth Part of this Act are directed to be observed by and binding on the Middle Level Board shall be observed by and be binding on the Sutton and Manea Committee, subject to and with the following Additions and Variations; (that is to say,)

1. The Members of the Sutton and Manea Committee shall vacate their Offices on the First Thursday in June in each Year :
2. The Election of new Members shall take place at the General Meeting of each of the said Districts immediately preceding the First Thursday in June in each Year :
3. Any Person ceasing to be a Commissioner of the District for which he was elected shall cease to be a Member of the Sutton and Manea Committee :
4. A Member of the Sutton and Manea Committee need not be a Middle Level Commissioner.

Proceedings of
the Committee.

109. The Proceedings of the Sutton and Manea Committee shall be conducted in accordance with and subject to the following Rules :

1. The Committee shall from Time to Time meet for the Despatch of Business, and may make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:—That
 - (a) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business :
 - (b) All Questions shall be decided by a Majority of Votes of the Members present :
 - (c) The Names of the Members present as well as of those voting upon each Question shall be recorded:
2. The Committee shall at their First Meeting, and afterwards at their First Meeting after each annual Election, appoint One of their Number to be Chairman for the Year following :
3. If at any Meeting the Chairman is not present at the Time appointed for holding the same, or if the Office of
Chairman

Chairman be vacant, the Members present shall choose some One of their Number to be Chairman of such Meeting :

4. In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote :

5. The Committee shall cause Minutes to be made in Books provided for that Purpose—

Of the Names of the Members present at each Meeting of the Committee ;

Of all Orders made by the Committee and of all Resolutions and Proceedings of Meetings of the Committee ;

And all such Minutes shall be signed by the Chairman of the Meeting at which the Proceedings took place, and such Entries so signed shall be primâ facie Evidence of the Facts therein stated without Proof of the Signature of the Chairman :

6. The Committee may appoint such Officers as they may deem necessary, and shall cause a Minute of every such Appointment to be entered in their Minute or Order Book.

110. The One Moiety of such of the additional Navigation Tolls granted by the Second Middle Level Act as are collected at the Old Bedford Sluice, and which under "The Middle Level Drainage Amendment Act, 1848," (Section 17,) are made payable to the Sutton and Mepal Commissioners, shall after the Commencement of this Act be payable to the Sutton and Manea Committee, and shall be applied by the said Committee to the same Purposes as the same were applicable to immediately before the Commencement of this Act ; and all other Funds and Monies by this Act made payable to such Committee shall and may be expended by them in and about any Works by this Act authorized to be done or executed by them, or in or about the Exercise of any of the Powers hereby granted to the Sutton and Manea Committee.

Application of Funds of Committee.

111. The Commissioners of the Sutton and Mepal and Manea and Welney Districts respectively may contribute from and out of the Taxes and Funds payable to or vested in them respectively to and in aid of the Funds of the Sutton and Manea Committee in such Proportions, for such special or other Purposes, and on such Terms, as the Commissioners of the said Districts respectively may resolve or agree ; and the Sutton and Manea Committee may in like Manner from Time to Time pay or divide the surplus Monies or Funds vested in them or any Part thereof to and among the said Commissioners respectively in such Proportions as they may deem just.

Commissioners of Districts may contribute to Funds of Committee, and vice versa.

112. It shall be lawful for the Sutton and Manea Committee at any Time and from Time to Time to invest any surplus or unapplied Funds or Monies, not exceeding the Sum of 2,000*l.*, until required for any of the Purposes aforesaid, in the joint Names of their Chairman, Clerk, and Treasurer for the Time being, or any Two of them, in or upon any of the Public Stocks or Funds or Government Securities of Great Britain, with Power for the Sutton and Manea Committee to call in or

Investment of surplus Funds.

convert the same, or to sell out, vary, or transfer the Stocks, Funds, or Securities in or upon which any such Investment shall be made as Occasion may require, and the Sutton and Manea Committee or their Treasurer shall not be answerable for any involuntary Loss or Deficiency of or in the said Money, Stocks, or Funds.

Committee may require joint Meeting of the Board and Committee to determine as to Repair of Barrier Banks.

113. In case the Sutton and Manea Committee shall at any Time be dissatisfied with the State of the Barrier Bank in or adjoining to the Sutton and Mepal and Manea and Welney Districts, or any Part thereof, they may from Time to Time, when and as they shall think fit so to do, require that a joint Meeting of the Middle Level Board and of the said Committee be convened and held to consider the State of the last-mentioned Barrier Bank or any Part thereof; and the said joint Meeting may thereupon pass such Resolutions and make such Orders, and give such Directions respecting the Repair or Maintenance of the same Bank as may be thought advisable; and every such Request shall be in Writing, and signed by the Chairman or any Two Members of the said Committee, and a Statement of the Names and Addresses of the then Members of the Committee shall be appended or annexed thereto, and the same shall be sent by Post to or served upon the Clerk to the Board, or left at his Office; and such joint Meeting shall be held within One Month after the sending or Service of such Request; and Notice of the Time and Place of holding of every such Meeting shall be sent by the Clerk of the Board as well to the Members of the Board as to the Committee; and every such joint Meeting shall be subject to the same or similar Rules and Regulations as are in and by the Fifth Part of this Act contained and provided in regard to the Meetings of the Board.

Committee may appeal to Civil Engineer.

114. If no such joint Meeting of the Board and Committee shall be held within One Month after such Request, or if the Committee shall be dissatisfied with the Result of any such Meeting, then and in every such Case the Committee may, by Notice in Writing signed by the Chairman or Two Members of the Committee, to be sent by Post to or served on the Clerk to the Board, or left at his Office, require that the Question as to the State and Necessity for Repair of the said last-mentioned Barrier Bank be referred to a Civil Engineer to be in that Behalf appointed by the Board and the Committee, or in case they cannot agree upon an Appointment, then by the Board of Trade, on the Request of either of the Parties; and the Decision of such Engineer shall be final, and any Works reported by him as necessary shall be forthwith executed by the Board, or in case of their refusing or neglecting to do so, then by the Committee; and all the Expenses incurred by the Committee about or in relation to any Works so to be executed by them shall be deemed a Debt due to them from the Middle Level Commissioners, and be recoverable by Action at Law in any Court of competent Jurisdiction for Recovery of Sums of the like Amount.

In case Sutton, &c. Districts

115. If and when and so long as the Lands in the Sutton and Mepal and Manea and Welney Districts shall, under the

Provisions of "The Middle Level Drainage Amendment Act, 1848," be wholly drained into or through any of the Cuts, Rivers, Drains, or Watercourses of or under the Management of the Middle Level Commissioners, then and during such Time the Sutton and Manea Committee shall cease to act, and shall not thereafter during such Term be appointed; and the Provisions of this Act as to those Districts, and as to the said Adventurers Account, and as to the Appointment of and all other Provisions of this Act in relation to the said Committee, shall during such Time be wholly inoperative, and the whole of the Rents, Revenues, and Income by this Act transferred to and vested in the Middle Level Commissioners, together with the said Moiety of additional Navigation Tolls collected at the Old Bedford Sluice, and all other Monies by this Act made payable to the Sutton and Manea Committee, shall be carried over to the general Account of the Middle Level Commissioners.

should agree to drain with the Middle Level, then Committee not to be appointed.

116. The Provisions of the "Commissioners Clauses Act, 1847," with respect to—

Certain Parts of 10 & 11 Vict. c. 16. incorporated.

- (1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;
- (2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;
- (3.) The Appointment and Accountability of Officers of the Commissioners;
- (4.) The Accounts to be kept by the Commissioners;
- (5.) The giving Notices and Orders;

shall be incorporated with this Part of this Act; and the Sutton and Manea Committee shall, for the Purpose of this Incorporation, be deemed Commissioners within the Meaning of the said incorporated Provisions; and in the Construction of this Part of this Act, and the incorporated Provisions in connexion therewith, Part Six of this Act shall constitute the Special Act.

117. The Provisions of the "Commissioners Clauses Act, 1847," with respect to—

Certain Parts of 10 & 11 Vict. c. 16. incorporated.

1. Meetings and other Proceedings of the Commissioners, and their Liabilities (except Sections 36, 40, 42, 43, 48, 53, and 54);
2. Contracts to be entered into and the Deeds to be executed by the Commissioners (except Section 57);
3. The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;
4. The Accounts to be kept by the Commissioners (except Sections 92 to 95 inclusive);
5. The making of Byelaws;
6. Giving Notices and Orders;
7. Proofs of Debts in Bankruptcy or Insolvency;
8. Tender of Amends;
9. Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices;

shall be incorporated with the Act or Acts of Parliament relating to each of the Districts constituted by or mentioned

or referred to in any Act of Parliament comprised in the Second Schedule hereto, subject to the following Provisoes :

1. That the First Meeting of the Commissioners referred to in Section 37 of the "Commissioners Clauses Act, 1847," shall mean the First General Meeting of the respective District Commissioners to be held after the Commencement of this Act, and the Annual Meeting of the Commissioners shall mean such General Meeting as the District Commissioners respectively shall appoint to be deemed the Annual Meeting for the Purpose of such Section ; and
2. The respective District Commissioners may require such Notice as they respectively shall from Time to Time direct to be given of Special Meetings, not being less than Seven Days.

Other Provisions may be incorporated by Resolution.

118. Any District Commissioners may, by Resolution at any General or Special Meeting, of which Notice of the Intention to take the Subject into consideration shall have been given, resolve and order that they adopt the Provisions of the "Commissioners Clauses Act, 1847," with respect to—

1. The Appointment and Accountability of Officers of the Commissioners ; and
2. Mortgages to be executed by the Commissioners :

And thenceforth after the passing of any such Resolution, or at the Time thereby appointed for that Purpose (as the Case may be), the Provisions referred to in such Resolution shall be incorporated with the Act or Acts relating to such District, subject to the following Proviso :

That instead of paying off or providing a Sinking Fund equal to One Twentieth Part of the Principal Money borrowed on Mortgage yearly and every Year, any District Commissioners may arrange with any Mortgagee for the Liquidation of the whole Amount of Principal and Interest by equal annual Payments during the Term of 20 Years or any less Term.

Evidence of Incorporation.

119. A Copy of the Proceedings of the Meeting at which any such Resolution or Order shall be made, or of such Part thereof as shall relate to such Resolution or Order, purporting to be signed by the Chairman, shall be Evidence as well of the Fact as of the Correctness and Validity of every such Resolution or Order.

"Special Act" defined, § 120.

Inconsistent Provisions repealed, § 121.

Power to purchase a Site for Engine and

122. Any District Commissioners may from Time to Time purchase a Piece or Pieces of Land lying within or near to the District for which they shall be acting, to be used as and for a Site or Sites of an Engine House or Engine Houses and Residences of the Engine Driver or other Servant of such Commissioners, so that the total Quantity of Land for this Purpose to be held at any One Time by the Commissioners of any District shall not exceed Two Acres, and to cause the same by proper Assurances to be conveyed to the Use of the said Commissioners, or any Five or more of them, their Heirs

and Assigns, upon trust for the Commissioners for the Time being of such District and for the Purposes of the District.

123. Any District Commissioners may, if they think fit so to do, at any Time or Times and from Time to Time sell or cause to be sold all and every the Engines and Mills or other Works already or which shall at any Time hereafter be erected within the District for which they shall be acting, and also all their Right and Interest in the Site of the said Engines and Mills or other Works, for the best Price that can be gotten for the same, and apply the Money arising from every such Sale to and for the Purposes of such District.

Power to sell Mills, &c. and Sites.

124. In case any Person liable to pay any Rate or Tax made by any District Commissioners under the Powers of any District Act shall neglect to pay such Rate or Tax or any Part thereof to the Person authorized to receive the same, either before or within or at the Time and Place appointed for Payment thereof, then such Person shall forfeit and pay to such Commissioners such further Sum by way of Penalty as in that Behalf is stated in the District Act under which the same Rate or Tax shall be assessed or imposed, and in case such District Act contains no such Provision in that Behalf then such Sum not exceeding One Sixth Part of the Rate or Tax as the District Commissioners may at the Time of assessing or imposing such Rate or Tax determine and order, and such Penalty or further Sum shall be recoverable and applied in like Manner as the Rate or Tax.

As to Penalty for Nonpayment of Taxes.

125. Every Rate or Tax assessed or imposed by any District Commissioners shall be recoverable in the Manner provided by the District Act or Acts under which the same shall be assessed or imposed, or, at the Option of the Commissioners, may be recoverable in like Manner as any Taxes authorized to be assessed or imposed under the Authority of the Middle Level Acts or any of them are by those Acts or either of them or by this Act authorized to be recovered; and all and singular the Provisions contained in the Fifth Part of this Act with respect to the Assessment, Collection, and Recovery of Taxes and Penalties assessed or imposed by the Middle Level Commissioners shall (*mutatis mutandis*) apply and extend to Taxes or Rates assessed or imposed by any District Commissioners.

As to Assessment and Recovery of Taxes.

126. Any District Commissioners may at any Special Meeting duly convened for that Purpose resolve to repair all or any of the Roads or Droveys (not being public Highways, or which shall not be repaired by the Surveyor of the Highways, or Corporation or Person discharging the Duties of that Office) within the Limits of or leading to or from such District, and after the passing of any such Resolution they may apply any of the District Funds, and exercise any of their Powers of assessing and recovering Taxes and borrowing Money, for the Purpose of defraying the Costs and Expenses of and incident to the carrying into effect any such Resolution, and if and when they may think it necessary so to do they may determine whether the whole or any and what Proportion of any Tax or Rate to be imposed by them, or of any Money

District Commissioners may resolve to repair Roads, &c.

to be borrowed by them, shall be deemed applicable to that Purpose; but subject to the following Restriction:

When a Part only of the Owners or Occupiers of Land in the District are directly interested in the Repair of any Road or Droveaway therein it shall be the Duty of the District Commissioners to come to such Determination as aforesaid, and to exempt every Tax or Ratepayer not directly interested in the Repair from any such Tax or Rate or Proportion of Tax or Rate (as the Case may be) determined to be applicable for the Purpose of such Repair, and to repay any Money borrowed for that Purpose out of Taxes or Rates to be levied solely on the Owners or Occupiers directly interested in the Repair.

Appeals
against Acts,
&c. of District
Commissioners.

127. If any Person shall feel himself aggrieved by any Determination, Act, or Proceeding of any District Commissioners under the last preceding Section he may appeal to Two or more Justices in Petty Sessions assembled, who shall have full Power to determine whether or not such Person is or is not directly interested in the Repair of any such Road or Droveaway, and shall confirm or annul the Proceedings of the District Commissioners accordingly.

Powers as to
Repair of
Roads.

128. In exercise of the Powers by this Part of this Act granted to or conferred upon District Commissioners as to the Repair of Roads or Droveaways, such District Commissioners may do all or any of the following Acts or Proceedings:

1. They may form and make, repair and keep up, permanent Carriageroads or Tramways of or upon any Roads or Droveaways within the Limits of the District for which they are acting, and may gravel or metal and quick-fence or inclose the same, and form, make, repair, and keep up Footpaths upon or along the Sides of any such Road or Droveaway:
2. They may take and dig Gravel or other Materials in or from any Road or Droveaway in the District for which they are acting:
3. They may dig, clamp, and burn any Clay or other Materials found or being in or upon any Road or Droveaway within the District for which they are acting, and suitable for forming or making permanent Roads:
4. They may cut, dig, and sell any Turf or Peat suitable for Fuel being in any such Road or Droveaway or the Sides thereof, and sell and demise, or grant Leave or Licence to any other Person so to do, and apply the net Proceeds of every such Sale and the Purchase or Consideration Money to be paid for such Leave or Licence towards the Expenses of forming, making, or repairing any such Carriageroad, Tramway, or Footpath in the District wherein such Turf or Peat shall be found:
5. They may, by Agreement, as herein-after mentioned or provided for, form, make, and keep in repair any such permanent Carriageroad, Tramway, or Footpath upon or along any existing Road or Droveaway leading to or from but which extends beyond the Limits of any such District:

6. They may do all other Works in connexion with and necessary to the effectual forming, making, and repairing any such permanent Carriageroad, Tramway, or Footpath, and exercise any other Powers in relation thereto by this Part of this Act conferred upon them :
7. They may make Byelaws for regulating the Use of any such Tramway or Footpath, and impose such reasonable Penalties upon all Persons offending against such Byelaws as they may think fit, not exceeding Two Pounds for any One Offence.

129. In case any Road or Droveaway shall extend into the Limits of and be common to Two or more Districts, or shall extend beyond the Limits of any District, and be common to the same and the Owners and Occupiers of any other Lands, the District Commissioners acting for such Districts respectively may agree with the District Commissioners of any other District, or with the Owners of such other Lands, as the Case may be, for the Repair of any such Road or Droveaway under the Provisions of this Act, out of a Tax or Rate or Fund to be levied, borrowed, or contributed by the District Commissioners of such several Districts respectively, or such District Commissioners and Owners of such other Lands, as the Case may be, at such Times, in such Proportions, and to continue for such Term, and upon and subject to such Terms and Conditions, as the Parties so agreeing may think fit ; and the Repairs contemplated or provided for by any such Agreement may be executed by or under the Superintendence of any of the Parties to such Agreement, or of any Committee of the respective District Commissioners, or other Persons, as may be determined ; and such Parties or Committee shall have such and the same Powers for collecting and enforcing the Payment of any Money so agreed to be paid, when and in case the same shall be in arrear and unpaid, as any District Commissioners have, or are by this Part of this Act entitled to, for Recovery of Taxes or Rates authorized to be imposed by them when in arrear.

Commissioners of Two or more Districts and Owners of Lands out of District may agree.

130. After any such Road or Droveaway shall have been made a permanent Road and put into a substantial State of Repair by or at the Expense, or partly at the Expense, of any District Commissioners, such District Commissioners may and they are hereby authorized, if they think fit so to do, to give such Notice as for the Time being may, by any Act or Acts of Parliament then in force relating to Highways in England, be authorized to be given of an Intention to dedicate such Road or Droveaway as a Highway, to the Use of the Public ; and every such Notice shall be valid if signed by Three of the District Commissioners ; and thereupon such Proceedings shall be had and taken for determining the Utility of any such proposed Highway, or otherwise in relation thereto, as in and by any such Act or Acts of Parliament shall or may be contained or provided.

As to Dedication of Roads repaired as Highways.

131. In case the Herbage upon any Road or Droveaway which, under the Provisions in that Behalf of this Part of this Act, may be repaired by any District Commissioners, or to the Expense

As to the Rents of Roads and Droveaways let.

Expense whereof they may contribute, shall be liable to be let under the Provisions of any Act of Parliament, and the Rents or Proceeds whereof shall be applicable to the Repair of such Road or Drove-way, or in case any Road or Drove-way shall have been let by any District Commissioners for a Period of 20 Years or upwards immediately preceding the passing of this Act, and the Rents or Proceeds thereof shall have been so applied, then and in any such Case such Rents or Proceeds shall immediately from and thenceforth after such Repairs shall be commenced by any District Commissioners, or to the Expense whereof they shall have agreed to contribute, be paid to them, to be applied towards the Expense of such Repairs; and in case more than One Body of District Commissioners or other Persons shall be contributing towards the Expense of such Repairs, the same Rents or Proceeds shall be paid to such One of the contributing Parties or Body of Commissioners as they together shall appoint to receive the same, and after and in case any such Road or Drove-way shall be dedicated and adopted as a public Highway, such Rents and Proceeds shall thenceforth be paid to the Surveyor of the Highways having Charge of such Highway, or to the Corporation or Person filling that Office, to be applied as Part of the Highway Funds.

Reserving
Rights of
Pasturage.

132. Nothing in this Part of this Act contained shall extend to take away any Right of Pasturage on any such Road or Drove-way, or to prejudice or affect the Title of any Person or Corporation to any Lands; and in the Execution of the Powers by this Part of this Act given to or conferred upon District Commissioners as to the Repair of Roads or Drove-ways, they shall do as little Damage as may be, and for any Damage done or Injury caused to any Person by any of their Acts or Proceedings they shall make Satisfaction according to the Provisions of the "Lands Clauses Consolidation Act, 1845:" Provided that as to any Claim for Compensation that may be made for or in respect of Damage or Injury to any Right of Pasturage, any District Commissioners shall not be liable to make any Compensation for the same unless the Injury caused to any such Right shall be of greater Amount or Value than the permanent Benefit to such Herbage to be conferred or caused by the Acts or Proceedings of the District Commissioners; and in case of Difference between any Claimants and District Commissioners as to whether the permanent Injury or Benefit to such Herbage will be the greater, the Question so in difference shall be referred to and finally determined by Two or more Justices in Petty Sessions assembled.

Parties injured
to be compen-
sated.

Mode of letting
Road and
Drove-ways.

133. Any District Commissioners or other Persons having the Power of letting the Herbage of any such Road or Drove-way may let the same from Year to Year, or for any Term not exceeding Three Years, either by Public Auction or Private Contract, and at any such Auction they may fix such Reserve Bid as they may think reasonable.

Incorporation
of Part of
8 & 9 Vict.
c. 20.

134. The Provisions of the "Railways Clauses Consolidation Act, 1845," with respect to—

The Settlement of Disputes by Arbitration,
shall be incorporated with this Act.

135. If under the Powers by this Act transferred to or conferred upon the Middle Level Commissioners or the Sutton and Manea Committee, or if under the Powers conferred upon any District Commissioners by any Act set forth or referred to in the Second Schedule hereto, the Middle Level Commissioners, or the Sutton and Manea Committee, or any District Commissioners, shall take or enter upon the Lands of any Person for the Purposes and in pursuance of the Powers given by this or any such Act, then and in every such Case the Compensation to be paid for or in respect of any Lands so taken or injured shall, in case of Dispute, be settled and determined in manner provided by the "Lands Clauses Consolidation Act, 1845;" and for such Purpose, and for the Purchase of Lands by Agreement, the "Lands Clauses Consolidation Act, 1845," shall be deemed to be incorporated with this Act; and the Middle Level Commissioners, or the Sutton and Manea Committee, or the particular District Commissioners (as the Case may be) for the Time being exercising such Powers, shall be deemed to be the "Promoters of the Undertaking" within the Meaning of the "Lands Clauses Consolidation Act, 1845."

As to Settlement of Disputes for Lands taken or injured under Powers of existing Acts.

136. Any of the Powers by this Act given to or authorized to be executed by any Owner of Lands in regard to the Redemption of Taxes, or the making or Repair of Roads or Droveys, or otherwise, may be exercised by any of the Parties under Disability enabled to sell and convey Lands by the Seventh Section of "The Lands Clauses Consolidation Act, 1845."

Persons under Disability authorized to act.

137. And whereas in order to enable the Proprietors of the Lands in Chatteris Byal Fen, and certain Lands adjoining called Witchford Parts and Wentworth Parts, herein-after referred to as Byal Fen, containing altogether about 550 Acres, to convey the Waters from the said Fen and Lands into the Forty Feet River or into the Sixteen Feet River, the Middle Level Drainage Commissioners were by "The Middle Level Drainage Amendment Act, 1848," Section 51, required at their own Cost and Charges to make and maintain a Drain, to commence at such Point, and to proceed in such Direction, and to be of such Size and Dimensions, as the Engineer of the Middle Level Drainage Commissioners in his Discretion should think proper: And whereas it having been found that the Drainage of the last-mentioned Lands could be effected by the Commissioners of Wimblington Second District, by their draining the same in common with their own District, the Middle Level Drainage Commissioners have not yet made the Drain so provided for, but have paid the Commissioners of Wimblington Second District the annual Sum of 50*l.* for conveying the Waters from Byal Fen into the Drains of the said Wimblington Second District, and it is expedient that the following Provisions in relation to the Drainage of the said Fen and Parts should be made: Therefore the Middle Level Commissioners may either make such Drain as is provided for by "The Middle Level Drainage Amendment Act, 1848," or the Middle Level Commissioners and the Commissioners of Wimblington Second District may from Time to Time agree that on Pay-

Byal Fen, &c. may be drained with Wimblington Second District.

ment by the former to the latter Commissioners of such yearly or gross Sum, and for such Term as may be agreed upon, the Commissioners of Wimblington Second District shall provide an effectual Drainage for Byal Fen, and convey into the Drains of the Wimblington Second District, or some of them, the Waters from that Fen, and during the Continuance of every or any such Agreement the Middle Level Commissioners shall be free from all further or other Liability in respect of the Drainage thereof.

Constitution
of Byal Fen
Committee.

138. In order to provide for Arrangements between the Owners of the said Lands in Byal Fen and the Middle Level Commissioners as to the Drainage of that Fen, and to enable those Owners to avail themselves of the Provisions in this Act contained with respect to the Repair and Dedication of Roads and Droveaways, all Owners of 10 Acres of Land lying within that Fen are hereby constituted a Committee for those Purposes, to be called "Byal Fen Committee."

Powers of
Byal Fen
Committee.

139. The Byal Fen Committee may exercise all or any of the following Powers :

1. They may agree with the Middle Level Commissioners, on Payment of a specified gross yearly or other Sum, to exonerate those Commissioners from all Liability to make a Drain or provide for the Drainage of Byal Fen :
2. Or they may from Time to Time by special Order provide for the Drainage, or for improving the Drainage thereof, in such other Manner and by such other Means as they may think fit, and cut any Drain (not exceeding 11 Feet in Width at the Bottom), or do any Works which they may deem necessary for that Purpose :
3. They may, by special Order, make Byelaws requiring the Occupiers of Lands in Byal Fen to make their Division Dikes of such Width and Depth as may be deemed sufficient for the proper Drainage thereof, and may enforce the Observance of such Byelaws by a Penalty to be stated in any such Order, but not exceeding in any Case the Sum of 40s.
4. They may exercise all or any of the Powers by this Act conferred upon the Commissioners of Districts constituted by any of the Acts referred to in the Second Schedule hereto with respect to the Repair and Dedication of Roads or Droveaways within the Limits of or leading to or from Byal Fen :
5. They may assess and levy an equal Acre Tax not exceeding 5s. per Acre in any Year on each and every Acre of Land in Byal Fen, which Tax shall be payable at such Place and Time as they may appoint, and shall, with the like Penalty in case of Nonpayment thereof for Three Months after the same shall become due, be recoverable in the like Manner and by the same or similar Ways and Means as any Taxes authorized to be imposed by the Middle Level Commissioners are by the Middle Level Acts or any of them or by this Act authorized to be recovered :

6. They may, by special Order only, borrow not exceeding 1,500*l.* on Mortgage of the Tax which they are authorized to levy.

140. The Provisions of "The Commissioners Clauses Act, 1847," which under the Provisions of this Act are or are authorized to be incorporated with the Act or Acts of Parliament mentioned in the Second Schedule hereto, together with Sections 36 and 104 of the same Act, and so much of Section 40 as provides for an Annual Meeting of Commissioners, shall be binding on and be observed by the Byal Fen Committee; and in the Construction of this Section, and the Provisions so incorporated in connexion therewith, the Provisions of this Act relating to the Byal Fen Committee shall constitute the "Special Act."

Certain Parts of 10 & 11 Vict. c. 16. incorporated.

141. The Conservators of the Ouse Outfall shall and may exercise all such and the same or similar Powers with regard to the voluntary or compulsory Redemption of Taxes authorized to be assessed by them upon any Land distinguished by a separate Number on the aforesaid "Lenny's Plan," or any Part or Subdivision of any Lands so distinguished, and the yearly Taxes to which the same are liable to be assessed by those Conservators shall not exceed 2*s.* 6*d.* per Year, as by this Act are conferred upon the Middle Level Commissioners in regard to Taxes which they are authorized to assess not exceeding the like Amount; and all and singular the Provisions contained in this Act with respect to the voluntary or compulsory Redemption of any such Taxes by the Middle Level Commissioners shall, mutatis mutandis, apply and extend to Taxes authorized to be assessed by the Conservators of the Ouse Outfall.

As to the Redemption of small Taxes payable to the Ouse Outfall Board.

142. Whereas by the Act of the 31st Year of George the Third, c. 81, relating to Lands in the Parishes of Chatteris, Doddington, and Wimblington, recited in the Second Schedule hereto, certain Owners of Lands were constituted Commissioners for embanking (inter alia) the North and North-west Sides of a Drain called Thurloc's or the Sixteen Feet Drain, and certain other Owners of Land were constituted Commissioners for draining, and certain Persons were appointed Commissioners for inclosing, and a certain Strip of Land, Part of the Low or Cow Common in Wimblington, next to the said Sixteen Feet Drain, 100 Feet wide, and in Length the Extent of the said Common next the said Drain, was authorized to be and was afterwards set out for repairing the Bank of the said Drain next the said Common, and the Commissioners for embanking were empowered to let the said Bank and to apply the Money arising therefrom for and towards the Repair of the said Bank: And whereas under the Middle Level Acts, some or One of them, the Sum of 175*l.* was on or about the 7th Day of September 1849 paid to certain Persons as Trustees for the Purchase of Part of the said Bank and Strip of Land, which under the Powers of the Middle Level Acts was required and taken for the Purpose of widening and deepening the said Sixteen Feet Drain, and the further Sum of 100*l.* was at the same Time paid to certain other Persons as Trustees as Compensation for

As to Bank and Strip of Land in Wimblington Common District.

Injury caused by Severance, and for the Use and Occupation by the Middle Level Commissioners as long as might be necessary of other Part of the said Bank and Strip of Land for depositing thereon temporarily or permanently the Earth, Soil, and Materials taken out of the said Sixteen Feet Drain : And whereas no Tax hath been laid by the Commissioners for embanking, nor hath any Money been expended by them in or about embanking for some Years past : And whereas the Commissioners for draining the District within which such Common is situate (usually called "The Wimblington Common District") are willing to undertake the Maintenance and Repair of the said Bank from a certain Bridge in Wimblington aforesaid, called Boots Bridge, to the Parish of Chatteris, on receiving the future Rents of the said Strip of Land and of the said Bank, and it is considered just that they should be allowed and authorized so to do, and that the said Sums of 175*l.* and 100*l.* should be paid and expended as herein-after authorized : Therefore so much of the said recited Act as authorizes the Commissioners for embanking to let the said Strip of Land, and receive and apply the Rents thereof, shall be and the same is hereby repealed, and instead thereof the said Strip of Land and the said Bank, the whole Length of the said Strip of Land, shall be and the same are hereby vested in the Commissioners of the said Wimblington Common District ; and such last-mentioned Commissioners shall and may, subject to any existing Demise or Agreement for the Occupation thereof, let the same from Year to Year or for any Term not exceeding Seven Years, to be fed or depastured with Sheep or young Cattle under Two Years old only, at such Rents and upon such Terms in other respects as such Commissioners may think fit, and to receive the Rents thereof and apply the same as Part of their District Funds, and they shall from Time to Time and at all Times out of their District Funds maintain and keep in repair the said Bank, from Boots Bridge aforesaid to the said Parish of Chatteris, in such Manner as if this Act had not been passed the said Commissioners for embanking would have been liable to maintain and keep the same, and the said Commissioners for embanking shall, from and after the Commencement of this Act, be released from all Liability or Obligation whatsoever for the future Maintenance or Repair of the said Bank from Boots Bridge aforesaid to the said Parish of Chatteris, or otherwise in respect thereof.

143. The said Sum of 100*l.* shall, on or before the 31st Day of May 1863, be paid over to the Commissioners of the said Wimblington Common District on the Receipt of any Three or more of them (which shall be a sufficient Discharge for the same), to be by those Commissioners applied in aid of their District Funds, or for the common Benefit of such District in or about the Repair and Improvement of the Occupation Roads or Droveways therein, or in or towards some other Work of a permanent kind in or relating to the said District ; and the said Sum of 175*l.* shall belong and be paid to the said Commissioners for embanking, and be applied by them in or about the Repair or Improvement of the Occupation Roads or

As to Application of Compensation Monies paid in respect of said Bank and Strip of Land.

Droeways in the said District for embanking, or in or towards any other Work or Works, or otherwise for the general Benefit of the said District for embanking, as at any Time or from Time to Time the Commissioners for embanking shall, at any Meeting of those Commissioners duly convened, order or direct; provided that no Part of the said Sum of 175*l.* shall be expended in or for the Benefit of the said Wimblington Common District, nor shall any Owner or Occupier of Land in that District in his Capacity of a Commissioner for embanking or otherwise have any Voice in the Application thereof.

Saving Fresh Water Rights, § 144.

Saving Rights of Wisbech Canal Company and Canal and Nene Trustees, § 145.

Saving Rights of Haling Commissioners, § 146.

Saving Rights of the Admiralty, § 147.

Provisions of Acts relating to the Admiralty to remain in force, § 148.

Middle Level Commissioners not exempted from future General Acts relating to Navigations, § 149.

Schedules (Descriptions of Lands; List of Bondholders; Parts of Acts repealed; Forms, &c.).

Cap. clxxxix.

“The North British, Edinburgh, Perth, and Dundee, and West of Fife Railways Amalgamation Act, 1862.”

Recites that by “The North British Railway Consolidation Act, 1858,” the Acts relating to the North British Railway Company were consolidated and amended, and by several subsequent Local Acts further Powers were conferred upon the Company; that the Capital of the North British Railway Company amounts to the Sum of 4,590,532*l. 8s. 4d.*, and is divided into the following Classes of Shares or Stock, which have been fully called up; that is to say,

Act confirming or authorizing Creation.	Ordinary.	Preference.	Amount of Preference Dividend per Cent. per Annum.	Date of Creation.
	<i>£ s. d.</i>	<i>£</i>	<i>£</i>	
North British Railway Consolidation Act, 1858 -	2,502,060 8 4	{ 780,200 223,272	{ 5 5	Prior to Act.
Selkirk Amalgamation Act, 1859	18,660 0 0	{ 2,880 8,400	{ - -	
Border Union Act, 1859 -	100,760 0 0	394,240	-	Prior to Amalgamation. 1861. 1859.
Jedburgh Railway Amalgamation Act, 1860 -	- - -	{ 30,580 4,420	{ 4 with contingent Increase.	
Stations Act, 1860	- - -	30,000	-	} 1861.
Border Counties Amalgamation Act, 1860	241,060 0 0	108,940	-	
Galashiels and Peebles Act, 1861 -	- - -	95,000	-	
Wansbeck Railway Act, 1860 -	- - -	50,000	-	
	2,862,540 8 4	1,727,992		
	1,727,992 0 0			
	4,590,532 8 4			

that by "The North British Railway, Silloth Railway and Dock (Lease) Act, 1862," Provision is made for the Lease of the Undertaking of the Carlisle and Silloth Bay Railway and Dock Company to the North British Railway Company for a Term of 999 Years at an annual fixed Rent of 2,000*l.*, and a further contingent Rent, to commence from the 1st February 1863, equal to the same Rate per Centum on 165,000*l.*, as the Dividend for the Time being on the North British ordinary Stock; and such fixed and contingent Rent is to be a First Charge upon the Undertaking of the Carlisle and Silloth Bay Railway and Dock Company next after the Mortgages of that Company not exceeding 55,000*l.* (which are to be Debts of the North British Railway Company), but such fixed and contingent Rent is to be subject and without Prejudice to the Mortgages of the Undertaking of the North British Railway Company and to the Preference Stocks of that Company created or authorized to be created by any Act passed prior to the passing of this Act; that by "The North British Railway, Port Carlisle Dock and Railway (Lease) Act, 1862," Provision is made for the Lease of the Undertaking of the Port Carlisle Dock and Railway Company to the North British Railway Company for a Term of 999 Years at a fixed annual Rent of 3,100*l.*, and an additional contingent Rent when the Dividend on the ordinary Stock of the North British Railway Company exceeds Four per Centum per Annum equal to such an Amount per Centum on 70,600*l.* as shall be the Difference between Four per Centum per Annum and the Rate of Dividend on such ordinary Stock; and such fixed and contingent Rent is to be a First Charge upon the Undertaking leased, and to be subject to the Mortgages of the North British Railway Company and to the Preference Stocks of that Company created or authorized to be created by any Act passed prior to the passing of the said Act; and the Preference Stock of the Port Carlisle Dock and Railway Company, amounting to 35,000*l.*, redeemable as in the said Act mentioned, is to become Preference Stock of the North British Railway Company, and that Company are authorized to raise a further Sum of 40,000*l.* by Preference Stock, including 7,380*l.* already created by the Port Carlisle Dock and Railway Company; that by "The North British Railway (Branches) Act, 1862," the North British Railway Company are authorized to make certain Branch Railways from their Railway in the Parish of Inveresk, and to raise 220,000*l.* by Preference Shares or Stock, and 73,300*l.* by Mortgage of their Undertaking; that a Bill is now pending in Parliament for making a Railway from the Hawick Branch of the North British Railway near Newtown Saint Boswells to Dunse, by which (if passed into a Law) the North British Railway Company will be authorized to contribute 50,000*l.* towards that Undertaking, and to raise the Amount of such Contribution by Preference Shares or Stock; that the North British Railway Company are authorized to borrow and have borrowed on Mortgage, under the Powers of the recited Acts or some of

them, Sums amounting in the whole to 1,512,558*l.*, of which the Sum of 15,224*l.* 8*s.* has been converted into Debenture Stock, and they are also authorized to borrow 20,000*l.* on Mortgage of the Undertaking of the Peebles Railway Company leased to the North British Railway Company for renewing Mortgages of the Peebles Railway Company during the Continuance of the Lease; that by "The Edinburgh, Perth, and Dundee Railway Consolidation Act, 1851," the Acts relating to the Edinburgh, Perth, and Dundee Railway Company were consolidated and amended; and by subsequent Local Acts further Powers were conferred upon the Edinburgh, Perth, and Dundee Railway Company; that the Capital of the Edinburgh, Perth, and Dundee Railway Company amounts to the Sum of 2,553,260*l.* (including 53,000*l.* applicable to the Kinross-shire Railway), and is divided into the following Classes of Shares or Stock; that is to say,

Act by which Capital is authorized or confirmed.	Ordinary.	Preference.	Amount per Cent. per Annum of Preference Dividend.	Date of Creation.
Edinburgh, Perth, and Dundee Consolidation Act, 1851 - -	£ 1,852,540	£ 647,720	£ 4	{ Prior to the Act.
Edinburgh, Perth, and Dundee Railway Act, 1861 - -	- .	53,000	5	{ Prior to Act of 1861.
		700,720		
		1,852,540		
		2,553,260		

that the whole of the said Capital has been created, but 601,113*l.* thereof has not been raised, and besides the said Capital the said Company have Power to raise 40,000*l.* by Shares or Stock bearing a preferential Dividend not exceeding 7*l.* per Centum per Annum, which Power has not been exercised; that the total Sum which the said Company are authorized to raise by Mortgage, including Sums authorized to be raised by the Kinross-shire Railway Company, amounts (after deducting the Sum of 274,786*l.* 18*s.* realized by the Sale of 5*l.* Preference Shares, as provided for under "The Edinburgh, Perth, and Dundee Railway Company (Arrangements) Act, 1853,") to 1,557,512*l.* 14*s.* 2*d.*, whereof the Sum of 1,058,388*l.* 12*s.* 2*d.* is entitled to a First Charge on the Undertaking of the Edinburgh, Perth, and Dundee Railway Company, and Part thereof, amounting to 11,696*l.* 17*s.* 5*d.* or thereabouts is not at present borrowed, and other Part thereof amounting to 1,069*l.* is represented by Debenture Stock, and the Sum of 451,458*l.* 2*s.* is entitled to a Second Charge upon the same Undertaking, but Part thereof, amounting to 100,343*l.* 16*s.* 8*d.* or thereabouts has not been raised, and other Part thereof, amounting to 302,934*l.* is represented by Debenture Stock, and the Sum of 17,666*l.*, Residue of the said Sum of 1,557,512*l.* 14*s.* 2*d.*, was authorized to be raised under the Kinross-shire Railway Act, of which last Sum 5,616*l.* or thereabouts has not been raised;

that by the Local Act 24 & 25 Vict. c. cxxvi., the West of Fife Railway and Harbour Company were constituted by the Amalgamation of the West of Fife Mineral Railway Company and the Charleston Railway and Harbour Company, and subsequent Local Acts relate to the Undertakings of the Companies so amalgamated; that the Capital of the West of Fife Railway and Harbour Company amounts to the Sum of 136,000*l.*, divided into 13,600 Shares of 10*l.* each, whereof 7,600 Shares, representing a Capital of 76,000*l.*, are called "West of Fife Shares," and 2,763 of such Shares, representing a Capital of 27,630*l.*, have not been issued; and the remaining 6,000 of the said 13,600 Shares, representing a Capital of 60,000*l.*, are called "Charleston Shares," and are fully called up; that the Profits of the Undertaking are divisible amongst the Holders of the West of Fife Shares and Charleston Shares in the Proportions and Manner in "The West of Fife Railway Act, 1861," mentioned; that the West of Fife Railway and Harbour Company are authorized, under "The West of Fife Railway Act, 1861," to borrow on Mortgage 45,300*l.*, whereof 4,000*l.* have not been raised; that the Undertakings of the said Three Companies could be worked with greater Convenience and Advantage to the Public if they were placed under One Management, and the said Companies have agreed, subject to the Approval of Parliament, that they should be amalgamated upon certain Terms and Conditions; and it is expedient to extend the Time limited by certain of the Acts relating to the said Companies for the Sale of superfluous Lands.

Companies dissolved, and Shareholders re-incorporated, § 1.

Incorporation of Consolidation Acts, § 2.

Undertakings of dissolved Companies vested in new Company, § 4.

Actions not to be affected, § 5.

Acts relating to dissolved Companies to apply to the Company, § 6.

Saving Rights, Debts, Contracts, Liabilities, &c. of dissolved Companies, §§ 7 to 21.

Capital.

22. The Capital of the Company shall consist of the several Classes of Stock and Shares in the Capitals of the dissolved Companies, and shall be subject to Increase by the Exercise of such Powers of creating new Shares or Stock as have been conferred upon the dissolved Companies by Act of Parliament, and have not been exercised by them, and by any new Shares or Stock which may be created by them under any Act of the present Session, as herein-after mentioned; and all Debenture Stock or Debenture Shares of the dissolved Companies shall become Debenture Shares or Debenture Stock of the Company.

23. Notwithstanding the Amalgamation separate Registers shall be kept of the several Preference, Guaranteed, and Debenture Stocks of the dissolved Companies, and of the Ordinary Stock of the dissolved North British Railway Com-
pany

Stocks of the
Three dis-
solved Com-
panies to be
kept separate.

pany (herein-after called North British Ordinary Stock), and of the Ordinary Stock of the Edinburgh, Perth, and Dundee Railway Company (herein-after called Edinburgh, Perth, and Dundee Ordinary Stock), and of the Ordinary Shares of the West of Fife Railway and Harbour Company, which shall be Preference Shares of the Company, and are herein-after called West of Fife Preference Shares.

24. The Debenture, Guaranteed, and Preference Stocks and Shares of the dissolved North British Railway Company, and of the dissolved Edinburgh, Perth, and Dundee Railway Company, shall have Preference and Priority of and over the Ordinary Shares and Stock of the said dissolved Companies and of the Company, and (without Prejudice to the Lien herein-after created) of and over the West of Fife Preference Shares upon the Revenues of the Company; and if after Payment of Interest upon the Mortgages, and of other prior Charges of the Company for the Time being, there shall be a Deficiency in the net Revenues of the Company applicable to the Payment of Dividend on the said Debenture, Guaranteed, and Preference Stocks and Shares to pay the said Dividend in full, then and whenever the same shall happen the net Revenues so applicable shall be divisible among the Debenture, Guaranteed, and Preference Shareholders of the said North British and Edinburgh, Perth, and Dundee Railway Companies respectively in the Proportion which the Amount of Dividend payable on the entire Debenture, Guaranteed, and Preference Stocks and Shares of the One Company bears to the Amount of Dividend payable on the entire Debenture, Guaranteed, and Preference Stocks and Shares of the other Company; and the several Classes of Debenture, Guaranteed, and Preference Shareholders of the dissolved North British Railway Company, and of the dissolved Edinburgh, Perth, and Dundee Railway Company respectively, shall be ranked upon the respective Proportion of the net Revenue of the Company which shall in the Manner above mentioned be allocated to them respectively according to the Order of Ranking and Preference prescribed by the several Acts of the said Companies respectively.

As to existing Preference Stocks of North British, and Edinburgh, Perth, and Dundee Railway Companies.

25. The Proprietors of the West of Fife Preference Shares shall be entitled to preferential Dividends at the Rate of 5l. per Centum per Annum on the Amount for the Time being paid up on such Shares, but shall not have Priority in Payment of such Dividends out of the Profits of the Company over any Preference Shares which may be created by the Company under any Act which may be passed in the present Session of Parliament authorizing the North British Railway Company to raise Capital for making certain new Branch Railways, and for the general Purposes of their Undertaking; but if the Revenue of the Company available for Dividend in any Year ending the 31st Day of January shall be insufficient to pay the Dividend due upon the West of Fife Preference Shares, the Deficiency, or any Part thereof, shall not be chargeable against the Revenue of the Company available for Dividend.

West of Fife Preference Shares entitled to preferential Dividends, but only out of the Half Year's Profits.

Dividend in any subsequent Year, or against any other Funds of the Company.

Terms of Preference to be stated in Certificate.

26. The Terms and Conditions to which the West of Fife Preference Shares are subjected by the Provisions of this Act shall be clearly stated upon every Certificate of such Preference Shares which shall be given by the Company after the passing of this Act.

West of Fife Preference Shareholders to have a real Lien on the separate Undertaking.

27. Notwithstanding the Amalgamation, the Proprietors of West of Fife Preference Shares shall respectively have a Real Lien or Real Security for the Payment of the Preferential or Guaranteed Dividends on such Shares, declaring always that the said Lien or Right in Security shall be rendered available in the Manner herein-after mentioned.

How Lien to be made effectual.

28. If and whenever the Company fail to pay the half-yearly Dividend upon any of the said West of Fife Preference Shares within Four Weeks after the Day fixed for Payment thereof, it shall be lawful for any of the Proprietors of the Shares, the Dividend upon which shall be so in arrear, to render effectual their said Lien or Security by the Appointment of a Judicial Factor upon the several Railways, Harbour, and Works which at the Time of the passing of this Act constituted the Undertaking of the West of Fife Railway and Harbour Company, and the Revenues derived therefrom, such Judicial Factor to be appointed in manner herein-after mentioned.

Mode of Appointment of Judicial Factor.

29. The Application for the Appointment of a Judicial Factor shall be made by summary Petition to the Court of Session, or in Time of Vacation to the Lord Ordinary on the Bills, in Name of the Proprietor or Proprietors to whom the said preferential Dividend ought to have been paid; and the Court of Session, or the Lord Ordinary on the Bills, as the Case may be, is hereby authorized and required, on such Application being made, to appoint some Person as Judicial Factor to the Effect and with the Powers herein-after mentioned; and a certified Copy of the Interlocutor making such Appointment shall be a sufficient Warrant for the Judicial Factor thereby appointed entering upon his Office.

Powers of Judicial Factor.

30. The Person appointed Judicial Factor under this Act on the Application of Proprietors of West of Fife Preference Shares shall be entitled to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of the preferential Dividends in arrear upon such Shares until such preferential Dividends, and any preferential Dividends which may subsequently become due upon West of Fife Preference Shares during the Continuance of the Judicial Factory, together with all Costs, including the Charges for receiving the Tolls or Sums aforesaid, be fully paid; and all such Tolls and Sums of Money as aforesaid shall be paid to and received by or to the Use of the Parties following; that is to say,

First, all Parties to whom any Interest upon Mortgages of the Company shall be then due:

Secondly, subject to such Interest, all Parties to whom any Dividend upon Debenture Stock of the Company shall be then due:

Thirdly, subject to such Interest and Dividend, all Parties to whom any Dividends on West of Fife Preference Shares shall be then due :

And such Tolls and Sums of Money shall not be liable in the Hands of the Judicial Factor to any other Debts or Obligations of the Company ; and after such Interest, Dividends, and Costs as aforesaid have been so received the Power of such Judicial Factor shall cease, and he shall be bound to account to the Company for his Intromissions on the Sums received by him, and to pay over to their Treasurer any Balance that may be in his Hands.

31. In the event of a Judicial Factor having been appointed as aforesaid, it shall be lawful for him to require the Directors of the Company to keep, and upon the said Requisition being made the Directors of the Company shall keep, during the Continuance of the Judicial Factory, at the Expense and in the Books of the Company, separate detailed Accounts of the gross Revenues drawn from Week to Week from the Railways and Works subject to the Judicial Factory.

Judicial Factor may require separate Accounts of Revenue to be kept.

32. The Directors of the Company shall also, in the event and during the Period aforesaid, and upon being required as aforesaid, keep in the Books of the Company, and at their Expense, separate detailed Accounts of the Working Expenses incurred during each Half Year upon the Railways and Works subject to the Judicial Factory.

Judicial Factor may require separate Accounts of Working Expenses to be kept.

33. The Judicial Factor shall have Right of Access to all Books of the Company containing any detailed Accounts of gross Revenues or Working Expenses by this Act directed to be kept for the Purposes of the Judicial Factory, and to all States, Invoices, and Accounts of Traffic, for the Purpose of checking the Accuracy of such detailed Accounts or either of them, and shall be entitled at all Times to examine and check such detailed Accounts respectively or either of them, and all Vouchers and Entries connected therewith respectively, and to enforce in the most summary Way Compliance with the Provisions of this Act for keeping separate detailed Accounts of Revenue and Working Expenses as aforesaid.

Judicial Factor may examine Books, &c.

34. The Profits which the Company shall half-yearly appropriate to the Payment of Dividends upon their Ordinary Capital shall be apportioned amongst the Proprietors of the respective Classes of such Capital as follows ; that is to say, in Payment of Dividends upon the North British Ordinary Stock, and upon the Edinburgh, Perth, and Dundee Ordinary Stock, in the Proportion of Six Eighth Parts per Centum on the North British Ordinary Stock, and Two Eighth Parts per Centum on the Edinburgh, Perth, and Dundee Ordinary Stock ; but if and whenever in any Half Year the Amount of Profits divisible between the said Two Classes of Stock shall be more than sufficient to yield Dividends on the North British Ordinary Stock at the Rate of Three Pounds per Centum per Annum, and Dividends on the Edinburgh, Perth, and Dundee Ordinary Stock at the Rate of One Pound per Centum per Annum, then the Surplus beyond what would be sufficient to pay the said Dividends of Three Pounds per

Half-yearly Division of Profits amongst the Ordinary Stockholders.

Centum per Annum and One Pound per Centum per Annum shall be applied in Payment of Dividends at an equal Rate per Centum upon the North British Ordinary Stock, and Edinburgh, Perth, and Dundee Ordinary Stock.

Power to borrow on Mortgage.

35. The Company may borrow on Mortgage of the whole of their Undertaking, or any Part thereof, the Sums which any of the dissolved Companies might, but for the passing of this Act, from Time to Time have borrowed on Mortgage of their separate Undertaking, not exceeding in the whole, exclusive of Sums authorized by the recited Acts of the present Session, 2,796,143*l.*; but all Mortgages granted by the dissolved Companies, or any of them, prior to the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Meetings; Directors, &c., §§ 39 to 45.

Tolls, § 46.

Maximum Charges for certain Articles on West of Fife and Edinburgh, Perth, and Dundee Lines, § 47.

As to Waggon and Trucks on West of Fife and Edinburgh, Perth, and Dundee Lines, § 48.

Short Distance Charges on West of Fife Railway, § 49.

As to Tolls for Ferries, Harbours, &c., § 50.

Extending Time for Sale of superfluous Lands, § 51.

As to Acts passed in the present Session conferring Powers upon any of the dissolved Companies, § 52.

Act not to affect Agreements between Edinburgh, Perth, and Dundee and St. Andrew's Railway Company, § 53.

For keeping open the Route via Larbert, § 54.

As to Granton and Leith Traffic of Edinburgh and Glasgow, and Scottish Central Railway Companies, § 55.

Cap. exc.

"The West Cheshire Railways Act, 1862."

Recites that in 1861 the West Cheshire Railway Company were incorporated with a Capital of 200,000*l.*, and Power to borrow not exceeding 66,600*l.*, and to make the West Cheshire Railway, consisting of a Railway (No. 1) commencing by a Junction near to Northwich with the authorized Line of the Cheshire Midland Railway, and terminating in the Township of Mouldsworth, and a Railway (No. 6) commencing by a Junction with the Railway (No. 1) at the Termination thereof in that Township, and terminating by a Junction with the authorized Line of the Hooton and Helsby Railway of the Birkenhead Railway Company, and the Manchester, Sheffield, and Lincolnshire Railway Company were required to work the Line by the recited Act authorized as an integral Portion of a Through Line as between Sheffield and Helsby for Birkenhead, and also as between Stockport and Helsby for Birkenhead, and Working and Traffic Arrangements between the Company and the Cheshire Midland Railway Company, the Sheffield Company, and the Great

Northern Railway Company, or either of them, were authorized, and the Sheffield Company and the Great Northern Company respectively were authorized to contribute towards the Funds of the Company; that it is expedient that the Company be authorized to make and maintain a Deviation from the Line of their Railway (No. 1), and to abandon the making of Part of that Railway, and to make and maintain a Railway (in this Act called the Winsford Branch), commencing by a Junction with the Railway (No. 1), and terminating in the Township of Over, and a Railway commencing by a Junction with the Railway (No. 1), and terminating in the Township of Winnington; that it is expedient that the Company and the Sheffield Company and the Great Northern Company be authorized to enter into Working and Traffic and other Arrangements as herein-after provided; that the Company be authorized to raise further Monies; and that the Sheffield Company and the Great Northern Company be authorized to contribute Capital.

Incorporation of Lands and Railways Clauses Acts and of Part of Companies Clauses Act, §§ 2 to 4.

Power to take and use Lands for Works authorized by Act, § 5.

Three Years for compulsory Purchase of Lands, § 6.

Power to make Works authorized by Act, §§ 8, 9.

Power to alter Engineering Works, § 11.

Four Years for Completion of Railways, §§ 12, 13.

Court of Chancery to order Transfer to Company of Monies in respect of reduced Estimate, § 14.

Company may abandon Portion of Railway (No. 1) superseded by Deviation; Compensation, §§ 15 to 17.

Railways to form West Cheshire Railway, § 18.

Sections 32, 33, 34, and 35 of Act of 1861 applied to Railway thirdly described, § 19.

Tolls, §§ 20 to 22.

Power for Company and Sheffield and Great Northern Companies to enter into Agreements, §§ 23 to 30.

Power for Company to raise additional Capital of 63,000*l.* by new Shares, §§ 31 to 40.

Power for Company to borrow 21,000*l.*, §§ 41 to 44.

Power for Sheffield Company to contribute 21,000*l.* and for Great Northern Company to contribute 8,000*l.* to Funds of Company, §§ 45, 46.

Power for those Companies to attach a Preference not exceeding 5*l.* per Cent. to new Shares, §§ 47 to 50.

Saving Rights of the Crown, § 53.

Cap. cxci.

“The Waterford and Limerick Railway Act, 1862.”

Recites that by “The Waterford and Limerick Railway Act, 1860,” that Company were authorized to make and maintain a Tramway in the City of Limerick, and it is expedient that they should be authorized to divert the said Tramway to the Extent herein-after authorized; that by “The Limerick, Ennis, and Killaloe Junction Railway Act, 1846,” a Company was incorporated by the Name of “The Limerick, gle

Ennis, and Killaloe Junction Railway Company," for the Purpose of making and maintaining a Railway from the City of Limerick to the Borough of Ennis, with Branches to the Towns of Clare and Killaloe, and to join the Great Southern and Western Railway of Ireland near Limerick; that by "The Limerick and Ennis Railway Act, 1853," the Name of the said last-named Company was changed, and such Company is now called "The Limerick and Ennis Railway Company;" and the said Company were authorized and required to abandon the Formation of the said Branch Railways to the Town of Killaloe and to the Great Southern and Western Railway, and to divert a Portion of their Main Line; and Powers were granted to the said Company to form Two Junctions with the Waterford and Limerick Railway; that the Ennis Company in pursuance of the Powers of the said recited Acts constructed the said Railway from Limerick to Ennis and the said Junctions with the Waterford and Limerick Railway; that the respective Undertakings of the Company and the Ennis Company are now mortgaged to the Public Works Loan Commissioners; that it is expedient that the Undertakings of the Ennis Company and of the Company should be worked together as One Undertaking; that an Agreement, bearing Date the 23d April 1861, has been made between the said Two Companies for the working by the Company of the Undertaking of the Ennis Company among other Purposes, which Agreement is contained in the Schedule; that it is expedient that the said Agreement should be confirmed, and that such Powers as are hereinafter contained should be granted for enabling the Company to lease the Undertaking, and to purchase the Plant and Rolling Stock of the Ennis Company.

Incorporation of Consolidation Acts, § 2.

Power to take Lands, § 4.

Compulsory Purchases to be made before 23d July 1863, § 5.

Power to make Tramways according to Plans, § 6.

Tramways to be open for Traffic by 23d July 1864, § 7.

Level Crossings, § 8.

Locomotive Power not to be used, § 9.

Power to abandon Line authorized by Company's Act of 1860;

Compensation to Landowners, §§ 11 to 13.

Saving Rights of Secretary of State for War, § 14.

Agreement with the Ennis Company confirmed, § 15.

Power to lease Undertaking of Ennis Company, §§ 16 to 23.

Power to raise 23,000*l.* by Creation of Shares, with preferential

Dividend of Five per Cent., § 24.

Power to borrow 7,000*l.*, § 25.

Conditions of issuing preferential Shares, §§ 26, 27.

Saving of existing preferential Rights, § 28.

Cap. cxcii.

"The London, Chatham, and Dover Railway (Additional Powers) Act, 1862."

Recites that by "The East Kent Railway Act, 1853," a Company was incorporated by the Name of "The East Kent

Railway Company," (but now, by virtue of "The London, Chatham, and Dover Railway Act, 1859," styled "The London, Chatham, and Dover Railway Company," for making a Railway from Strood to Canterbury, with Branches to Faversham Quays and Chilham; that by "The East Kent Railway (Extension to Dover) Act, 1855," the Company were authorized to make a Railway from Canterbury to Dover, and a Branch Railway or Tramway to connect that Railway with the Admiralty Pier at Dover, and other Works; that they have constructed the Railway but have not constructed the Branch Railways or Tramways, by the Second Act authorized, and the Period by that Act limited for the Exercise of the Powers of the Company for making the same has expired; that it is expedient that the Powers of the Company for making the Branch Railway or Tramway to connect their Railway with the Admiralty Pier at Dover be renewed; that by the Second Act it was enacted, that it should not be lawful for the Company to carry the Railway across the Road called Black Horse Lane, and numbered on the Plans deposited as in that Act mentioned 7 in the Parish of Charlton, on the Level thereof, but that in lieu of so doing the Company should carry that Road over the Railway by means of a Bridge, and that for that Purpose it should be lawful for the Company to make a Diversion of that Road in the Field numbered on the said Plans 8 in the Parish of Charlton, but that no Part of such Diversion should be made or extend beyond the Limits of Deviation marked on the said Plans; that in order to conform to the Restrictions of that Act relating to that Diversion the Company have made the diverted Road of an Inclination of 1 in 13, but they are willing to improve the same if empowered so to do, but for that Purpose it is necessary that they be authorized to alter the Line and Levels of that Road, and of a Portion of Black Horse Lane aforesaid, extending beyond the said Limits of Deviation, and beyond the Field numbered 8 in the Parish of Charlton aforesaid; that the Road numbered on the said Plans 16 in the Parish of River crosses the Railway constructed under the Dover Act on the Level thereof; and it is expedient that the Portion of that Road on which that level Crossing occurs be stopped up, and another Road substituted therefor; that it is expedient to confirm the Heads of an Agreement contained in the Schedule to this Act annexed between George Gunnell Newman acting as Agent for the Company and Filmer Phipps acting as Agent for Christopher Phipps; that by "The East Kent Railway (Western Extension) Act, 1858," the Company were empowered to make a Railway from their Bridge over the River Medway to join the Mid Kent Railway (Bromley to St. Mary's Cray), and called "the Western Extension"; that by "The London, Chatham, and Dover Railway (Metropolitan Extensions) Act, 1860," the Company were authorized to make certain Railways and Works embracing Three Sections, one of which Sections, called "the City Section," included a Railway, No. 2,

with a Bridge in the Line of that Railway for carrying the same over the River Thames at Blackfriars, and another of which Sections, called "the West End Section," included a Railway, No. 3, commencing at Herne Hill, and terminating, in manner in that Act provided, in the Parish of Saint Mary Battersea and County of Surrey by a Junction with the Line of Railway leading to the Line of the Victoria Station and Pimlico Railway Company; that by the Metropolitan Extension Act it was enacted that the Bridge for carrying the Railway across the River Thames should be executed according to a Plan and Elevation and upon a Site to be approved by the Conservators of the River Thames, and deposited at their Office, and that the Works in the River Thames and adjoining thereto should be executed and performed to the Satisfaction of the Engineer for the Time being of the Conservators, and that the clear Height of the Headway under the Soffit of the said Bridge should be nowhere less than 27 Feet above Trinity High-water Mark; that by the same Act the Plans of the said Bridge are also required to be approved by the Admiralty and by the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled; that the Definition of the Headway, by reference to the Soffit of the said Bridge, is inexpedient and unnecessary, and it is expedient that the same be repealed, and that other Provisions be made with reference to the Headway under that Bridge; that it is expedient that the Company should be empowered to make and maintain a Railway to connect the Line of the aforesaid Railway, No. 3, included in the West End Section of the Metropolitan Extensions with the West London Extension Railway; and that they be authorized to purchase and take compulsorily or by Agreement, for Station Accommodation and other Purposes of their Undertakings, certain Lands and Houses in several Parishes in the Counties of Kent and Surrey, and to lay down Rails across Holland Street in the Parish of Christchurch for the Purpose of connecting the Stations and Premises of the Company on each Side of that Street; that by "The London, Chatham, and Dover Railway (Capital) Act, 1860," the general Capital of the Company (exclusive of Capital for the Purposes of the Western Extension Act, and subject to any Increase under any other Act of that Session) was declared to be the Sum of 1,580,000*l.*, consisting of 700,000*l.* Ordinary Capital (by the Act now in recital converted into Ordinary Capital Stock), 500,000*l.* First Preferential Capital authorized by the Dover Act (by the Act now in recital converted into First Preferential Capital Stock), and 80,000*l.* Preferential Capital authorized by "The London, Chatham, and Dover Railway Act, 1859," and 300,000*l.* Preferential Capital by the Act now in recital authorized, and the Capital of the Company for the Purposes of the Western Extension was declared to be the Sum of 390,000*l.*, consisting of the Capital of 300,000*l.* by the Western Extension Act authorized, and the further Capital of 90,000*l.* by the Act now in recital authorized; that by

the Metropolitan Extensions Act the Company were authorized to raise 1,650,000*l.* for the Purposes of the Metropolitan Extensions by Metropolitan Extension Shares or Stock, and 100,000*l.* for the Purchase of Steam Boats and other Purposes by Preferential Shares or Stock in their general Undertaking, and to borrow on the Security of the Metropolitan Extensions 550,000*l.*, and on the Security of their general Undertaking (excluding the Metropolitan Extensions and the Western Extension) 33,000*l.*; that the Metropolitan Extensions Act enacted, that the Profits of the Metropolitan Extensions applicable to Dividend from Time to Time should be applied, in the first place, in Payment of Dividend on the Metropolitan Extension Shares until a Dividend of such Amount (not exceeding Six per Centum per Annum) as the Company at any Meeting should attach to those Shares should have been paid on the total Amount from Time to Time paid up on those Shares, and that (subject thereto, and also to such (if any) additional Capital for any Purposes in connexion with the Metropolitan Extensions as Parliament might thereafter sanction,) the Residue of those Profits should fall into and become Part of the general Profits of the Company, and that Act excluded the Holders of Metropolitan Extension Shares from Interest or Dividend out of any Profits of the Company except the Metropolitan Extensions; that under the Powers of the Metropolitan Extensions Act, the Company have created and issued the said Sum of 1,650,000*l.* in Shares of 10*l.* each, whereof 82,500 are denominated "Metropolitan Extension Half Shares A," and 82,500 are denominated "Metropolitan Extension Half Shares B," and such last-named Shares are entitled to a preferential Dividend of Six per Centum per Annum; that by "The West London and Crystal Palace Railway (Transfer of Farnborough Extension and Dissolution of Company) Act, 1860," an Agreement for the Sale of the completed Portion of the Extension to Farnborough Railway (being Part of the Undertaking of the West End of London and Crystal Palace Railway Company) to the Company was confirmed, and the Company were empowered to complete the Remainder of that Railway, and for the Purposes of that Act the Company were authorized to raise, either wholly by Stock (to be distinguished as Farnborough Extension Stock), or partly by such Stock and partly by borrowing on Mortgage, 190,000*l.*; that the Transfer Act enacted, that the Profits of the said Extension to Farnborough Railway applicable to Dividend should be applied, in the first place, in Payment of Dividend on the Farnborough Extension Stock until a Dividend of such Amount (not exceeding Six per Centum per Annum) as the Company at any Meeting should attach to that Stock should have been paid on the total Amount of that Stock from Time to Time created, and that, subject thereto, and also subject to any further Capital for the Purposes of that Extension which Parliament might thereafter sanction, the Residue of the Profits should fall into and

become Part of the general Profits of the Company, and that Act excluded the Farnborough Extension Stock, and Mortgages granted by the Company under that Act, from any Charge or Lien upon, or Interest, Dividend, or other Payment out of, any Profits of the Company, except the Profits of the said Extension to Farnborough Railway; that by "The London, Chatham, and Dover Railway (Various Powers) Act, 1861," the Company were authorized to raise the further Sum of 320,000*l.* by new Shares in their general Undertaking, and 170,000*l.* by new Shares in the Western Extension, or (after the Union thereof with their general Undertaking) in their general Undertaking; that by the same Act the Company were authorized to raise a further Sum of 60,000*l.* by new Shares in their general Undertaking, and to attach thereto a preferential Dividend, not exceeding the Rate of 5*l.* per Centum per Annum, out of their general Profits *pari passu* with the current and future Dividends on the First Preferential Capital created under the Dover Act, and which Sum was to be applied to the Discharge of Arrears of guaranteed Interest on the said First Preferential Capital, and to be redeemed by a Sinking Fund of 5,000*l.* per Annum to be set apart out of the general Profits of the Company; that the Company, with the unanimous Sanction of an Extraordinary Meeting of the Shareholders, created 2,400 new Shares of 25*l.* each for raising the said Sum of 60,000*l.*, and attached to those Shares a fixed preferential Dividend of 5*l.* per Centum out of the general Profits of the Company *pari passu* with the current and future Dividends on the Dover Extension Capital of 500,000*l.*, and to be redeemable as aforesaid; that by the Various Powers Act, 1861, Powers were given for the Union and Merger of the Western Extension, and the Profits thereof, with and in the general Undertaking and general Profits of the Company (from which the same had in previous Acts been to some Extent severed and distinguished), for a Consideration by way of perpetual Rentcharge, and which Rentcharge was to be subject and without Prejudice to all Mortgages, Bonds, and Debenture Stock granted or created by the Company before the Time at which such Union was to take effect, and then charged or attaching, or by the Act now in recital charged or attached, on the Profits of the general Undertaking, but to be paid before Payment of Dividend or Interest on any other Stock or any other Shares entitled to Dividend or Interest out of those Profits; that in execution of the Powers in that Behalf given by the Various Powers Act, 1861, the Western Extension, and the Profits thereof, have been united to and merged in the general Undertaking and Profits of the Company, as from the 1st January 1862, in consideration of a Rentcharge, being the aggregate of an annual Sum equal to the Interest payable in and for each Year upon the existing Mortgages, Bonds, and Debentures charged on or attaching to the Western Extension, and amounting to 186,600*l.*, and the further annual Sum of 28,800*l.* for Payment of Interest or Dividend upon the Shares or Stock in the Western Extension.

sion ; that at the separate Meetings of the Holders of Shares and Stock entitled to Dividend or Interest out of the Profits of the Western Extension and out of the general Profits of the Company held for the Purpose of effecting the Union authorized by the Various Powers Act, 1861, it was resolved that the said annual Sum of 28,800*l.* should be payable half-yearly, and should be applied as follows ; (to wit,) 14,400*l.* in Payment of Dividend at the Rate of Six per Centum per Annum upon 150,000*l.* represented by the Western Extension Half Shares B, and upon 90,000*l.* represented by the Western Extension (Bromley Section) Shares, and 6,750*l.* in the Payment of Dividend at the Rate of 4*l.* 10*s.* per Centum per Annum upon 150,000*l.* represented by the Western Extension Half Shares A, and 7,650*l.* in Payment of Dividend at the last-mentioned Rate upon 170,000*l.* represented by 6,800 Western Extension new Shares, 1861, and that the Holders of Shares or Stock in the Western Extension should not participate further or otherwise in the Profits of the Company ; that 6,800 Western Extension new Shares, 1861, representing the said Sum of 170,000*l.*, had been previously created by a General Meeting of the Company, with a preferential Interest or Dividend of Six per Centum per Annum out of the Profits of the Western Extension, but had not been issued, and at the aforesaid separate Meetings it had been resolved to cancel those Shares, and to create others entitled to Dividend at the Rate of 4*l.* 10*s.* per Centum per Annum, and it is expedient that Effect be given to those Resolutions ; that by "The London, Chatham, and Dover Railway (Works) Act, 1861," the Company were authorized to construct a Railway, therein named the Long Hedge Junction, in connexion with the Metropolitan Extensions, but were not authorized to raise any Money for that Purpose, and by the same Act they were authorized to construct other Railways, and to raise for the Purposes of that Act (except the Long Hedge Junction and the Railways therein named respectively, "the Bromley Deviation" and "the Bromley Junction") and by the Creation of new Shares in their general Undertaking the further Sum of 129,000*l.*, and the Monies by the Transfer Act authorized to be raised were made applicable to the Construction of the Bromley Deviation and Bromley Junction, and the Monies by the Metropolitan Extensions Act authorized to be raised were made applicable to the Construction of the Long Hedge Junction ; that the Company have created and issued new Shares bearing a preferential Dividend of 6*l.* per Centum per Annum for the Purpose of raising the additional Capital of 80,000*l.* authorized by the Act of 1859, and 300,000*l.* authorized by the Capital Act, 1860, and have also created and issued 4,000 new Shares of 25*l.* each for the Purpose of raising the additional Capital of 100,000*l.* authorized by the Metropolitan Extensions Act, and 12,800 new Shares of 25*l.* each for the purpose of raising the additional Capital of 320,000*l.* authorized by the Various Powers Act, 1861 ;

that at the General Meeting which created the said 4,000 new Shares, and 12,800 new Shares, the Company resolved that those Shares respectively should be entitled to a fixed preferential Dividend not exceeding 6*l.* per Centum per Annum out of the Profits of the general Undertaking *pari passu* with the Dividends upon the said additional Capitals of 80,000*l.* and 300,000*l.*, subject to the Consent of the Holders of the Shares in the Two last-mentioned Capitals being obtained; that it is expedient that the aforesaid additional Capitals of 80,000*l.*, 300,000*l.*, 100,000*l.*, and 320,000*l.*, in the general Undertaking, making together 800,000*l.*, be (with the Consent of the Holders of all the Shares in the said Capitals of 80,000*l.* and 300,000*l.* respectively, but not otherwise,) consolidated, and form the Second Preferential Capital of the general Undertaking; that the Company have not created any Farnborough Extension Stock, and it is expedient that their Powers for creating the same be repealed, and that the Extension to Farnborough Railway be made Part of their general Undertaking, and that the Company be authorized for the respective Purposes of the Transfer Act, and of this Act, and for other Purposes in connexion with their general Undertaking, to raise additional Capital as the Third Preferential Capital of the general Undertaking; that for the Purpose of raising the additional Capital of 129,000*l.* authorized by the Works Act, 1861, the Company in the Month of April 1862 created 5,160 Shares of 25*l.* each, with a fixed preferential Dividend of 6*l.* per Centum per Annum out of the Profits of the general Undertaking, and it is expedient, and the Holders of those last-mentioned Shares have consented, that the Dividends thereon should rank *pari passu* with the Dividends on all other Monies by this Act authorized to be raised as Part of the Third Preferential Capital of their general Undertaking, and also that the Company be authorized to raise further Capital for the Purposes of the Metropolitan Extensions; that they have incurred and must incur a very large Expenditure in and about the Construction of Terminal, Passenger, and Goods Stations, Assorting Stations, Workshops, Factories, Buildings, Engine Sheds, Works, and Conveniences for the Accommodation of Through and International Traffic of all Descriptions, and in and about other Purposes for the common Benefit of the Metropolitan Extensions and of their general Undertaking; and in order to raise Money for defraying such Expenditure it is expedient that Part of the Charges in respect of Traffic arising from both Undertakings be reserved as a common Fund to be appropriated to the Payment of Dividend and Interest thereon, and that the recited Acts be in other respects amended.

Incorporation of Lands and Railways Clauses Acts and Parts of Companies Clauses Consolidation Act, §§ 2 to 5.

Provision as to Height of Bridge over Thames repealed, § 6.

Other Provisions substituted, § 7.

Saving Conservators Rights, § 8.

- Appointment of new Bridge Trustees, § 9.
 Power to make Works, § 10.
 Description of new Lines, § 11.
 Power to alter Engineering Works, § 12.
 Tramways may be carried across certain Roads on the Level,
 § 13.
 Provisions as to level Crossings at Dover, § 14.
 Trains not to shunt on level Crossings, § 15.
 Rails not to be laid within a certain Distance of the Lord
 Warden Hotel, § 16.
 Inclination of Road, § 17.
 Applying Sections of Dover Act relating to War Department,
 § 18.
 Admiralty Provisions, §§ 19 to 23.
 Company not to enter upon Lands, &c. without Consent of
 Dover Harbour Board, § 24.
 Tramway to Admiralty Pier to be constructed according to
 Plan signed by Chairman of Committee, § 25.
 Quay Walls to be constructed and Little Cross Wall to be
 removed by the Company ; old Materials may be made use
 of by the Company, § 26.
 Quay Walls to be vested in the Dover Harbour Board, § 27.
 Fences, &c. to be constructed by the Company, § 28.
 Engines, &c. not to remain on Tramway, § 29.
 Regulations as to Carriages, &c. passing the Lord Warden
 Hotel, § 30.
 If certain Property purchased the Hard to be filled up, § 31.
 No Coke Ovens to be erected on such Lands, § 32.
 Elevation, &c. of Buildings to be approved of by the Board, § 33.
 Company to erect Walls, &c. for Protection, &c. of Buildings,
 &c. of the Board, § 34.
 Rights of Wharfrage purchased by the Company to be released
 to the Dover Harbour Board, § 35.
 Saving of the Rights of the Board, § 36.
 Line of Tramway as shown on Plan to be strictly adhered to,
 § 37.
 Plans to be deposited with Clerk of the Peace of the County
 of Kent, § 38.
 Tramway not to extend beyond Wing of Graving Dock, § 39.
 Provisions for Messieurs Lees Works, § 40.
 Mode of effecting Communications with the West London
 Extension Railway, § 41.
 Signals, &c. and Watchmen for preventing Danger at Junc-
 tions, § 42.
 Company to acquire only Easements in Lands of West London
 Extension Railway Company, § 43.
 Saving Rights of the West London Extension Railway, § 44.
 For Protection of Works of Southwark and Vauxhall Water
 Company, §§ 45 to 48.
 Restrictions on taking Land in Christchurch, §§ 50 to 52.
 Hawkesbury Street or Round Tower Street not to be inter-
 fered with until other Streets altered, § 53.
 Strond Street not to be interfered with until other Streets
 altered, § 54.

Certain other Streets not to be interfered with until others are altered, § 55.

Provision for future widening of Strond Street and Snargate Street, § 56.

Finnis Hill Roadway not to be interfered with until another Street widened, § 57.

Land for widening Streets vested in Local Board, § 58.

Arbitration, § 59.

For Payment of local Rates, § 60.

Provision as to Sewers, &c. at Dover, § 61.

Two, Three, and Four Years respectively for Purchase of Lands, § 62.

Three and Five Years respectively for Completion of Works, §§ 64, 65.

Company to purchase certain additional Land from Metropolitan Board, § 67.

Prescribing Mode of passing over new Street, § 68.

Company not to execute Station and other Works so as to prejudice the Public Convenience, § 69.

Arches to be lighted, § 70.

For Protection of Sewers of Metropolitan and other Boards, § 71.

Clause in Metropolitan Extension Act as to Stoppage of Streets to apply to this Act, § 72.

For Payment of local Rates, § 73.

Tolls, § 74.

Heads of Agreement confirmed, and made binding on the Company and Christopher Phipps, § 75.

Company may stop up Portion of Road in River, § 76.

Provision as to Rails across Holland Street, § 77.

Prescribing Width of Railway over new Street, § 78.

The Archway in Holland Street to be lighted, § 79.

Creation of Western Extension new Shares confirmed.

80. The 6,800 Western Extension new Shares, 1861, of 25*l.* each, shall be deemed to have been well and duly created by the separate Meetings aforesaid, and well and duly issued, and to be entitled to Dividend or Interest out of the Western Extension, as provided by the Resolutions by which such Rentcharge was created, at the Rate of 4*l.* 10*s.* per Centum per Annum, as from the 1st Day of January 1862, on the Amount paid upon those Shares.

Defining Western Extension Capital.

81. The Capital of the Company for the Purposes of the Western Extension, and entitled to participate in the Western Extension Rentcharge in the Proportions and at the Rates specified in the Resolutions of the separate Meetings aforesaid, is the Sum of 560,000*l.*, consisting of (first) 150,000*l.* represented by Western Extension Half Shares B, (secondly) 90,000*l.* represented by Western Extension (Bromley Section) Shares, (thirdly) 170,000*l.* represented by the said Western Extension new Shares, 1861, and (fourthly) 150,000*l.* represented by Western Extension Half Shares A, and those Shares are entitled to participate in that Rentcharge in the Rank and Order mentioned in this Section.

Shares therein may be converted into Stock.

82. The Company may from Time to Time convert or consolidate into Stock all or any Class of the Shares entitled

to participate in the Western Extension Rentcharge, and shall divide such Stock among the registered Holders of the Shares by the Conversion whereof it is formed in proportion to their Interests therein.

83. Every Class of such Stock shall be distinguished by a Name corresponding with the Name of the Shares by Conversion whereof it is formed, and shall entitle the Holders thereof to participate in the Western Extension Rentcharge to the same Extent and in the same Rank and Order as those Shares, if in existence, would entitle their Holders to participate; and the 62d and 63d Sections of "The Companies Clauses Consolidation Act, 1845," shall apply to all such Stock: Provided always, that any such Stock, or any other Stock of the Company, shall not be transferable in Sums less than 1*l*.

Names and Rights of Stock.

Restriction on Amount transferred.

84. The Holders of the Shares or Stock representing the said Sum of 560,000*l*. shall not be entitled to Dividend or Interest out of any Profits of the Company, but only out of the Western Extension Rentcharge.

Rights of Western Extension Capital;

85. All Mortgagees, Bondholders, and registered Holders of Shares or Stock entitled to participate in the Western Extension Rentcharge shall have, and any One or more of them may exercise for the Recovery thereof when in arrear, the Powers and Remedies given by the 11th Section of "The Lands Clauses Consolidation Act 1845," with respect to the Rents there mentioned, and all Monies so recovered by any Person shall be deemed so much Money received by or to the Use of the several Persons interested in the Western Extension Rentcharge according to their respective Priorities.

and Remedies.

86. After the Western Extension Half Shares A are converted or consolidated into Stock every or any of the registered Holders of other Stock or Shares entitled to participate in the Western Extension Rentcharge may require the Company to issue, and (upon Delivery by him to the Company of the Certificates for the Stock or Shares which he proposes to exchange, or Proof given to their Satisfaction of the Loss or Destruction of such Certificates,) the Company may and shall issue to him, in Exchange for any such other Stock or Shares, such an Amount of Stock, to be deemed fully paid up, and to be entitled to Dividend or Interest at the Rate of 4*l*. 10*s*. per Centum per Annum out of the Western Extension Rentcharge only, and pari passu with the Stock formed by the Conversion or Consolidation of the Western Extension Half Shares A as will at that Rate give a Dividend or Interest equal in aggregate Amount to the Dividend or Interest on the Stock or Shares given in Exchange by such Holder.

Western Extension Proprietors may exchange their Shares for a Consolidated Stock in the Western Extension.

87. For the Purposes of such Exchanges the Company may from Time to Time create and issue Consolidated Western Extension Ordinary Stock, to be deemed fully paid up, and to bear Dividend or Interest at the Rate of 4*l*. 10*s*. per Centum per Annum out of the Western Extension Rentcharge only, and not out of the Profits of the Company, and pari passu with the Stock formed by the Conversion or Consolidation of the Western Extension Half Shares A.

Consolidated Ordinary Western Extension Stock may be created for that Purpose.

Extinguishing
Shares taken in
Exchange.

88. On every such Exchange the Stock or Shares taken by the Company in Exchange, and all Rights and Liabilities in respect thereof, shall be extinguished, and the Company shall forthwith enter in the Register thereof a Memorandum of the Exchange and Extinction thereof.

Second Pre-
ferential Capital of general
Undertaking.

89. The said additional Capitals of 80,000*l.* by the Act of 1859, of 300,000*l.* by the Capital Act, 1860, of 100,000*l.* by the Metropolitan Extensions Act, and of 320,000*l.* by the Various Powers Act, 1861, authorized to be raised for the Purposes of the general Undertaking of the Company, and making an aggregate of 800,000*l.*, shall (upon the Consent thereto of the Holders of all the Shares in the said additional Capitals of 80,000*l.* and 300,000*l.* being obtained) be consolidated, and together form the Second Preferential Capital of the general Undertaking of the Company, and the several new Shares and Stock representing the same shall entitle the registered Holders thereof, *pari passu*, to the preferential Interest or Dividend at the Rate of 6*l.* per Centum per Annum attached to the same out of the general Profits.

Second Pre-
ference subject
to previous
Preference.

90. Provided always, That the preferential Interest or Dividend attached as aforesaid to the new Shares or Stock representing the said Second Preferential Capital when so consolidated shall be subject and without Prejudice to and shall be payable next after the preferential Dividends or Interest on the 500,000*l.* Stock representing the Capital authorized by the Dover Act, and on the Shares representing the Sum of 60,000*l.* authorized by the Various Powers Act, 1861, and the Fund for the Redemption of those Shares.

Certificates to
be exchanged.

91. All Holders of Shares in the said additional Capitals of 80,000*l.* and 300,000*l.* shall, as soon as may be after such Consolidation, deliver up the Certificates or Vouchers for such Shares to be cancelled, and thereupon the Secretary of the Company shall deliver to them in lieu thereof Certificates of Shares of corresponding Number and Amount in the said Second Preferential Capital, and from the Time of such Consolidation until Delivery of such first-mentioned Certificates or Vouchers for Cancellation the Company shall not be bound to register any Transfer of those Shares.

Existing
Trusts, &c.
attached to new
Shares, &c.

92. Every new Share or Portion of Stock which under the Powers of this Act is issued to any Person or Corporation in exchange or substitution for other Shares or Stock shall vest in such Person or Corporation upon the same Trusts, and subject to the same Powers, Provisions, Charges, and Liabilities, which immediately before the Exchange or Substitution attached upon or affected such other Shares or Stock, and so as to give effect to and not to revoke any Will or other Testamentary Instrument of or affecting such other Shares or Stock.

Extinguishing
Money Powers
of Transfer Act.
Farnborough
Extension to
be Part of the
general Under-
taking.

93. All Powers of raising Money by the Creation of new Shares or Stock, and by borrowing, given to the Company by the Transfer Act, are hereby repealed.

94. The Sections of the Transfer Act numbered respectively 13, 14, 15, 16, and 17 (relating to the Farnborough Extension Stock, the Application of the Profits of the Extension to Farnborough Railway, the Rights of the Holders of such Stock, and

of the Holders of Mortgages and Bonds of the Company, the Disposition and Transfer of such Stock, and the Application of Monies raised under that Act,) are hereby repealed ; and the Extension to Farnborough Railway shall be and be deemed to have been (as from the passing of the Transfer Act) Part of the general Undertaking of the Company.

95. The Company may from Time to Time (in addition to any other Sums of Money which they are by this or any other Act authorized to raise) raise the Sums following ; (to wit,)

For the Purposes of their general Undertaking, including the Purchase of the Extension to Farnborough Railway and the Works authorized by the Works Act of 1861, except the Long Hedge Junction, and by the Creation of new Shares in the general Undertaking, any further Sums not exceeding in the whole 671,000*l.* :

For the Purposes of the Metropolitan Extensions, and by the Creation of new Shares in that Undertaking, any further Sums not exceeding in the whole 1,050,000*l.* :

For Purposes common to their general Undertaking and the Metropolitan Extensions any further Sums not exceeding in the whole 750,000*l.*

96. The respective new Shares created under this Act for raising each of those Sums of 671,000*l.*, 1,050,000*l.*, and 750,000*l.*, may be created at One Time or different Times, in One or more Classes, and of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any Ordinary or Special Meeting of the Company.

97. All new Shares in the general Undertaking created under the Powers of this Act for raising the said Sum of 671,000*l.* are herein-after designated "Third Preference Shares," and shall entitle the Holders thereof to Dividend or Interest only out of the general Profits of the Company as defined in this Act ; and all those Shares, whether created at One Time or in One Class, or at different Times or in different Classes, and also the Shares representing the additional Capital of 129,000*l.*, created under the Powers of "The Works Act, 1861," making an aggregate of 800,000*l.*, shall together form the Third Preferential Capital of the general Undertaking, and shall entitle the Holders thereof to Dividend or Interest *pari passu*, and without any Preference or Priority *inter se* (except the Preference or Priority *inter se* of Half Shares (if created) bearing the same Number).

98. All new Shares in the Metropolitan Extensions Undertaking created under the Powers of this Act are herein-after designated "Metropolitan Extension New Shares, 1862," and whether created at One Time or in One Class, or at different Times or in different Classes, shall entitle the Holders thereof to Dividend or Interest *pari passu*, but only out of the Profits of the Metropolitan Extensions applicable to Dividend as defined in the Metropolitan Extensions Act, and not out of any other Profits of the Company.

99. All new Shares created under the Powers of this Act for raising the said Sum of 750,000*l.* for Purposes herein-before specified

Power to create new Shares for general Undertaking, for Metropolitan Extensions, and for joint Purposes of Undertakings.

Classes and Amounts of new Shares.

What Profits shall be applicable to Dividend on general Shares ;

and on new Metropolitan Extension Shares ;

and on Common Fund Shares.

specified as common to the Two Undertakings, or any Part of that Sum, are herein-after designated "Common Fund Shares," and whether created at One Time or in One Class, or at different Times or in different Classes, shall entitle the Holders thereof to Dividend or Interest *pari passu*, but only out of the Common Fund as herein-after defined, and not out of any other Profits of the Company, and any other Shares or Stock in the Company shall not entitle the Holders thereof to Dividend or Interest out of the Common Fund.

Common Fund defined.

100. The Common Fund shall consist of those Charges which the Board of Directors of the Company, under the Authority of an Extraordinary General Meeting of the Company specially convened with Notice of the Object of the Meeting, shall determine to be the Charges to be deducted in the Nature of Terminal Charges from the Receipts on the Company's Railways, or from the Receipts belonging to the Company arising from the Railways worked and leased by the Company, in respect of the Matters and Things upon or in respect of which the said Sum of 750,000*l.* shall be expended for the Common Benefit of the Metropolitan Extensions and the General Undertaking of the Company.

Repairs, &c. chargeable thereon.

101. The Board of Directors shall, with the like Authority, determine whether all or any and (if any) what Part of the Expenses of constructing, maintaining, repairing, managing, manning, and working the Terminal Passenger and Goods Stations and Assorting Stations, or any of them or any Parts thereof, or any Workshops, Factories, Buildings, Engine Sheds, or Works and Conveniences connected therewith, shall be defrayed out of the Common Fund, and the same shall be defrayed accordingly.

Separate Accounts.

102. The Company shall keep full and separate Accounts of the Charges and Monies from which the Common Fund is derived, and of the Expenditure thereof, and of the Assets and Liabilities of the Common Fund.

Unissued Shares may be cancelled.

103. If after having created any new Shares under the Powers of this Act the Company resolve not to issue the same, or any Class or Part thereof, they may cancel the Shares to which such Resolution applies, and in lieu thereof may create and issue other new Shares, not exceeding the aggregate Amount of the Shares so cancelled.

Privileges may be attached to new Shares.

104. Subject to the Provisions herein-after contained for the Protection of existing preferential Shares, the Company may from Time to Time with the Consent of Two Thirds of the Votes of the Shareholders voting, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose, attach to any Third Preference Shares or any Metropolitan Extension new Shares, 1862, or any Class of such Shares created under the Powers of this Act, before the Issue thereof, any perpetual, terminable, fixed, variable, contingent, or absolute Preference or Priority of Interest or Dividend, not exceeding the Rate of 6*l.* per Centum per Annum, as to the Company shall seem fit, payable out of the Profits or Revenue of the Company applicable to Dividend on the

the respective Shares to which such Preference or Priority is attached.

105. Any Preference or Priority in the Payment of Interest or Dividend which may be granted by the Company in pursuance of this Act on any Third Preference Shares or Metropolitan Extension new Shares, 1862, created under the Powers of this Act, or on any Stock substituted for such Shares, shall not (except to the Extent of the Consolidation of the Shares representing the additional Capital of 129,000*l.*, authorized by the Works Act, 1861, with the Shares representing the additional Capital of 671,000*l.* authorized by this Act, and to the Extent of the Postponement by this Act authorized of the Metropolitan Extension Half Shares A, and Stock substituted for those Half Shares,) prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock payable out of the same Profits or Revenue which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Saving existing Preference Shares.

106. And whereas no Stock has yet been substituted for any Metropolitan Extension Half Shares A : And whereas all the Holders of Metropolitan Extension Half Shares A have consented to the Provisions of this Act : Therefore the Interest or Dividend on the Metropolitan Extension new Shares, 1862, from Time to Time created, shall rank and be payable either before or after, or in part before and in part after, the Interest or Dividend on the whole or any Part of the Metropolitan Extension Half Shares A, as the Meeting creating any such new Shares shall determine, and the Clauses and Provisions of the Metropolitan Extensions Act and of this Act with reference to Preferences or Priorities shall be construed and take effect accordingly.

Bank of new Metropolitan Extension Shares.

107. The Company may, if they think fit, create and issue in preferred Half Shares and deferred Half Shares, or, after Issue, may, with the Consent of the registered Holders thereof, divide into preferred Half Shares and deferred Half Shares, in accordance with the Provisions of the Acts now in force relating to the Company, all or any Part of the Capital which they are by this Act authorized to raise.

Half Shares may be created

108. The respective new Shares or Stock created under the Powers of this Act shall be entitled to the preferential Dividend, if any, which may have been attached to them by the Company as aforesaid out of the Profits or Revenue of the Company in each Year applicable to Dividend thereon respectively, according to the Provisions of this Act, but if in any Year ending the 31st Day of December there shall not be Profits or Revenue of the Company so applicable thereto available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits or Revenue of any subsequent Year, or out of any other Funds of the Company.

As to Dividend on Preferential Shares.

Disposition of new Shares, §§ 109 to 111.

Authorized Capital may be raised by Stock, § 112.

Stock to carry same Preference as Shares, § 113.

Application to Stock of Part of Companies Clauses Consolidation Act, § 114.

Borrowing
Powers.

115. In addition to the Powers of borrowing Money by any other Acts given to the Company they may from Time to Time borrow, for the Purposes of the general Undertaking, and on Mortgage of that Undertaking and the general Profits,—

In respect of the additional Capital of 671,000*l.* by this Act authorized to be raised by Third Preference Shares, any Monies not exceeding in the whole 223,600*l.* :

And they may also from Time to Time borrow for the Purposes of the Metropolitan Extensions, on Mortgage of that Undertaking and the Tolls arising thereon,—

In respect of the additional Capital of 1,050,000*l.* by this Act authorized to be raised by Metropolitan Extension new Shares, 1862, any Monies not exceeding in the whole 350,000*l.* :

And they may also from Time to Time borrow for the common Purposes of the Two Undertakings, on Mortgage of the Common Fund,—

In respect of the additional Capital by this Act authorized to be raised by Common Fund Shares any Monies not exceeding in the whole 250,000*l.*

Restrictions on borrowing Powers, §§ 116 to 118.
Schedule (Agreement).

Cap. cxciii.

“The Dulas Valley Mineral Railway Act, 1862.”

Proposes to authorize the Construction of a Railway in the Counties of Glamorgan and Brecon, to be called “The Dulas Valley Mineral Railway.”

Consolidation Acts incorporated, § 2.

Incorporation of Company with Capital of 60,000*l.*, and Power to borrow 20,000*l.*, §§ 4 to 10.

Meetings ; Directors, &c., §§ 11 to 16.

Power to acquire Lands and construct Works, §§ 17, 18.

Company to construct Siding to Tennant Canal, § 19.

Communications with Vale of Neath Railway, §§ 20 to 23.

Rails on Broad and Narrow Gauge to be laid down, § 24.

Three Years for compulsory Purchase of Lands, § 26.

Five Years for Completion of Works, §§ 27, 28.

Tolls, §§ 29 to 37.

Power to enter into Traffic Arrangements with Vale of Neath Company, §§ 38 to 47.

Cap. cxciv.

“Cannock Chase Railway (Extension) Act, 1862.”

Proposes the Construction of a Railway from the Norton Branch of the South Staffordshire Railway to the Eastern

Terminus of the Railway, authorized by "The Cannock Chase Railway Act, 1860," and to authorize Agreements with the London and North-western Railway Company.
 Incorporation of Companies, Lands, and Railways Clauses Consolidation Acts, § 1.
 Incorporation of Company with a Capital of 30,000*l.*, and Power to borrow 10,000*l.*, §§ 3 to 10.
 Meetings ; Directors, &c., §§ 11 to 15.
 Power to make Railway and Works, §§ 16 to 18.
 Communications with other Railways, §§ 19 to 21.
 Two Years for compulsory Purchase of Lands, § 24.
 Three Years for Exercise of other Powers, § 25.
 Tolls, §§ 27 to 33.
 Railway not to be Passenger Line, § 34.
 Power to enter into Working and Traffic Arrangements with the North-western Company, §§ 35 to 39.

Cap. cxcv.

"The Eastern Union Railway Act, 1862."

Recites that by "The Eastern Union Railway Amendment Act, 1853," the Company were required to redeem certain Preference Shares enumerated in the Preamble to the said Act, and amounting in the whole to 359,900*l.*, by the Payment to the Holders thereof of 109*l.* for every 100*l.* of the nominal Value of such Shares, and the Company were also compelled by legal Decision to pay to the Holders of the said Shares, in addition to the said Premium of Nine per Centum, the Arrears of Dividend on the said Shares, to an Amount in the whole of about 80,000*l.* ; that by the same Act they were authorized to "create and issue Shares in the Stead of " and to the nominal Amount of the Redemption Money so " paid or to be paid," and such Shares were to be deemed paid in full, and they were authorized to attach to them a preferential Dividend, but at a Rate not exceeding Four per Centum per Annum ; that a large Number of the Holders of the Preference Shares refused to accept the said new Shares in the Stead of their former Shares, and the Company found it impossible to issue to the Public Shares at that limited Rate of Dividend, and in fact they only created and issued such Shares to the Amount of about 330,000*l.*, instead of to the requisite Amount of about 490,000*l.*, and being required as aforesaid to redeem the said Sum of 359,900*l.* upon the Conditions aforesaid within Six Months after the passing of the said Act, they were compelled to borrow Money for the Purposes of such Redemption, and have been in consequence subject to pecuniary Liabilities to the Extent of nearly 200,000*l.*, bearing Interest at fluctuating Rates, and it is expedient that they should be authorized to create and issue Shares bearing a preferential Dividend not exceeding Five per Centum per Annum to discharge the

said Liabilities, and instead of the Shares which remain to be issued under the Powers of the said Act of 1853 ; that the State of the Capital of the Company is set forth in a Schedule to this Act ; that by " The Waveney Valley Railway Act, 1851," a Company was incorporated " for constructing a Railway from the Tivetshall Station of the " Eastern Union Railway to Bungay, in Suffolk," and by an Act passed in the following Session of Parliament the same Company was authorized to extend their Railway from Bungay to Beccles, and various Acts have been since passed extending the Time granted to the Waveney Valley Railway Company for the Construction of their Railway, and in other respects varying and extending the Powers of the Company, and under the Authority of the said Acts the Railway is completed between the Eastern Union Railway and Bungay, and it is desirable to complete the Construction of the remaining Portion of the Undertaking between Bungay and Beccles ; that the Waveney Valley Railway was originally projected as a Branch of the Eastern Union Railway, and as a Means of Communication between that Railway and the Ports of Yarmouth and Lowestoft, and the Eastern Union Railway Company have advanced a Sum of 50,000*l.* towards the Undertaking of the Waveney Valley Railway Company, and have received Shares in the Capital of the same Company on account of such Subscription ; that the said Subscription has not been authorized by Parliament, and it is fitting that the Eastern Union Railway Company should obtain Authority for the same.

Power to raise 250,000*l.* by Shares with or without a preferential Dividend not exceeding 5*l.* per Cent., §§ 1 to 4.

Incorporation of Parts of Companies Clauses Consolidation Act, § 5.

200,000*l.* to be applied in Discharge of Liabilities, § 6.

50,000*l.* to be applied as Contribution to the Waveney Valley Railway Company, § 7.

8. Provided always, That until the said Sum of 50,000*l.*

shall be fully repaid to the Eastern Union Railway Company there shall be set aside every Half Year a Sum of not less than 500*l.* out of the Profits of the same Company, applicable to Dividends upon their ordinary Stocks, and the said Sums shall from Time to Time be applied to the Purchase and Extinction of Preference Shares of the Eastern Union Railway Company, or to the Purchase and Redemption of Mortgages charged upon the Undertaking of the same Company ; and the borrowing Powers of the said Company shall to that Extent be extinguished : Provided also, that if the Eastern Union Railway Company shall, in the present Session of Parliament, be amalgamated with the Eastern Counties Railway Company by that or any other Name, then the Company incorporated by such Amalgamation shall deduct the said half-yearly Sums from the Dividends payable to the Eastern Union Division of ordinary Shareholders, and shall apply the said Sums as hereinbefore prescribed.

As to Repayment of the Sum of 50,000*l.* to the Eastern Union Railway Company.

SCHEDULE containing a Statement of the Capital of the Eastern Union Railway Company.

Class or Name of Stock.	Preference per Cent. per Annum.		Total Amounts.	
	£	s.	£	s. d.
Creditors Stock - - -	3	10	23,750	0 0
Creditors Stock - - -	4	0	223,650	0 0
Four per Cent. Guaranteed Stock -	4	0	132,380	0 0
Five and a Half per Cent. Guaranteed Stock - - -	5	10	30,000	0 0
Five per Cent. Guaranteed Stock (redeemable July 1862) - - -	5	0	304,556	0 0
Five per Cent. Guaranteed Stock (redeemable July 1865) - - -	-	-	-	-
Ordinary Stock, Class A - - -	-	-	287,050	0 0
Ordinary Stock, Class B - - -	-	-	774,425	0 0
Borrowed on Mortgage - - -	-	-	769,966	13 4

Cap. cxcvi.

“The Great Western, Hereford, Ross, and Gloucester, and Ely Valley Railways Act, 1862.”

Recites that in 1851 the Hereford, Ross, and Gloucester Railway Company were incorporated with Powers to construct the Railways and Works in that Act mentioned, and to raise by the Creation of Shares the Sum of 275,000*l.*, and by borrowing the Sum of 91,000*l.*, and by “The Shrewsbury and Hereford Railway (Stations) Act, 1854,” to raise by the Creation of Shares the further Sum of 30,000*l.*, and to assign Preference Dividends thereto; that their Capital now stands as follows; (that is to say,)

<i>Preferential Capital.</i>	£
1,500 Shares of 20 <i>l.</i> each entitled to Dividends at the Rate of 5 <i>l.</i> per Centum, fully paid up - - - - -	30,000
<i>Ordinary Capital.</i>	
10,649 Shares of 20 <i>l.</i> each, fully paid up -	212,980
3,101 Shares unissued or forfeited - - -	62,020
	£305,000

and they have exercised to the full Extent their borrowing Powers; that by “The Great Western, &c. Railway Companies (Traffic Arrangements) Act, 1852,” the Great Western Railway Company and the Hereford Company were authorized to enter into Agreements concerning the Use and Management of the Undertakings belonging to or on Lease to them respectively, and as to the Collection and Delivery and general Conduct and Interchange of the Traffic thereon,

and the Receipt and Apportionment of the Tolls and Profits arising from such Traffic, and by the same Act an Agreement of the 26th December 1851, between the Great Western Company of the one Part and the Hereford Company of the other Part, was declared to be binding on those Two Companies, but with Power to make Alterations therein as in the same Act mentioned and provided ; that under that Act and the Agreement of 1851 the Railway of the Hereford Company is now worked by the Great Western Company ; that the Great Western Company are Lessees for a long Term of Years of the Gloucester and Dean Forest Railway, which forms a Communication between the Railway of the Great Western Company and the Railway of the Hereford Company ; that it has been agreed by the Great Western Company and the Hereford Company that the Undertaking, Property, Estate and Effects, Rights, Powers, Privileges and Authorities of the Hereford Company should be transferred to and vested in the Great Western Company on the Terms and Conditions in this Act mentioned ; that by " The Ely Valley Railway Act, 1857," the Ely Valley Railway Company were incorporated with Powers to construct the Railways and Works in that Act mentioned, and by " The Ely Valley (Mwyndy Branch) Act, 1858," to construct the Works in that Act mentioned ; that the Great Western Company, under the Authority of Parliament, work by Agreement the Line of the South Wales Railway Company, which forms a Means of Railway Communication between the Railway of the Great Western Company and that of the Ely Valley Company ; that it is expedient that the Ely Valley Company should be empowered to grant and the Great Western Company to accept a Lease of the Undertaking of the Ely Valley Company ; and that the Great Western Company should be empowered to acquire and hold Shares in the Capital of that Company, and to raise additional Capital for such Purpose.

Incorporation of Provisions of Railways Clauses Act, § 2.
Dissolution of Hereford Company, § 3.

Respecting
Shares in Here-
ford Capital.

4. On the passing of this Act all the Shares in the Capital of the Hereford Company, except the 10,649 ordinary Shares and the 1,500 preferential Shares, are cancelled ; but notwithstanding the Dissolution of the Hereford Company, the aforesaid 10,649 ordinary Shares and the aforesaid 1,500 Preference Shares in the Capital of that Company shall for the Purposes of this Act continue to subsist until converted as by this Act provided ; and the Great Western Company or the Directors thereof may from Time to Time exercise all the Powers with reference to such Shares which the Hereford Company or their Directors might have exercised if that Company had not been dissolved : Provided also, that the Great Western Company shall within 12 Months after the passing of this Act, and in accordance with the Clauses and Provisions with respect to the Consolidation of Shares into Stock of " The Companies Clauses Consolidation Act, 1845," consolidate those ordinary Shares into a general Capital Stock, to be called " The Hereford,

ford, Ross, and Gloucester Railway Ordinary Stock," and those Preference Shares into a general Capital Stock, to be called "The Hereford, Ross, and Gloucester Railway Preference Stock," and those Clauses and Provisions shall be in force and apply to such Stock and the Holders thereof respectively.

5. On the passing of this Act and on the Execution by the Hereford Company of a Deed of Conveyance to the Great Western Company, in which the Consideration, namely, annual Dividends on the Amount of the preferential Capital of the Hereford Company, amounting to the Sum of 30,000*l.*, and annual Dividends on the Amount of the ordinary Capital of the same Company, amounting to 212,980*l.*, at the respective several Rates, and payable in the Manner and during the respective Periods herein-after mentioned and set forth, and also the Principal Sums secured by the Mortgages, Bonds, or otherwise of the same Company, amounting to the Sum of 91,000*l.*, shall be fully and truly stated and set forth, and such Deed of Conveyance being duly stamped for denoting the proper ad valorem Stamp Duty in respect of such Considerations respectively, all the Undertaking, Railway, Estates, Property and Effects, Rights, Powers, Interests, Claims, and Demands whatsoever of the Hereford Company shall be and remain vested in the Great Western Company.

Railway, &c.
of Hereford
Company
transferred to
Great Western
Company.

Saving of Rights and Liabilities, §§ 6 to 15.

Power of levying Tolls transferred to Great Western Railway Company, § 16.

Register, &c. of Hereford Company to be preserved by Great Western Railway Company, § 17.

18. In consideration of the Transfer to the Great Western Company of the Undertaking of the Hereford Company as by this Act provided, the Great Western Company shall yearly and every Year after the passing of this Act pay to the Holders of the 1,500 Preference Shares in the Capital of the Hereford Company, until the Conversion thereof, a Dividend or fixed Sum after the Rate of 5*l.* per Centum per Annum, upon the Amount of that Capital represented by the Shares held by them respectively; and after the Conversion of those Shares into Hereford, Ross, and Gloucester Railway Preference Stock a fixed annual Sum of 5*l.* in respect of each 100*l.* of such Stock held by them respectively; and the Great Western Company shall also yearly and every Year after the passing of this Act pay to the Holders of the 10,649 ordinary Shares in the Capital of the Hereford Company, until the Conversion thereof, a Dividend or fixed Sum after the Rate of 3*l.* per Centum per Annum upon the Amount of that Capital represented by the Shares held by them respectively; and after the Consolidation of those Shares into Hereford, Ross, and Gloucester Railway ordinary Stock a fixed Sum of 3*l.* in respect of each 100*l.* of such Stock held by them respectively.

Great Western
Company to
pay fixed
yearly Sums in
respect of
Shares in Here-
ford Railway.

Mode and Time of Payment of yearly Sums, § 19.

Remedies for Recovery of yearly Sums, § 20.

Power to lease the Ely Valley Railway, §§ 21 to 28.

Power for Great Western Railway Company to take Shares in the Ely Valley Company to the Extent of 35,000*l.*, to apply their present Funds to that Purpose, or to raise by Shares additional Capital with or without a Preference not exceeding 4*l.* 10*s.* per Cent., §§ 29 to 39.

Saving Rights of Llantrissant and Taff Vale Railway Companies, § 43.

Cap. cxviii.

“The Kent Coast Railway Act, 1862.”

Recites that in 1857 a Company was incorporated by the Name of the Herne Bay and Faversham Railway Company (but now by virtue of “The Kent Coast Railway Act, 1861,” styled “The Kent Coast Railway Company,” with a Capital of 80,000*l.*, in 4,000 Shares of 20*l.* each, and with Power to borrow 26,000*l.*, for the Purpose of making a Railway commencing from and out of the London, Chatham, and Dover Railway in the Parish of Preston next Faversham, in the County of Kent, and terminating in the Parish of Herne, in the same County; that by “The Margate Railway Act, 1859,” the Company were authorized to extend their Line of Railway from Herne Bay to Margate, and to raise the further Sums of 105,000*l.* by ordinary Shares, and 35,000*l.* by borrowing; that by “The Kent Coast Railway Act, 1861,” the Company were authorized to extend their Line of Railway from Margate to Ramsgate, and to raise for the Purposes of the Undertaking by that Act authorized the Sums of 96,000*l.* by ordinary Shares, and 32,000*l.* by borrowing, and for the Purposes of the Undertaking, by “The Herne Bay and Faversham Railway Act, 1857,” and “The Margate Railway Act, 1859,” authorized, the further Sums of 60,000*l.* by Shares, with or without a preferential Interest or Dividend (payable only out of the Profits applicable to Dividend of the Railways by those Acts authorized), and 20,000*l.* by borrowing, and the Company have accordingly created and issued Shares for raising that Sum of 60,000*l.*; that the original Line is complete and open for Traffic, except a Bridge for crossing a Road in the Parish of Herne, and the Powers of the Company for the Construction of that Bridge have expired, and it is expedient that further Powers for the Construction thereof be conferred upon them; that it is also expedient that the Company be authorized to purchase for Station Accommodation and other Purposes of their Undertaking additional Lands in the Parishes of Herne and Saint George’s, Ramsgate; and that the Company or any other Company or Persons interested in the Trade of Ramsgate Harbour should be empowered to enter into Contracts with the Board of Trade for the Use or for the Construction and Use of Horse Railways or Tramways upon the Quays and the East Pier of the said Harbour; and that the Company should be authorized to raise further Monies.

Incorporation of Consolidation Acts, §§ 2 to 4.

Power to make Works according to deposited Plans, § 5.

Saving Lady Truro's Property, § 6.

Description of Works, § 7.

Level Crossing, § 8 and § 12.

Road from Pier to Sands at Ramsgate, § 9.

Road from Western Pier Gate to Station at Ramsgate, § 10.

Power to construct other Works by Agreement with Board of Trade, § 11.

Power to alter Engineering Works, § 13.

Admiralty Approval to Works below High-water Mark, §§ 14 to 16.

Lands of Board of Trade not to be taken without Consent, § 19.

Three Years for compulsory Purchase of Land, § 20.

Five Years for Completion of Works, §§ 21, 22.

Power to take Tolls, § 23.

Power to create new Shares to Amount of 264,000*l.*, § 25.

Power to cancel unissued Shares, § 26.

27. And whereas it is expedient that the Shares representing the said Sum of 60,000*l.*, created under the Powers of "The Kent Coast Railway Act, 1861," should with the Consent of all the Holders of those Shares, but not otherwise, be amalgamated with and form Part of the ordinary Capital of the Company, and be entitled to Dividend out of the general Profits of the Company without any Preference: Therefore, when the Consent thereto of all the Holders of the Shares representing the said Sum of 60,000*l.* shall have been obtained, the said Sum of 60,000*l.* shall be amalgamated with and form Part of the ordinary Capital of the Company, and the Shares and Stock representing the same shall (subject to the Preference or Priority inter se of Half Shares bearing the same Number) entitle the registered Holders thereof to Interest or Dividend in common with other ordinary Shares and Stock of the Company out of all the Profits of the Company applicable to Dividend, anything in "The Kent Coast Railway Act, 1861," to the contrary notwithstanding.

Preference Capitals under 24 & 25 Vict. c. ccxli. to form Part of ordinary Capital.

Evidence of such Consents, § 28.

Certificates to be exchanged, § 29.

Disposal of new Shares, §§ 30 to 32.

33. Provided always, That the Company may, if they think fit, create and issue in preferred Half Shares and deferred Half Shares, and after Issue may, with the Consent of the registered Holders, divide into preferred Half Shares and deferred Half Shares, in accordance with the Provisions of the Acts now in force relating to the Company, all or any Part of the Capital which they are by this Act authorized to raise.

Half Shares may be created.

Power to borrow 88,000*l.* more, §§ 34, 35.

Agreement of 11th June 1861 referred to in "The Kent Coast Railway Act, 1861," not to be affected, § 40.

Cap. cxcviii.

"The Shrewsbury and Hereford Railway (Leasing)
Act, 1862."

Recites Acts of 9 & 10 Vict., 13 & 14 Vict., and Two Acts of 17 & 18 Vict. relating to the Company; that by "The Shrewsbury and Hereford Railway Act, 1856," the Powers and Provisions of the said recited Acts were consolidated, and certain Amendments made therein, and further Powers were granted to the Company; that it is expedient that such Powers should be granted to the Company to lease their Undertaking as are herein-after contained; that for the Accommodation of the Traffic upon the Railway the Company or their Lessees should be enabled to take certain Lands; that it is expedient that the Time for the Sale of superfluous Lands by the Company should be extended; also that the Company, or their Lessees, and the Leominster and Kington Railway Company should be empowered to enter into Agreements with respect to the Working, Use, and Management of the Undertaking of the said last-named Company, and with respect to the Interchange of Traffic between the Railways of the Two Companies, and the Division and Apportionment of the Profits arising in respect of such Traffic; and that Powers should be granted to the Company or their Lessees to subscribe to and to hold Shares in the Undertaking of the Knighton Railway Company and Central Wales Railway Company, or either of them.

Incorporation of Consolidation Acts, § 2.

Lease of the Undertaking of the Company to the London and North-western Railway Company, §§ 3 to 7.

Power to Great Western Railway Company and West Midland Company to use the Railway, § 8.

Power of Arbitrators or Umpire, § 9.

Local Traffic not to be interfered with, § 10.

Byelaws to be observed, § 11.

The West Midland, Great Western, and London and North-western Companies to book, &c. Through Passengers, Goods, &c. on Railways herein named, § 12.

Rates and Fares receivable in respect of Traffic booked, &c., § 13.

Arbitration Clause, § 14.

Providing for Cesser of preceding Powers of User in event of Lease to other Companies, § 15.

Confirming Agreement in Schedule (B.) between Shrewsbury and Hereford, London and North-western, Great Western, and West Midland Railway Companies, § 16.

Provision for Lease to London and North-western, Great Western, and West Midland Railway Company, § 17.

Provision for doubling the Railway throughout, § 18.

Power to acquire additional Lands, § 19.

Restricting Lands to be taken from the Estate of Mr. Salwey, § 20.

Three Years for compulsory Purchase of Lands, § 21.

Power to stop up Footway in the Borough of Leominster, § 23.

Extending Period for Sale of Company's superfluous Lands for Seven Years, § 24.

Power for the Leominster and Kington Company to use Portion of Shrewsbury and Hereford Railway, §§ 25 to 27.

The Shrewsbury and Hereford Company and their Lessees to give Leominster and Kington Company Accommodation at the Station, § 28.

Power to enter into Agreements with Leominster and Kington Railway Company, §§ 29 to 36.

Power for Tenbury Railway Company to use Portion of Shrewsbury and Hereford Railway and vice versâ, §§ 37 to 41.

Power for Company or London and North-western Company to subscribe to Knighton and Central Wales Railway Company 30,000*l.*, § 42.

Power to those Companies to create Shares with or without a Preference Dividend not exceeding 5*l.* per Cent. for Purpose of Subscription, §§ 43 to 46.

48. Neither the Company nor their Lessees shall exercise any Power by this Act given to raise or apply further Capital, nor shall they under any Powers vested in them by any of the said recited Acts relating to the Shrewsbury and Hereford Railway raise or apply any further Capital, either by Shares or by borrowing, nor shall the Lessees lay out any Money for any Purposes connected with the Undertaking of the Company, or subscribe to the Knighton or Central Wales Railway, until the Company shall have called up the Money remaining unpaid upon the several Shares issued by virtue of a Resolution passed at a Meeting of the Company on the 23d of August 1859; but this Restriction shall not prevent the Company from renewing Debentures for Sums hereafter falling due in respect of Monies borrowed before the 25th of March 1862, nor compel the Company to call up more Money upon the said last-mentioned Shares than shall for the Time being be required for the Purposes of the Undertaking.

Protecting new Shares of 1859.

Schedules A. and B. (Agreements for Leases.)

Cap. cxcix.

“ The Spalding and Bourn Railway Act, 1862.”

Recites that the Construction of a Railway connecting the Norwich and Spalding, the Bourn and Essendine, and the Great Northern Railways would be of local and public Advantage; and that it is expedient that the Company and the Great Northern Railway Company be authorized to enter into the Working and Traffic and other Arrangements described.

Incorporation of Companies, Lands, and Railways Clauses Acts, §§ 2, 3.

Incorporation of Company with a Capital of 98,000*l.*, §§ 4 to 6.

Power to borrow 32,500*l.*, §§ 7 to 9.

Meetings ; Directors, &c., §§ 12 to 19.
 Power to make Railway according to deposited Plans, §§ 20, 21.
 Power to alter Engineering Works, § 22.
 Level Crossings, §§ 23 to 26.
 Regulating the Junction with the Great Northern and the
 Bourn and Essendine Railways, §§ 27 to 30.
 For Protection of Bourn Eau Navigation, § 31.
 Three Years for compulsory Purchase of Land, § 33.
 Five Years for Completion of Works, §§ 34, 35.
 Tolls, §§ 36 to 43.
 Power to use Part of Great Northern Railway, § 44.
 Power to contract with Great Northern Railway Company,
 §§ 45 to 52.
 Traffic Facilities to be afforded by Bourn and Essendine Com
 pany and their Lessees, § 53.

Cap. cc.

“ The Tottenham and Hampstead Junction Railway Act,
 1862.”

Proposes the making of a Railway from Tottenham to join the
 Hampstead Junction Railway and of the several Junction
 Lines in connexion therewith as herein-after described, and
 to authorize Agreements with the London and North-western
 and Eastern Counties Railway Companies.
 Incorporation of Consolidation Acts, §§ 2, 3.
 Incorporation of Company with a Capital of 160,000*l.*, §§ 4
 to 6.
 Power to borrow 53,300*l.*, §§ 7 to 9.
 Meetings ; Directors, &c., §§ 12 to 19.
 Power to make Railway according to deposited Plans,
 §§ 20, 21.
 Power to alter Engineering Works, § 22.
 Railway No. 4 to be opened at the same Time as Railway
 No. 1, § 23.
 Company to construct Sidings, § 24.
 Communications with and Protection of Great Northern Rail-
 way, §§ 25 to 36.
 Mode of crossing Edgware, Highgate, and London Railway,
 §§ 37 to 43.
 As to Communications with Hampstead Junction Railway,
 §§ 44 to 47.
 With Northern and Eastern Railway, §§ 48 to 52.
 Works connected with the Archway and Kentish Town
 Junction Road to be constructed to the Satisfaction of the
 Trustees, §§ 53 to 55.
 Regulating the Crossings of the Metropolis Turupike Roads,
 §§ 56 to 58.
 For Protection of Sewers of Metropolitan and other Boards,
 § 59.
 Provisions as to Payment of certain Rates in the Parish of
 Saint Mary Islington, § 60.
 For preventing Stoppages or Obstructions to Traffic, § 61.
 As to Bridge over Gordon House Lane, § 62.

Bridges to be Watertight, § 63.

A certain Footpath not to be interfered with, § 64.

Local Rates to be made good, § 65.

As to certain Sewers, § 66.

As to Settlement of Differences between the Company and the Parish Surveyor, § 67.

Regulating the crossing of Hermitage Road, § 68.

Three Years for compulsory Purchase of Lands, § 70.

Four Years for Completion of Works, § 71.

Tolls, §§ 73 to 79.

Power to make Traffic Agreements with London and North-western and Eastern Counties Railway Companies, §§ 80 to 85.

Cap. cci.

“The Great Northern and Western (of Ireland) Railway Act, 1862.”

Recites that it is expedient to enable the Great Northern and Western (of Ireland) Railway Company to make a Railway to Ballina, and to agree with the Midland Great Western Railway Company for the working of the same.

Incorporation of Consolidation Acts, § 2.

Power to make the Railway, §§ 3 to 6.

Level Crossings, §§ 7 to 9.

Compulsory Purchase of Lands limited to Three Years, § 10.

Five Years for Completion of Works, §§ 11, 12.

Power to raise by Shares a further Capital of 90,000*l.*, § 14.

Power to borrow on Mortgage 30,000*l.*, §§ 15, 16.

Powers of the Company to agree with Midland Great Western Company contained in former Acts extended to Railway hereby authorized, § 17.

Cap. ccii.

“The Carnarvonshire Railway Act, 1862.”

Proposes the making of a Railway from Carnarvon to Port Madoc, in the County of Carnarvon.

Consolidation Acts incorporated, § 1.

Incorporation of Company with Capital of 200,000*l.*, and

Power to borrow 66,500*l.* §§ 3 to 11.

Meetings; Directors, &c., §§ 12 to 17.

Power to make Railways, §§ 18 to 20.

Communications with Bangor and Carnarvon Railway, §§ 21 to 24.

Power to alter Engineering Works, § 25.

Level Crossings, §§ 26 to 29.

Three Years for compulsory Purchase of Lands, § 32.

Four Years for Completion of Works, §§ 33, 34.

Tolls, §§ 35, 44.

Power to make Working Arrangements with London and North-western and Aberystwith and Welsh Coast Railways, §§ 45 to 50.

Transmission of Traffic on Aberystwith and Welsh Coast Railway, §§ 51, 52.

Admiralty Provisions as to crossing the Mouth of Carnarvon Harbour, §§ 53 to 57.

Provisions against Obstruction of Traffic of Nantlle Railway, § 64.

Saving Rights of the Crown, § 65.

Schedule (Agreement with Trustees of Carnarvon Harbour).

Cap. cciii.

“The Aberdeen Police and Waterworks Act, 1862.”

Recites 10 Geo. 4. c. xli., being an Act for better paving, lighting, watching, and improving the City of Aberdeen, and proposes to enact enlarged Powers for cleansing, lighting, watching, draining, and improving the said City and adjacent Districts, for regulating the Police thereof, for supplying the Inhabitants with Water, and for other Purposes.

Repeal of recited Act and Commencement of this Act, § 3.

Incorporation of Lands Clauses Acts, of Commissioners Clauses Act, of Waterworks Clauses Act, of certain Clauses of Railways Clauses Act, and of Gasworks Clauses Act, §§ 4 to 8.

Transfer of Property to the Commissioners, and Reservation of existing Rights, §§ 9 to 19.

Saving Rights of Council and Harbour Commissioners over Harbour, § 20.

Saving Rights of Town Council, § 21.

Jurisdiction of Magistrates and Town Council, Dean of Guild, Sheriff, and Justices reserved, § 22.

Limits of Act and Division into Wards, §§ 23 to 33.

Mode of extending Act to other Portions of Parliamentary Limits, § 25 and § 34.

Mode of extending Act beyond compulsory Limits to a Burgh or Place where General Act has been adopted, §§ 34 to 39.

Alteration or Division of Wards on Extension of Limits, § 40.

Election of Commissioners before extended Territory included in a Ward, § 41.

Boundaries of new or altered Wards to be advertised, § 42.

Commissioners for carrying this Act into execution, § 43.

Time of electing Commissioners, § 44.

Qualification of Electors, and Persons who may be elected Commissioners, §§ 45 to 50.

Proceedings at Election of Commissioners, §§ 51 to 57.

Commissioners to become disqualified, §§ 58, 59.

Vacancies of Commissioners to be filled up, § 60.

Commissioners not to hold Places of Profit under this Act, § 61.

Meetings of the Commissioners; their general Powers and Duties; Appointment and Duties of Treasurer, Collector, and Clerk; Books, Accounts, and Balances, §§ 62 to 84.

Power to estimate and fix general Assessments, § 85.

Power to estimate and fix the District Assessments for Sewer Rates, § 86.

- Power to impose private Assessments for Drainage of Houses, § 87.
- Limitation of Expenditure for House Drains, § 88.
- General Assessments, § 89.
- Assessment on Railways, § 90.
- Exemption on the Ground of Poverty, § 91.
- Power to exempt Places beyond compulsory Limits from Provisions of this Act, wholly or partially, § 92.
- Period of calculating Assessments, § 93.
- Majority of Commissioners to be present when Assessments imposed, § 94.
- Assessments on Premises occupied for Part of a Year, § 95.
- Houses unfurnished and unoccupied, § 96.
- Assessment on Premises let for less than a Year, § 97.
- Yearly Value of Premises to be fixed by Valuation Roll, § 98.
- Where Valuation Roll insufficient, the Commissioners may appoint a Valuator, § 99.
- Penalty for refusing Access to Valuator, § 100.
- Roll of Ratepayers and Value of Premises to be annually made up and authenticated, § 101.
- Commissioners may alter and amend the Roll, § 102.
- Notice of Assessments to be given to Ratepayers, § 103.
- Appeals against Assessments, §§ 104, 105.
- Mode of Recovery of Assessments, §§ 106 to 108.
- Application of Assessments and of Sewer Rates, §§ 109 to 111.
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- Power to prevent Obstructions in the Streets during public Processions, § 131.
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- Measures to be taken in case of Epidemics, § 141.
- Commissioners to be the Authority under Nuisances Removal Act, § 144.
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- Brokers and others may detain Persons offering Articles suspected to be stolen, § 228.
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- Expense of new Sewers, how to be defrayed, § 287.
- Penalty for making unauthorized Drains, § 288.
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- No House to be hereafter built without Drains being constructed, § 294.
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- Proceedings in case of laying out new Streets, §§ 324 to 332.
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- Commissioners may fix Line of new Buildings and remove Projections, §§ 334 to 345.
- Power to remove ruinous and dangerous Buildings; Prevention of Fire; and Provisions for Ventilation, §§ 346 to 358.
- Regulating Construction of Buildings intended as Places for Public Meetings, §§ 359, 360.

Cellars not to be occupied as Dwellings, §§ 361 to 363.

Power to Commissioners to provide public Clocks, § 364.

Construction of Works by the Commissioners or by Owners or Occupiers, and Appeal to the Sheriff, §§ 365 to 377.

Respecting existing Contracts for building, § 378.

Respecting Contracts for Leases, § 379.

Commissioners to hold and preserve existing Supplies of Water, § 380.

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Limitation as to Property of the late John Menzies, Esq., § 382.

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Quantity of Water to be taken from the Dee at Cairnton, § 386.

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Commissioners to erect and maintain a Gauge, §§ 389 to 391.

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Three Years for purchasing Land, § 396.

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Power to distribute Water, and to maintain Waterworks and public Fountains, § 409.

Supply of Water for domestic Use, § 410.

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Supply for other Purposes than domestic or beyond Limits of Act, §§ 414, 415.

Commissioners may cause Communication Pipes to be joined to the Mains, § 416.

Commissioners may make Orders for preventing Waste of Water, § 417.

Penalty for Waste of Water by Non-repair of Pipes, § 418.

Commissioners may let Meters for Hire, § 419.

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Water Rents payable in advance, and to be a preferable Debt, § 425.

Recovery of Water Rent, §§ 426, 427.

Wells may be maintained for Supply of Ships, § 428.

- Penalty for taking Water for Ships except from such Wells, § 429.
- Wells for the Supply of Ships may be let, § 430.
- Ships in Her Majesty's Service exempted, § 431.
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- Commissioners may resolve to purchase Gasworks, § 434.
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- Power to enter into Contracts for Purchase of Gasworks, § 438.
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- Appointment of Judicial Factor, §§ 440, 441.
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- Commissioners to fix Rates for Gas, § 445.
- Mode of Recovery of Rates for Gas, § 446.
- Application of Money received for Gas, § 447.
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- Commissioners may provide Slaughter-houses, § 449.
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- Proportions of Baths for the Working Classes, § 452.
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- Form of Bonds and Assignations, § 462.
- Money may be borrowed on Cash Account, § 463.
- Saving Priority of Bonds and Assignations granted under recited Act, § 464.
- Bonds and Assignations may be transferred by Indorsation, § 465.
- Notice of Repayment, § 466.
- Power to borrow in anticipation of Assessments, § 467.
- Sinking Fund for Waterworks, § 470.
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- Mode of investing Sinking Funds, § 474.
- Power to make Byelaws, §§ 475 to 483.
- Jurisdiction of Provost and Bailies, § 485.
- Police Court and Judges thereof, § 486.
- Offences which are not to be taken cognizance of in Police Court, § 487.

- In Cases of Theft, &c. Complaint and Conviction to bear that the Value of Articles stolen did not exceed 10*l.*, § 488.
 Prosecutors in Police Court, § 489.
 Actions to be brought by Prosecutors, § 490.
 Bail may be accepted, § 491.
 Persons in Custody to be taken before a Magistrate, § 492.
 Prisoners may be remanded to find Caution or for further Examination, § 493.
 For Recovery of forfeited Bail Bonds and Bonds of Caution, § 494.
 Book to be kept for entering Pledges, § 495.
 Summary Form of Process to be established, § 496.
 Witnesses ; Penalties ; Imprisonment, &c., §§ 497 to 513.
 No Appeal to the Principal Sheriff, § 514.
 Proceedings before Magistrate to be final, unless appealed from on certain Grounds, § 515.
 Regulations as to Appeals, §§ 516 to 518.
 Limitation of Actions in Police Court, § 519.

Cap. cciv.

“The Glasgow Police Act, 1862.”

Recites 6 & 7 Vict. c. x., intituled “An Act to consolidate, amend, and extend the Provisions of several Acts for the better paving, watching, lighting, and cleansing, and for regulating the Police of the City of Glasgow and adjoining Districts, and also for managing the Statute Labour of the said City, and for other Purposes in relation thereto,” by which Act Commissioners were appointed to carry the same into effect ; also 9 & 10 Vict. c. cclxxxix., intituled “An Act to extend the Municipal Boundaries of the City of Glasgow, to amend the Acts relating to the Police and Statute Labour of the said City and adjoining Districts, and for other Purposes in relation to the Municipality and Police of the said City,” by which Act the Powers previously vested in the said Commissioners were transferred to a Committee of the Magistrates and Town Council of the said City ; also 19 & 20 Vict. c. lvi., intituled “An Act for better paving the City of Glasgow, and for other Purposes in relation to the Statute Labour of the said City ;” and that it is expedient that the Provisions of the said Acts relating to the Police and Statute Labour of the said City should be amended and consolidated, and that further Powers should be granted for the Improvement of the said City, and its better Regulation and Government.

Limits of Act, § 2.

Lands Clauses Acts (Scotland), 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated, § 3.

Interpretation of Words, § 4.

Certain Portions of private Streets to be deemed separate Streets, § 5.

Repeal of former Acts, § 6.

Transfer of Property and Rights of Police and Statute Labour Committee to new Board, § 7.

- Rights of Action, Decrees, Agreements, Books, &c. of the Committee transferred to Board, §§ 8 to 16.
- Powers of River Bailie and of Clyde Trustees and their Byelaws reserved, §§ 17, 18.
- Saving Rights of Canal Companies, § 19.
- Powers of Board, § 20.
- Constitution of Board; Supply of Vacancies; Meetings; Chairman, &c., §§ 21 to 36.
- Parts of Commissioners Clauses Act incorporated, § 37.
- Accounts and Audit, §§ 38 to 43.
- Assessments:—1. Statute Labour Assessment; 2. Police Assessment; Mode of Valuation; Assessment on Keepers of Horses; Appeals; Recovery of Assessments; Appropriation of Assessments, §§ 44 to 66.
- Power to borrow on Mortgage of Rates, § 67.
- Power to grant Annuities; Sinking Fund, §§ 68 to 71.
- Officers to be appointed by Board and by Town Council of Glasgow; Compensation to Town Clerks, §§ 72 to 76.
- Appointment of Chief Constable by Magistrates and Sheriff, §§ 77, 78.
- Chief Constable to appoint subordinate Officers, §§ 79 to 82.
- Provision for securing Efficiency of Discipline; Power of Dismissal; Salaries, §§ 84 to 86.
- Appointment of Special Constables, §§ 87 to 89.
- Powers and Duties of Constables; Penalties, §§ 90 to 103.
- Police Courts; Powers and Duties of the Officers attending them; Penalties, &c., §§ 104 to 114.
- Jurisdiction of and Procedure before Magistrates, and Enforcement and Review of their Sentences, §§ 115 to 144.
- Offences against good Order, and Punishment thereof, §§ 145 to 157.
- Offences in Turnpike Roads, Streets, Courts, and Common Stairs, § 158.
- Offences against Acts relating to Public Houses, § 159.
- Prevention and Suppression of Fires, §§ 160 to 170.
- Provisions as to Certificates and Licences for certain Occupations and Trades, § 171 to 189.
- Regulations as to Weights and Measures; as to Sale and Delivery of Coal, §§ 190 to 202.
- Pawnbrokers and general Brokers; Regulations and Penalties, §§ 203 to 207.
- As to Sale and Storage of Fireworks and Gunpowder, §§ 210 to 221.
- Licensing and Regulation of Stage and Hackney Carriages, 222 to 247.
- Byelaws as to Porters, public Carters, and Chimney Sweeps, § 248.
- Prevention and Removal of Nuisances; Inspectors of Lodging Houses; Execution of Powers of the Nuisances Removal Act (Scotland), §§ 249 to 270.
- Penalties for Exposure or Sale of unwholesome or adulterated Food, § 271 to 276.
- Jurisdiction of and Procedure before the Dean of Guild, §§ 277 to 282.

- Powers and Duties of Master of Works, §§ 282, 283.
 Formation, Improvement, and Maintenance of Streets and Courts; Removal of Turnpike Gates; naming and numbering of Houses; laying of Tramways, &c., §§ 284 to 331.
 Construction and Repair of public and private Sewers; Contamination of Streams, §§ 332 to 347.
 Cleansing of Streets, Courts, &c.; Removal of City Manure, &c., §§ 348 to 362.
 Lighting of the City and Turnpike Roads within the same, §§ 363 to 368.
 Erection, Alteration, and Use of Buildings, §§ 369 to 395.
 Public Baths and Wash-houses; Regulations as to Erection and Maintenance, §§ 396 to 400.
 Procedure; Forms of Notice; Claims of Relief of Proprietors, Occupiers, and other Persons; Recovery of Damages; Byelaws, §§ 401 to 422.
 Offences against the Glasgow Markets and Slaughter-houses Act, 1850, to be tried as Police Offences, § 423.
 Power to Magistrates and Council to make Byelaws for Regulation of Glasgow Green, § 424.
 Act to continue in force for Five Years only, § 426.

Cap. ccv.

“The Salford Improvement Act, 1862.”

Recites that under “The Salford Improvement Act, 1830,” and “The Salford Improvement Act, 1844,” certain Commissioners thereby constituted were empowered to improve and regulate the Township of Salford, in the County of Lancaster, and to establish Gasworks and Markets there; that by a Charter of Incorporation, dated the 16th April 1844, the Inhabitants of the Township of Salford and Part of the Township of Broughton were incorporated by the Name or Title of “the Mayor, Aldermen, and Burgesses of the Borough of Salford, in the County of Lancaster,” and under the Authority of the last-mentioned Act the Properties and Powers of the Commissioners were vested in the Corporation; that by “The Salford Waterworks and Improvement Act, 1850,” Powers were given to the Corporation of Salford to purchase Water from the Corporation of Manchester, and to distribute the same within the Borough, and to levy and receive Rates and Rents in respect thereof, and to make Improvements within the Borough; and by “The Salford Extension and Improvement Act, 1853,” the Remainder of the Township of Broughton, the Township of Pendleton, and Part of the Township of Pendlebury were added to and now form Part of the Borough of Salford, and the Borough was divided into Three Districts, called respectively “the Salford District,” “the Broughton District,” and “the Pendleton District,” and the Corporation were authorized to purchase a further Quantity of Water from the Corporation of Manchester, and to supply Water within the Pendleton District as well as within the then Borough; that by “The Salford Gasworks Act, 1859,” further Provisions

were made in respect to the Supply of Gas by the Corporation of Salford and the Profits accruing therefrom; and that under the Provisions of the said Acts for the Improvement, Government, and Regulation of the Borough of Salford the Corporation of Salford have borrowed considerable Sums of Money, and the total Amount due by them upon their various Securities amounted, on the 31st August 1861, to the Sum of 111,778*l.*; that the Powers and Provisions of the last-mentioned Acts are insufficient, and it is expedient that the same be enlarged, and that the Corporation be empowered to raise additional Monies; that such other Powers and Provisions in reference to the Borough be enacted as are by this Act provided; and that the recited Acts be repealed and in part re-enacted; also that by "The Manchester Division Stipendiary Justice Act, 1854," Provision was made for the Sittings of the said Justice, and it is expedient to amend such Act in respect to such Sittings.

Interpretation of Terms, §§ 4 to 6.

Repeal of Acts of 1830, 1844, 1850, 1853, 1859, § 7.

Saving of Rights, Contracts, Byelaws, &c. of Corporation under repealed Acts, §§ 8 to 17.

Certain Sections of repealed Acts reserved, § 18.

Limits of Borough; Division into Wards; Constitution of Council, §§ 19 to 27.

Powers and Proceeding of Council, Officers, &c., §§ 28 to 35.

As to Waterworks and Water Supply; Rents for Water; Fire-plugs; Meters; Recovery of Water Rents, §§ 36 to 80.

Powers of Corporation to supply Gas; Limits of Supply; Quality and maximum Price of Gas; Recovery of Gas Rents; Penalties, §§ 81 to 103.

Markets; Fairs and Slaughter-houses; Chancellor and Council of the Duchy of Lancaster authorized to sell the Rights of holding Markets, § 104.

Powers of Council in respect to Markets; Tolls for Slaughter-houses; Penalties, §§ 105 to 119.

Regulations as to Weighing Machines, §§ 120 to 127.

Powers of the Act, 22 & 23 Vict. c. 56. extended to the Borough, § 128.

Payment and Recovery of Tolls and Stallages for Use of Markets; Byelaws, §§ 129 to 138.

Public Sewers and House Drainage, §§ 139 to 151.

Regulations as to Construction of Buildings, §§ 152 to 155.

As to Lodging Houses and Cellars, §§ 156 to 160.

Byelaws may be made by Corporation with respect to Streets, Buildings, &c., § 161.

Corporation to be Surveyors of Highways, § 162.

As to paving and sewerage of Streets; Projections and Obstructions, §§ 163 to 197.

Revision and Execution of Works ordered by Corporation or required by this Act, and Recovery of Charges and Expenses, §§ 198 to 207.

Cleansing and scavenging, §§ 208 to 219.

220. And whereas the River Irwell passes through and adjoins the Borough, and the free Flow of the Water on the River Dams, &c. not to be erected on the Irwell.

River is impeded and obstructed by certain Erections and Obstructions upon or by the Sides thereof, and by large Quantities of Rubbish and other solid Substances being cast or permitted to fall or flow into the same, and the sanitary Condition of the Borough may eventually become injuriously affected thereby : Be it enacted, That every Person who shall after the Commencement of this Act within the Borough construct or erect any Dam, Weir, or other Erection across or in or upon the River Irwell, or make or cause any Obstruction therein, or extend, add to, or increase any Erection or Obstruction heretofore erected or existing, whereby the Flow of Water shall be obstructed or any Nuisance created, shall for every such Offence be liable to a Penalty not exceeding 50*l.*, and to a further Penalty of 10*l.* for every Day during which the Offence shall continue ; and such Person shall, within One Month after Notice from the Corporation so to do, take down and remove such Erection or Obstruction, or such Part thereof as shall have been erected, created, and made after the Commencement of this Act.

Existing
Dams, &c. to
be removed.

221. All Erections or Obstructions which respectively impede the free Flow of Water shall, within One Month after Notice from the Corporation to the Owner or Occupier, or the Person claiming or having the Benefit thereof, requiring such Erection or Obstruction to be taken down and removed, be taken down and removed accordingly, and every Person refusing to comply with such Notice or offending against the Provisions in this Section contained shall for every Offence be liable to a Penalty not exceeding 50*l.*, and to a further Penalty of 10*l.* for every Day during which such Offence shall continue ; and the Corporation may take down and remove or demolish such Erection or Obstruction, or such Part thereof as they shall deem expedient, and recover the Expenses incurred thereby from such Person : Provided always, that no such Erection or Obstruction to which any Person may have before the Commencement of this Act acquired a legal Right shall be taken down, demolished, or removed without Compensation being made for any Damage or Injury which the Owner or Occupier, or the Person claiming or having the Benefit thereof respectively, may sustain, the Amount of such Compensation in case of any Disagreement respecting the same to be ascertained and settled in the Manner herein provided for the Settlement of Disputes as to Compensation.

Corporation
may remove
Rubbish from
River.

222. The Corporation may from Time to Time remove all Rubbish and other Materials, Matters, and Things which have fallen, flowed, or been cast into the River within the Borough : Provided always, that nothing in this Act contained shall be held or construed to authorize the Corporation to do any Act which may injure or prejudicially affect any Bridge over such River.

Costs, &c. how
to be paid.

223. All Costs, Charges, and Expenses incurred by the Corporation incidental to the several Things authorized to be done in relation to the River Irwell shall be paid out of the Borough Fund of the Borough.

224. In

224. In order to prevent Encroachments on the River Irwell within the Borough and to secure Regularity in the Banks thereof, the Corporation may at any Time within Six Months after the Commencement of this Act cause a Survey of the said River to be made all along its Course through or adjoining the Borough, and a Plan to be prepared showing the Width of the River and the Property immediately adjoining thereto, together with such other Particulars as the Corporation may think fit, and the Corporation may define and describe upon such Plan what shall be the Boundaries of the River, and no Person shall build any Wall or other Structure which shall project into the River as so defined, save such Structures as are or shall be authorized by Act of Parliament, and such as are herein-after mentioned, and such Plan shall be lodged at the Town Hall, and shall be accessible to the Inhabitants of the Borough at all reasonable Times : Provided always, that the Corporation shall, within One Month after the Completion of the said Survey and Plan, give notice thereof to the Right Honourable the Lord Egerton of Tatton, and to William Legh Clowes, Esquire, of Broughton Hall in the said Borough, who are respectively Owners of Lands adjoining the said River, or their respective Heirs and Assigns, and shall also give public Notice thereof by Advertisement in Two Newspapers circulating in the Borough ; and if within One Month from the Service and Publication of such Notice the said Lord Egerton of Tatton or the said William Legh Clowes, or their respective Heirs or Assigns, or the Owners of Lands adjoining such River to the Extent in the whole of One Mile in Length, shall give Notice that they are not satisfied with the Boundaries of the River as so defined, the Board of Trade may and they are hereby required, on Application of the Corporation or of the said Lord Egerton of Tatton or William Legh Clowes, Esquire, or their respective Heirs or Assigns, or such Landowners, to appoint some Person to inquire into the Matter, and to ascertain and define the Boundaries of the River, for which Purpose such Person shall have Power to hear the Corporation or such Landowners by their Counsel, Agents, or Witnesses, and to call for Books or Documents in the Possession of such Landowners or the Corporation, and to examine Witnesses on Oath and to administer the Oaths necessary for that Purpose ; and the Boundaries of the River which shall be defined by such Person shall thenceforth be and be deemed to be the Boundaries of the River ; and the Costs of such Inquiry shall be in the Discretion of the Arbitrator.

Corporation to provide Plan of the River Irwell.

Costs to be in Discretion of Arbitrator.

225. If any Building or Erection, save as aforesaid, be begun to be put up, built, or erected in the River as defined on such Plan, the Offender shall be liable to a Penalty not exceeding 20*l.*, and shall, within Seven Days after Notice in Writing from the Corporation requiring him so to do, cause such Building or Erection to be taken down or altered to the Satisfaction of the Corporation.

Penalty for building within Line defined.

226. Every Person who shall cast, deposit, or put, or permit or suffer to be cast, deposited, or put, or cause to fall

Penalty on throwing

Rubbish, &c.
into the River
Irwell.

or flow, into the River within the Borough, any Earth, Cinders, Ashes, Filth, Offal, Carrion, Fish, Rubbish, or refuse Materials, shall for every such Offence be liable to a Penalty not exceeding 20*l.*, upon the Information or Complaint of or by or by the Direction of the Corporation, or of or by or by the Direction of the Company of Proprietors of the Mersey and Irwell Navigation, or their principal Agent for the Time being : Provided always, that this Section shall not be deemed to extend or apply to any Works or Operations of the Company of Proprietors of the Mersey and Irwell Navigation, or to any Matter or Thing which may unavoidably fall into the River during the Progress of any Works in relation to the Repair or Reconstruction of the Walls or Banks of such River, or to prohibit any Rights of Sewerage or Drainage existing before the Commencement of this Act or authorized by this Act.

Protection
from Penalties
in certain
Cases.

227. No Person shall be liable to any Penalty under this Act for any Erection or Obstruction across or in or upon the River for the Purposes of repairing or reconstructing the Walls or Banks of such River, or for any other temporary Purpose, and every Person who shall make any such Erection or Obstruction shall, as soon as practicable after the Completion of the Work for which the same shall have been made, remove such Erection or Obstruction, and in default the Corporation may remove the same, and recover the Expenses from such Person : Provided always, that the Corporation shall not be empowered to take down or remove any present or future Erection or Obstruction which, but for the passing of this Act, any Person would have had a legal Right to construct in the said River, without making full Compensation to such Person for all Damage or Injury he may sustain.

Furnaces to consume their own Smoke, §§ 228 to 230.

Public Parks ; Power to purchase Land for Extension of Peel

Park or for Formation of new Parks, § 231.

Expenses to be paid out of Borough Fund, § 232.

Byelaws as to Park, § 233.

Management of Park vested in Museum Committee, § 234.

Washing-houses and Drying Grounds ; public Clocks, §§ 235, 236.

Appointment and Duties of Constables, §§ 237 to 244.

Restoration of Goods unlawfully sold or pawned, §§ 245 to 249.

Obstructions in the Streets ; Routes of Stage Carriages, &c., §§ 250, 251.

As to impounding Cattle, §§ 252, 253.

Public Offences and Annoyances in the Streets ; Penalties on Drivers of Carts ; Fireworks ; Street Musicians ; Drunkenness, &c., §§ 254 to 269.

Powers of Corporation for preventing and extinguishing Fires, §§ 270 to 281.

Regulations respecting Public Houses and Places of Public Resort, §§ 282 to 289.

Hackney Carriages ; Porters ; Chairs, &c., §§ 290 to 324.

Corporation may make Byelaws for Regulation of Pleasure Boats on the Irwell, § 325.

Licensing of Brokers, §§ 326 to 336.

Sale of Gunpowder, § 337.

Extension of 23 & 24 Vict. c. 84. concerning adulterated Food to Borough, § 338.

Power to Corporation to purchase by Agreement and sell Lands for Purposes of Act; Lands Clauses Act incorporated, §§ 339 to 346.

Rates; Estimates for each District to be made; Power to levy District Rates; Exemptions; Domestic Water Rate to be levied; Owners may be rated in certain Cases; Recovery of Rates; Appeals, §§ 347 to 382.

Borrowing Powers; Money may be raised on Credit of Rates; Sinking Fund; Regulations as to Mortgages, §§ 383 to 405.

Provision for District Property becoming Borough Property, § 406.

As to Mode of Payment and Application of Money to Purposes of Act, §§ 408 to 416.

Power to make Byelaws, §§ 417 to 422.

As to Settlement of Disputes; Compensation for Damage, &c., §§ 423 to 427.

Appeals; Service of Notices, &c., §§ 428 to 435.

Saving Rights of Crown, of Corporations of Manchester and Salford, of Mersey and Irwell Navigation Company, of Railway Companies, and Trustees of Turnpike Roads, §§ 436 to 441.

Schedules :—

A. Sections of repealed Acts reserved.

B. Market Tolls, Stallages, &c.

C. to L. Forms of Mortgages, Rates, Warrants, Conveyances, &c.

Cap. ccvi.

“The East Gloucestershire Railway Act, 1862.”

Recites that the making and maintaining Railways from Cheltenham to Faringdon and to Bourton-on-the-Water would be of public and local Advantage; and that it is expedient that the Great Western Railway Company and the West Midland Railway Company be authorized to subscribe towards the Funds of the Company, and to appoint Directors of the Company, and to enter into Agreements, as herein-after provided.

Incorporation of Consolidation Acts, § 2.

Company incorporated, with Share Capital of 600,000*l.*, and

Power to borrow 200,000*l.*, §§ 4 to 8.

Meetings; Directors, &c., §§ 10 to 16.

Three Years for compulsory Purchase of Lands, § 18.

Company to acquire only Easements in Land of the Faringdon and Bourton-on-the-Water Railway Companies, § 20.

Power to execute Works, §§ 21, 22.

Power to alter Engineering Works, § 23.

Level Crossings, §§ 24 to 27.

Gauge of Railway, § 29.

Junctions with other Railways, §§ 30 to 32.

Five Years for Completion of Railway, §§ 33 to 34.

Tolls, §§ 35 to 45.

Company empowered to run over the Lines of the Faringdon and Bourton Railway Companies, §§ 46, 47.

Company to afford Facilities for Traffic of those Companies, §§ 48, 49.

Agreement with those Companies confirmed, § 50.

Power to make other Agreements with Companies above named, §§ 52 to 58.

Great Western and West Midland Companies may subscribe 450,000*l.* to Company's Capital, and may guarantee Interest on their Shares, §§ 59, 60.

Regulations as to voting at Meetings, §§ 61 to 65.

Subscribing Companies may raise new Capital by Shares bearing preferential Dividend of Five per Cent., §§ 66, 67.

Disposal of new Shares, §§ 70 to 75.

81. All the Powers given by this Act shall be conditional on the Company obtaining from Parliament, in the Year 1863, Power to make an Extension of the Line into Cheltenham, North or South of the Lines Nos. 1 and 2 proposed in the present Session ; and if such Extension shall not be sanctioned, all the Powers granted and Conditions sanctioned by this Act shall absolutely cease and determine, and the said Sum of 48,000*l.* deposited as aforesaid, or the Stocks, Funds, or Securities in or upon which the same may have been invested, and the Interest or Dividends thereof, shall, on the Application of the Person or Persons named in the Warrant or Order lodged in pursuance of the said Act of the 9th and 10th Victoria, Chapter 20, or the Survivor or Survivors of them, or the Majority of such Persons, be transferred or repaid according to the Powers and Provisions of that Act, as if this Act, or the Bill upon which this Act is founded, had been withdrawn or not allowed to proceed.

Schedule (Agreement between the Company and the Great Western and West Midland Companies).

Cap. ccvii.

“ The East Grinstead, Groombridge, and Tunbridge Wells Railway Act, 1862.”

Recites the Expediency of making a Railway from East Grinstead to Groombridge in the County of Sussex, of enabling the Company and the London, Brighton, and South Coast Railway Company and the South-eastern Railway Company, or One of them, to enter into Contracts and Agreements with respect to the Working, Use, Management, and Maintenance by the Company and such other Companies, or either of them, of the Railway, and with respect to the Payment and Contribution by and between the Companies Parties to any such Contracts or Agreements, or any or either of them, towards the Costs, Charges, and

Powers of this Act conditional upon an Extension to Cheltenham being obtained by Company.

Expenses of such Working, Use, Management, and Maintenance.

Consolidation Acts incorporated, § 1.

Incorporation of a Company, with Share Capital of 75,000*l.*, and Power to borrow 25,000*l.*, §§ 4 to 10.

Meetings; Directors, &c., §§ 11 to 18.

Power to make and alter Works, Stations, &c., §§ 19 to 24.

Communications with East Grinstead and other Railways, §§ 25 to 35.

Three Years for compulsory Purchase of Lands, § 36.

Five Years for Completion of Works, §§ 37, 38.

Tolls, §§ 39 to 47.

Regulations as to Interference with Surrey and Sussex Roads, §§ 49 to 58.

Power to make Working Arrangements with London, Brighton, and South Coast and South-eastern Companies, §§ 59 to 66.

Cap. ccviii.

“The London and North-western Railway (Additional Powers) Act, 1862.”

Recites that it is expedient that the London and North-western Railway Company should be empowered to construct certain new Railways and Works in order to connect the Company's Railways with certain other Railways and with Iron-works and other Undertakings, also to stop up and to divert certain public Roads, and to purchase some additional Portions of Land; that it is also expedient that the Company and the Cheshire Midland Railway Company should be empowered to enter into and carry into effect Agreements with reference to the Construction by the said Companies or either of them on the Lands now or hereafter belonging to them or either of them of a Station or Stations at Knutsford for the Use of the Two Companies jointly, or of each or either of the Two Companies separately, and with reference to the Management, Working, Maintenance, and Use of the said Station or Stations or any of them, and the Cost thereof, and that the Agreement between the Two Companies, a Copy of which is contained in Schedule (D.) to this Act, should be confirmed; and that it is also expedient that the Fifth and Sixth Sections of “The London and North-western Railway (Additional Works) Act, 1858,” relating to the Construction by the Company of certain Works in the Boroughs of Manchester and Salford, should be repealed, and that the Company should be empowered to stop up and discontinue as a Thoroughfare the Footpath in the said Sections mentioned in lieu of which such Works were directed to be made; that by the 293d Section of 7 & 8 Vict. clxv., authorizing the Construction of the Chester and Holyhead Railway, it is provided that the Bridge for carrying that Railway over the River Foryd shall be a Drawbridge, and that a prescribed Depth of Water shall be maintained in the said River or Parts thereof; that the Traffic upon the said River is extremely unimportant, and there is no Necessity for maintaining the said Bridge as a

Drawbridge, and for retaining the prescribed Depth of Water in the said River, but the Retention of the said Bridge as a Drawbridge is attended with Danger to the Traffic on the said Railway, and it is therefore expedient that the recited Provision should, subject as herein-after mentioned, be repealed; that it is also expedient that so much of "The Midland Railway (Burton Branches) Act, 1860," as prohibits the Use across the Roads referred to in Section 34 of that Act of the Railways therein described as "Connexion Railway, No. 1," and "Connexion Railway, No. 2," with Engines or Carriages drawn or propelled by Steam or Atmospheric Agency, or drawn by Ropes in connexion with Stationary Engines, or otherwise than by ordinary Animal Traction, should be repealed; also that the Company on the one hand, and the Monmouthshire Railway and Canal Company on the other hand, should be empowered to enter into and carry into effect Arrangements and Agreements with reference to the Use by the Company of the Undertaking or any Part thereof of the Monmouthshire Railway and Canal Company, and with reference to the Transmission of Traffic upon and over the Railways or any Parts thereof of the Companies Parties to any such Agreement, and to the Interchange of Traffic between their respective Railways, and to the dividing and apportioning between such respective Companies of the Tolls, Rates, and Charges arising from such Traffic; that the Company, the Great Northern Railway Company, and the Manchester, Sheffield, and Lincolnshire Railway Company respectively have acquired certain Lands, and are empowered to acquire certain other Lands, in the Township of Wavertree and Parish of Childwall, in the County of Lancaster, for the Purposes of Station and other Accommodation, and a more convenient Arrangement of the Premises of the respective Companies might be effected if the said respective Companies were empowered to transfer the one to the other, or to make Exchanges of some of the Lands so acquired or to be acquired by them respectively; that the Undertaking of the Cannock Mineral Railway Company is, under the Authority of Parliament, agreed to be leased to the Company in consideration of a fixed annual Rent, and it is expedient that Provision be made for converting such Rent into fixed Annuities, or for redeeming the same by the Creation and Issue of Stock in the Company bearing a fixed perpetual preferential Dividend, or for empowering the Company to distribute by their own Officers and Servants the said Rent rateably amongst the Holders of Shares in the Capital of the Cannock Mineral Railway Company, and for enabling the Company to keep the Register of Shareholders in such Capital; that the Holders of Shares in the Stour Valley Railway are entitled to receive from the Company a Dividend in a certain Proportion to the Dividend payable on the ordinary Stock of the Company, and it would be convenient if Provision were made for the Conversion into ordinary Stock of the Company of the Shares or Stock in the Capital

of the Stour Valley Railway Company ; also that the Company should be empowered to raise further Capital, and that their Powers in relation to their Debenture Stock and the Rights of the Holders thereof should be amended ; that by "The Nuneaton and Hinckley Railway Act, 1859," a Company was incorporated by the Name of the Nuneaton and Hinckley Railway Company, with Power to construct the Railway and Works in that Act mentioned, and Powers were granted for enabling the Nuneaton and Hinckley Railway Company and the Company to enter into Agreements for the Use and Working by the Company of the Railway or any Part thereof of the Nuneaton and Hinckley Railway Company, and for other Purposes in relation thereto ; that by "The Nuneaton and Hinckley Railway Extension Act, 1860," the Name of the Nuneaton and Hinckley Railway Company was changed to "The South Leicestershire Railway Company, and their Railway was called "The South Leicestershire Railway," and they were empowered to make the Railway and Works in that Act mentioned, which were thereby declared to form Part of their Undertaking ; that under the Provisions of "The Nuneaton and Hinckley Railway Act, 1859, the Company and the South Leicestershire Railway Company have entered into an Agreement for the Use and Working by the Company of the South Leicestershire Railway ; that the Company and the South Leicestershire Railway Company are desirous that an Alteration should be made in the Line of Railway authorized by "The Nuneaton and Hinckley Railway Extension Act, 1860," and that a Portion of that Railway as at present authorized should be abandoned.

Incorporation of Consolidation Acts, § 2.

Power to take Lands and to make Railways, §§ 4, 5.

Power to cross a certain Road on the Level on certain Conditions, §§ 6 to 9.

Power to alter Engineering Works, § 10.

Power to make an Embankment at Holyhead, § 11.

Lands and Water Frontage in the Inner Old Harbour of Holyhead not to be vested in the Company, but same may be leased to the Company by the Admiralty, § 12.

Saving existing Rights of Parties in respect of Foreshore in Old Harbour of Holyhead, § 13.

Before Commencement of Works affecting Harbour at Holyhead, Plans, &c. to be deposited at Admiralty, § 14.

Admiralty may order local Survey, § 15.

Works abandoned or suffered to fall into Decay may be removed by Admiralty, § 16.

Power to make Deviations in certain Roads, § 17.

Power to discontinue level Crossing at Holyhead, § 18.

Lands to be purchased by Compulsion within Two Years, § 19.

Five Years for Completion of Works, §§ 20, 21.

As to Lands forming Part of Wormholt Scrubbs, § 22.

Company may maintain a Tramway across the Road from St. Helen's to Newton, § 23.

- Footbridge across Holyhead Station, § 24.
- Abandonment of Part of Line from Chelford to Knutsford; Compensation, §§ 25, 26.
- Arrangements with respect to Station at Knutsford, § 27.
- Confirming Agreement between the Company and the Cheshire Midland Railway Company, § 28.
- Communications with Cheshire Midland Railway, §§ 29 to 32.
- Power to discontinue certain Footpaths, § 33.
- Repeal of Provisions in "The London and North-western Railway (Additional Works) Act, 1858," with respect to the Construction of Works in Manchester and Salford, § 34.
- Repeal of Provisions of 7 Vict. c. lxxv. (Chester and Holyhead Railway Act), with reference to the River Forryd, § 35.
- Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c., § 36.
- Repeal of certain Provisions of "The Midland Railway (Burton Branches) Act, 1860," with respect to level Crossings, § 37.
- Agreements with Monmouthshire Railway and Canal Company and Taff Vale Railway Company, §§ 38 to 42.
- In case Agreements entered into with London and North-western Company, same not to operate until like Facilities granted to West Midland Railway Company, § 43.
- Agreements with the Great Northern and Manchester, Sheffield, and Lincolnshire Companies with respect to Sale and Exchange of Lands at Edge Hill, § 44.
- Power to create Annuities in lieu of Rent payable to the Cannock Mineral Railway Company, § 45.
- Regulations as to Granting, Payment, and Registration of Annuities, §§ 46 to 56.
- Company and Cannock Mineral Company may agree for Redemption of Rent in consideration of Grant of Preference Stock, § 57.
- Company may create Stock, § 58.
- New Stock to be assigned to Holders of Shares in the Cannock Mineral Railway, § 59.
- Saving Rights of Holders of existing Preference Shares, § 60.
- Power to agree for the Retention of Part of Rent for Payment of Interest on Debenture Debt of Cannock Mineral Railway Company, § 61.
- In the event of Annuities not being granted, the Company may pay the Rent to the Shareholders in the Cannock Mineral Railway rateably, § 62.
- Power to convert Stour Valley Railway Stock into Stock of the Company, § 63.
- As to Shares in the Stour Valley Railway Company held by Birmingham Canal Company, § 64.
- Provision with respect to Debenture Stock, § 65.
- Power to raise additional Capital of 180,000*l.*; Regulations as to the same, §§ 66 to 70.
- Power to borrow on Mortgage, 60,000*l.*, § 71.
- Former Mortgages to have Priority, § 72.
- Power to apply Corporate Funds to Purposes of this Act, § 73.

Power for South Leicestershire Railway Company to make Deviation Railway according to deposited Plans, § 74.
 Description of Deviation Railway, § 75.
 Lands to be purchased for same within Two Years, § 76.
 Three Years for Completion of Deviation Railway, § 78.
 Level Crossing, §§ 80 to 83.
 Application of Money by South Leicestershire Railway Company, § 84.
 Abandonment of Part of authorized Line of South Leicestershire Railway, § 86.
 Compensation, § 87.
 Saving Rights of Her Majesty's Principal Secretary of State for the War Department, § 91.
 Saving Rights of the Crown, § 92.
 Schedules (Forms ; Heads of Agreements).

Cap. ccix.

“Merthyr, Tredegar, and Abergavenny Railway (Leasing) Act, 1862.”

Recites that it is expedient to enable the Merthyr, Tredegar, and Abergavenny Railway Company to lease their Railway to the London and North-western Railway Company.
 Power to lease Railway to London and North-western Railway Company, § 2.
 Terms, &c. of Lease, § 3.
 Effect of Lease, § 4.
 Application of Rents on Lease, § 5.
 The London and North-western Railway Company to book, &c. Through Passengers, Goods, &c. on West Midland Railways, § 7.
 As to laying down Second Line of Rails on Merthyr Railway, § 8.
 Power to West Midland Railway Company to use the Merthyr, Tredegar, and Abergavenny Railway when Line doubled ; Restriction thereon, §§ 9, 10.
 Arbitration Clause, § 11.
 Schedule (Articles of Agreement between the Companies).

Cap. ccx.

“The Mid-Sussex and Midhurst Junction Railway (Sale or Lease) Act, 1862.”

Recites that by “The Mid-Sussex and Midhurst Junction Railway Act, 1859,” the Mid-Sussex and Midhurst Junction Railway Company were incorporated for making a Railway from the Coultershaw Branch of the Mid-Sussex Railway to the Town of Midhurst in the County of Sussex, with Power to raise a Capital of 70,000*l.*, to be divided into 7,000 Shares, the Amount of each Share to be 10*l.*, with the Power of borrowing 20,000*l.* ; and that by “The Mid-Sussex and Midhurst Junction Railway Act, 1860,” the Company were authorized to divert a Portion of their said Railway ; that the Company are proceeding with the Construction of the

said Railway, which will soon be completed, and have raised Money for that Purpose ; that a certain Notice, dated the 5th January 1860, has been given by the Company to treat for the Purchase of certain Lands belonging to the Earl of Egmont in the Parishes of Selham, Easebourne, and South Ambersham, which Lands the said Earl objects to the Company taking, as inconsistent with a subsisting Agreement between the said Earl and the Company, and which Notice therefore it is expedient to rescind, the Company making Compensation in respect thereof ; that for the Purpose of enabling the Company to carry into effect the said Agreement, it becomes necessary to purchase certain other Lands belonging to the said Earl, the Power to purchase which has in the said last-mentioned Act been omitted by Mistake ; and also to extend the Period granted by the said Acts for the Purchase of Lands and the Completion of the Works thereby authorized ; and that it is also expedient that a Sale, Transfer, or Lease of their Undertaking be authorized by the Company to the London, Brighton, and South Coast Railway Company upon such Terms and Conditions as may be agreed upon between the Two Companies.

Incorporation of Consolidation Acts, § 2.

Company not to deviate on Lord Egmont's Land, § 4.

Extension of Six Months for compulsory Purchase of Lands ;

One Year for Completion of Works, § 6.

Notice to treat for Lands of Lord Egmont annulled ; Compensation to be made, §§ 7, 8.

Power to sell Undertaking to London, Brighton, and South Coast Company, §§ 10, 11.

Contracts, Rights, and Liabilities reserved, §§ 13 to 15.

London, Brighton, and South Coast Company may apply their Capital to purchase, § 16.

Power to lease Railway to Brighton Company ; Effect and Conditions of Lease, §§ 18 to 25.

Cap. ccxi.

“The West Riding and Grimsby Railway Act, 1862.”

Recites that it is expedient to authorize the Construction of a Railway from the Bradford, Wakefield, and Leeds Railway at Wakefield to the South Yorkshire Railway at Barnby-upon-Don, and of certain Branch Railways, to be called “The West Riding and Grimsby Railway,” and to permit certain other Companies to maintain and work the same.

Incorporation of Consolidation Acts, § 1.

Incorporation of Company with Share Capital of 360,000*l.*, and Power to borrow 120,000*l.*, §§ 3 to 7.

Meetings ; Directors, &c., §§ 8 to 13.

Power to make Railways ; Description of Works, §§ 14 to 16.

For Protection of Lancashire and Yorkshire Railway, §§ 17, 18.

Power to alter Engineering Works, § 19.

Level Crossings, §§ 20 to 23.

Communications with other Railways, §§ 26, 27.

Protection of Barnsley Canal Bridge over River Dun, §§ 28 to 30.

As to Streets in Wakefield, § 31.

Three Years for compulsory Purchase of Lands, § 33.

Five Years for Completion of Works, § 34.

Power to use Railways of other Companies, §§ 35 to 37.

Communications and Interference with Midland Railway, §§ 38 to 44.

Protection of Glebe Lands of Duchy of Lancaster, §§ 45 to 47.

Tolls, §§ 49 to 57.

Confirming Agreements with South Yorkshire and River Dun Company, and Manchester, Sheffield, and Lincolnshire Railway Company, §§ 58, 59.

Power to enter into Traffic Arrangements with last-named Companies, §§ 60 to 67.

Schedule (Heads of Agreements with Companies above named).

Cap. ccxii.

“The Dovey Reclamation Act, 1862.”

Recites that there is within and near to the Estuary of the River Dovey, in the Counties of Cardigan and Merioneth or One of them, a large Tract of Land over the whole or the greater Part of which the Tide now flows, and which is in its present State incapable of Cultivation ; that the Reclamation of that Tract of Land and the bringing of it into Cultivation would be of local and public Advantage ; and certain Persons in this Act named are willing at their own Expense to undertake the Reclamation of that Tract of Land ; that Part of the Works by this Act authorized to be made and maintained by the Company are near to Works which the Aberystwith and Welsh Coast Railway Company are authorized to make and maintain, and some of the Works of the Railway Company might, at a slightly increased Expense, be so constructed as to be of great Benefit to the Undertaking of the Company, and it is expedient that such Powers of Subscription to the Capital of the Railway Company as are herein-after contained should be conferred upon the Company.

Incorporation of Companies Clauses and Lands Clauses Acts, § 2.

Dovey Reclamation Company incorporated with Capital of 110,000*l.*, and Power to borrow on Mortgage 33,000*l.*, §§ 4 to 9.

Meetings ; Directors, &c., §§ 10 to 15.

Company to make Compensation for Lands taken or injuriously affected, § 16.

Works not to be proceeded with until Plans of all Alterations authorized by Parliament deposited, § 18.

Clerks of the Peace, &c. to receive Plans of Alterations and allow Inspection, § 19.

Copies of Plans, &c. to be Evidence, § 20.

Power to take Lands for Purposes of Act, § 21.

Five Years for compulsory Purchase of Lands, § 22.

- Seven Years for Completion of Embankment, § 23.
 Purchase of Lands and of Easements by Agreement, §§ 24, 25.
 Power for incapacitated Persons to sell Easements, § 26.
 Power to make Works authorized by Act, §§ 27 to 29.
 Power for Company to reclaim Lands, § 30.
 Consent of Commissioners of Woods and Forests to Works on
 Land below High-water Mark, § 31.
 Admiralty Provisions, §§ 32 to 36.
 Company not to interfere with Drainage of adjoining Lands,
 § 37.
 Company to make Roads to Embankment in continuation of
 existing Roads, § 38.
 Parishes in which Reclaimed Lands are to be deemed situate,
 § 39.
 Lands vested in Company for Purposes of Act, § 40.
 Company to have no Property in Seashore, Seaweeds, or
 Shells, § 41.
 Power for Company to dispose of Lands, § 42.
 Disposal of superfluous Lands, § 43.
 Commissioners to be appointed for maintaining Embankments,
 § 44.
 Chairman to be appointed, § 45.
 Officers to be appointed, § 46.
 How Expense of Salaries to be provided for, § 47.
 How Contributions to be assessed, § 48.
 For Recovery of Assessment, § 49.
 Purposes for which Contracts may be made, § 50.
 Sanction of Shareholders for Contracts, § 51.
 Meetings, how convened, § 52.
 Power for Company to contribute towards Undertaking of
 Railway Company not exceeding 10,000*l.*, §§ 53, 54.
 Power for Company to nominate Persons to vote at Meetings
 of Railway Company, §§ 55 to 57.
 Saving Rights of the Crown, § 58.
 Saving Rights of Admiralty, § 59.
 Saving Rights of Lords of Manors and Landowners, § 60.
 Saving Rights of Aberystwith and Welsh Coast, and of New-
 town and Machynlleth Railway Companies, §§ 61, 62.

Cap. ccxiii.

“The Dagenham (Thames) Dock Act, 1862.”

- Recites the Expediency of extending the Time for the Purchase
 of Lands and the Completion of the Works authorized by
 “The Dagenham (Thames) Dock Act, 1855,” and of autho-
 rizing the Company to raise further Capital by Shares and
 borrowing.
 Extension of Time for compulsory Purchase of Lands for Three
 Years, § 2.
 Period for Construction of Works extended to Five Years,
 § 3.
 Extension of Time not to prejudice Contracts, § 4.
 Power to raise additional Capital not exceeding 210,000*l.*, § 5.
 New Shares to form Part of general Capital, § 6.

Capital to be applied to Purposes only of this and recited Acts,
 § 7.
 Power to borrow 20,000*l.* on Mortgage, § 8.
 Number of Directors not to exceed 12, § 9.

Cap. ccxiv.

“The Redditch Railway Act, 1862.”

Recites the Expediency of authorizing the Redditch Railway
 Company to raise further Monies.
 Parts of Companies Clauses Act incorporated, § 2.
 Power to raise additional Capital of 15,000*l.*, § 4.
 Power to cancel forfeited Shares and to create new Shares in
 lieu thereof bearing a preferential Dividend not exceeding
 Six per Cent., §§ 5 to 12.
 Power to borrow on Mortgage 5,000*l.*, §§ 13, 14.
 Power to create Debenture Stock ; Terms of such Creation and
 Mode of distributing the Stock, §§ 18 to 24.

Cap. ccxv.“The Kensington Station and North and South London
 Junction Railway Act, 1862.”

Recites that it is expedient to extend the Time for making
 the Railway of the Kensington Station and North and South
 London Junction Railway Company.
 Incorporation of Consolidation Acts, § 2.
 Power for compulsory Purchase of Lands extended for Two
 Years and for Completion of Works for Three Years,
 §§ 5, 6.
 Land of Lord Kensington not to be taken without Consent
 § 7.
 Saving Rights of C. Aldin, § 8.

Cap. ccxvi.

“The Abingdon Railway Act, 1862.”

Recites that it is expedient to authorize the Abingdon Railway
 Company to raise further Monies.
 Incorporation of Parts of Companies Clauses Act, § 1.
 Company empowered to raise by new Shares 5,000*l.*, § 4.
 Power to cancel forfeited Shares and issue new Shares in lieu
 thereof, bearing a preferential Dividend of 5*l.* per Cent.,
 §§ 5 to 13.
 Power to create Debenture Stock, § 14.
 Conditions of such Creation and Mode of disposing of the
 Stock, §§ 15 to 20.

Cap. ccxvii.

“The Waterford and Passage Railway Act, 1862.”

Recites the Expediency of making a Railway from the Water-
 ford and Tramore Railway near the City of Waterford to
 the Town of Passage, in the County of Waterford.
 Incorporation of Consolidation Acts, § 1.

- Incorporation of Company, with Share Capital of 60,000*l.* and Power to borrow 20,000*l.*, §§ 3 to 10.
 Meetings ; Directors, &c., §§ 11 to 22.
 Power to make Railway, §§ 23 to 25.
 Provision for Protection of Lands of J. P. Fitzgerald, Esq., § 26.
 Admiralty Provisions for Protection of Waterford Harbour, §§ 27 to 31.
 Communications with Waterford and Tramore Railway, §§ 32 to 34.
 Two Years for compulsory Purchase of Land, § 36.
 Three Years for Completion of Works, §§ 37, 38.
 Tolls, §§ 39 to 47.
 Power to make Traffic Arrangements with Waterford and Tramore Railway Company, §§ 48 to 60.
 Saving Rights of the Crown, § 61.

Cap. ccxviii.

“The Oswestry, Ellesmere, and Whitchurch Railway (Extension) Act, 1862.”

Recites that by “The Oswestry, Ellesmere, and Whitchurch Railway Act, 1861,” the Oswestry, Ellesmere, and Whitchurch Railway Company were incorporated, with a Capital of 150,000*l.* in Shares of 10*l.* each, and with Authority to borrow on Mortgage not exceeding 50,000*l.*, and were authorized to make and maintain a Railway called Railway No. 1, commencing by a Junction with the Oswestry and Newtown Railway at Oswestry, in the County of Salop, and terminating at Whitchurch, in that County, by a Junction with the Shrewsbury and Crewe Line of the London and North-western Railway, and also a Branch Railway in the Parish of Whittington, and it was provided that the Powers of that Act with respect to so much of the Railways as lay West of the Town of Ellesmere should be suspended till the 1st September 1862, and if an Act had then passed authorizing a Deviation of the Railways by the reciting Act authorized, or the making of a new Railway, either by the Company or any other Company, to give continuous Communication from Ellesmere to Oswestry, Ruabon, and Shrewsbury, avoiding as much as possible residential Damage, then those Powers should cease and determine ; provided always, that any Bill which might be introduced for accomplishing that Object should contain proper Clauses for securing to any Company whose Railway should communicate with the Railway of the Company, or the Railway or Railways proposed by such Bill, such full Facilities as might be necessary for the Traffic of any such Company passing or intended to pass thereon and on the Line by the reciting Act authorized, or any Part thereof, and Working and Traffic Agreements between the Company on the one hand and the Oswestry and Newtown Railway Company and the London and North-western Railway Company (in this Act called the North-western Company), or either of them, on the other hand, were authorized to be entered into,

and Provision was made with respect to the Interchange of Traffic with the North-western Company, and with respect to the Transmission of Traffic passing over the Great Western Railway and the Railways of the Company respectively ; that it is expedient that the Company be authorized to make and maintain the Railway by this Act authorized, which would be of local and public Advantage ; that the Railway by this Act authorized forms a new Railway, which partially meets the Requirements of the recited Act, by affording a continuous Communication between Ellesmere and Shrewsbury ; that the Provisions of this Act with respect to Facilities for the Interchange and Transmission of Traffic meet the Requirements in that Behalf of the recited Act ; and that it is expedient that the Company be authorized to raise further Monies for the Purposes of their Undertaking.

Incorporation of Consolidation Acts, §§ 2, 3.

Power to purchase Lands not to be exercised after Two Years, §§ 5, 6.

Power to make Railways, §§ 7 to 10.

Junction with Shrewsbury and Crewe Line, §§ 12 to 15.

For Protection of Canal and other Works of Shropshire Union Company, §§ 16 to 19.

Company not to take Land of London and North-western Company without Consent, § 20.

Works to be completed within Three Years, §§ 21, 22.

Tolls, §§ 23 to 26.

Provisions of recited Act extended hereto, § 27.

Power to raise additional Capital of 60,000*l.* by new Shares, § 27.

Power to cancel unissued Shares and issue new Shares in lieu thereof, § 28.

Terms on which new Shares are to be raised, §§ 29 to 31.

Power to borrow 20,000*l.* on Mortgage, §§ 32 to 34.

Cap. ccxix.

“The Newcastle (County Down) Railway Act, 1862.”

Recites that it is expedient to authorize the Construction of a Railway in the County of Down from the Downpatrick and Newry Railway to Newcastle.

Incorporation of Consolidation Acts, § 1.

Company incorporated, with a Capital of 20,000*l.* and Power to borrow 6,600*l.*, §§ 3 to 6.

Meetings ; Directors, &c., §§ 7 to 11.

Power to make Railway, § 12.

Communications with Downpatrick and Newry Railway, §§ 15 to 17.

Three Years for compulsory Purchase of Lands, § 19.

Four Years for Completion of Works, §§ 20, 21.

Tolls, §§ 22 to 30.

Power to contract with Downpatrick, Newry, and Belfast, and with County Down Railway Companies with respect to Use of the Railway, § 31.

Cap. ccxx.

“The Charing Cross Railway (City Terminus Bridge) Act, 1862.”

Recites that by “The Charing Cross Railway (City Terminus) Act, 1861,” the Charing Cross Railway Company were authorized to make and maintain a Railway and other Works, including a Bridge between Southwark Bridge and London Bridge, for carrying the Railway over the River Thames, and it was enacted as follows ; (that is to say,)

Section 15. Before commencing the Bridge across the River Thames by this Act authorized, or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, and the Bridge and Works shall be made only in accordance with that Approval ; and when the Bridge or Works are commenced or made the Company shall not at any Time alter or extend the same, without obtaining, before making the Alteration or Extension, the like Approval :

Section 19. The Company shall not make or commence any Works whatsoever on the Shore or Bed of the River Thames, or of any Creek or Inlet thereof, without the Consent of the Conservators of the River Thames in Writing under the Hand of their Secretary first had and obtained :

Section 20. The Bridge across the River Thames by this Act authorized shall be made according to a Plan and Elevation and on a Site to be approved by the Conservators of the River Thames, and deposited at their Office, and the Works thereof in the River Thames and adjoining thereto shall be executed to the Satisfaction of the Engineer of the Conservators ; and the clear Height of the Headway under the Soffit of the Bridge shall be nowhere less than 27 Feet above Trinity High-water Mark, and the Foundations of the Piers and Abutments of the Bridge shall be sufficient to allow of any future Deepening of the River to the Extent of at least 30 Feet below the Level of Trinity High-water Mark ; and the Traffic of the River shall not be interrupted more than is absolutely necessary in the making of the Works, and the Plan for the Cofferdams for the Piers and Abutments of the Bridge shall be approved by the Conservators before the same shall be carried into Execution :

that the Company have deposited at the Admiralty Office Plans, Sections, and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Admiralty, and the Admiralty, by Writing under the Hand of the Secretary of the Admiralty, have signified their Approval of the Plans, Sections, and Working Drawings so

deposited ; that the Conservators of the River Thames have declined to approve the Plans so approved by the Admiralty ; and the Act does not contain any Provision with respect to the Conflict of Authority between the Admiralty and Conservators of the River Thames which has thus arisen, and in order that the Bridge may be made it is expedient that all such Conflict of Authority be obviated.

2. Where the Admiralty and the Conservators of the River Thames fail to agree on any Matter with respect to which the Approval or Consent of both of them is by "The Charing Cross Railway (City Terminus) Act, 1861," required or authorized, all Differences between them thereon may and (if they or either of them or the Company so require) shall be with all practicable Despatch referred to and determined by the Board of Trade, and their Determination thereon, after hearing the Admiralty and the Conservators and the Company respectively, or such of them as desire to be heard thereon, shall be final, and the Company (without any further Approval or Consent in that Behalf) may proceed in the Matter in accordance with such Determination.

Differences between Admiralty and Conservators of Thames to be settled by Board of Trade.

3. Whereas by "The Charing Cross Railway (City Terminus) Act, 1861," it was enacted (Section 24) that before the Bridge across the River Thames by that Act authorized was commenced the Company should invest in the Consolidated 3*l.* per Centum Annuities, in the Names of Jonathan Thorp, Rear Admiral Gordon, Lord Alfred Paget, and the Honourable James Byng, or the Survivors of them, the Sum of 3,000*l.*, which Sum when so invested, with all Dividends to accrue thereon, (and which Dividends should from Time to Time as they become payable be invested in like Manner and accumulated therewith,) should be and continue a Fund in trust for the Purposes therein expressed : And whereas Rear Admiral Gordon has declined to act as Trustee of the Fund to be so formed : And whereas it is expedient that Provision be made for ensuring that there shall be a sufficient Number of Trustees of the Fund : Therefore the 3,000*l.* and the Dividends to be so invested may be invested in the Names of Jonathan Thorp, William Pigott, Lord Alfred Paget, and the Honourable James Byng, or the Survivors of them, and they shall accordingly be the Trustees of the Fund.

As to Appointment of Trustees for Money deposited under Sect. 24. of 24 & 25 Vict. c. xciii.

Cap. ccxxi.

"The Wrexham, Mold, and Connah's Quay Railway Act, 1862."

Recites the Expediency of incorporating a Company for making and maintaining a Railway to be called the Wrexham, Mold, and Connah's Quay Junction Railway.

Consolidation Acts incorporated, § 1.

Incorporation of Company, with Share Capital of 150,000*l.*, and Power to borrow 50,000*l.*, §§ 4 to 8.

Meetings ; Directors, &c., §§ 10 to 16.

Three Years for compulsory Purchase of Lands, §§ 17, 18.

Five Years for Completion of Works, § 19.

Power to execute Works ; Description of Railways, §§ 21, 22.

Junctions with other Railways, §§ 23 to 25.

Power to alter Engineering Works, § 26.

Level Crossings, §§ 28 to 31.

Tolls, §§ 33 to 43.

Mutual Facilities for Transmission of Traffic on Railways of Company and London and North-western Railway, § 44.

The Company and other Railway Companies to afford Traffic Facilities to each other, §§ 45, 46.

Exchange of mutual Running Powers with the Great Western Railway, § 47.

Saving Rights of the Crown, § 52.

Cap. ccxxii.

“The Mersey, &c. Protection Act, 1862.”

Recites that there are many large and important Towns and Villages and Places of Trade and Manufacture situate upon and near to the Rivers Mersey and Irwell respectively, and their respective tributary Rivers and Streams herein-after mentioned ; that by reason of large Quantities of Rubbish and other solid and bulky Materials being from Time to Time wilfully deposited or thrown into those Rivers and their said Tributaries respectively the Flow of their respective Waters has been and is greatly obstructed and prejudicially interfered with, and from the Accumulation of Banks and Shoals thereby occasioned in the Beds of the same Rivers and their Tributaries respectively serious Injury has been and still is done, and the Navigation of the said Rivers respectively has been and is impeded and rendered less serviceable, and it is apprehended that unless an effectual Remedy be applied such Injury will increase and become permanent, and it is expedient that Provision be made by means more prompt and efficient than at present exist for preventing and remedying the Evils aforesaid.

Interpretation
of Terms.

2. In this Act, unless there be something in the Context inconsistent therewith, the Words and Expressions herein-after mentioned shall have respectively the Meanings hereby assigned to them ; that is to say,

“ Person ” shall include any Person or Body of Persons, corporate or unincorporate :

“ Justice ” shall mean any Justice of the Peace having Authority, either under this Act or otherwise, to act in or for the Place where the Matter requiring the Cognizance of such Justice arises ; and when any Matter is authorized or required to be done by or before Two Justices the Expression “ Two Justices ” shall mean Two Justices met and acting together or One Stipendiary Magistrate :

The Words “ River,” “ Stream,” and “ Brook ” shall respectively include the Bed and Course and the Water of the same and the Banks thereof respectively within the Range of ordinary Flood ; provided that the Word “ River,” “ Brook,” or “ Stream ” shall not extend to or include any Land abutting on or near to any River,

Brook, or Stream not being or constituting the Bank thereof, although such Land may be occasionally overflowed with Water.

3. The Limits of this Act shall extend to and include the River Irwell and the River Mersey above Warrington Bridge, and also the several Rivers, Brooks, and Streams, Tributaries to the said Rivers Irwell and Mersey respectively, above the Junction of the said Rivers. Limits of Act.

4. Every Person who shall deposit, put, or throw, or knowingly cause to be deposited, put, or thrown, or to fall into or upon, any River, Brook, or Stream within the Limits of this Act, any solid or bulky Substance consisting of the Refuse of any Brickyard, Cinders, Clinkers, Ashes, or Refuse from Quarries, Mines, or Pit Shafts, or from the Foundation or Site of any Building or Road, or consisting of the Substances aforesaid or any of them, separately or conjointly, shall be and be deemed to be guilty of an Offence within the Intent and Meaning of this Act, and shall incur the following Penalties, to be recovered by summary Conviction upon the Information or Complaint of or by the acting Conservator under the Commissioners of Conservancy of the River Mersey, or by the Clerk of the Mersey Docks and Harbour Board, or by the Direction of the Town Clerk or other legal Officer of the Municipal Corporation or Board of Health or of Improvement Commissioners of any Borough or Town through or past which any River, Brook, or Stream within the Limits of this Act shall flow, if the Cause of such Information or Complaint arises within the Limits of such Municipal Borough or Board of Health or Improvement Commissioners, but not otherwise, or of or by or by the Direction of the Company of Proprietors of the Mersey and Irwell Navigation, or their Agents for the Time being, such Information or Complaint to be laid or made within Three Months after the Commission of the Offence; (that is to say, Penalty for throwing solid or bulky Substances into River, &c.

1. Upon the First Conviction, a Penalty not exceeding 5*l*.
2. Upon a Second Conviction for the like Offence, a Penalty not exceeding 10*l*.
3. Upon a Third and every subsequent Conviction for the like Offence, a Penalty not exceeding 20*l*.

Provided that, notwithstanding anything in this Act contained, no Person shall be or be deemed or taken to be guilty of an Offence within the Intent and Meaning of this Act for doing or causing to be done any of the following Acts; that is to say,

1. For constructing in or across any River, Brook, or Stream any Building, Weir, Dam, or other permanent Work, with necessary temporary Cofferdams, which but for the passing of this Act he would have a legal Right to construct :
2. Or for pitching or depositing Stones or any other suitable or solid Materials (not likely to be washed or carried away by the Stream or Current rising to the Line of an ordinary Flood) at the Side or on the Bank of any River,

River, Brook, or Stream, for the express and bonâ fide Purpose of reclaiming Land washed away by the Action of any such River, Brook, or Stream, or of supporting or protecting the Side or Bank of such River, Brook, or Stream, or of repairing the same, or of erecting or repairing any Building, Drain, Sewer, or Watercourse upon or within the Banks of such River, Brook, or Stream, or the Slopes or Walls thereof, at or convenient to the Point at which the same shall be so pitched or deposited :

3. Or for putting into any such River, Brook, or Stream any Sand or Gravel or other natural Deposit which shall have flowed from or been deposited by the Current of any such River, Brook, or Stream :

4. Or for allowing to fall into any River, Brook, or Stream Stones or Rubbish which in the ordinary and proper working of Quarries immediately adjoining any such River, Brook, or Stream may fall therein.

Company of Proprietors of Mersey and Irwell Navigation liable to Penalties.

5. Provided always, That, notwithstanding anything hereinbefore contained, the Penalties imposed by this Act shall be recoverable from and against the Company of Proprietors of the Mersey and Irwell Navigation in case they, their Agents or Servants, or any of them, shall deposit, put, or throw, or knowingly cause to be deposited, put, or thrown, or to fall into or upon, any River, Brook, or Stream within the Limits of this Act, any Substance which shall have been dredged or taken from or out of any River, Brook, or Stream within the Limits of this Act.

Where Offences committed on Boundaries of Townships, &c.

6. When any Offence under this Act shall be committed in or upon any River, Brook, or Stream, or in or upon any Part of any River, Brook, or Stream, forming the Boundary between any Two Counties or Districts of Quarter Sessions, Special Sessions, or Petty Sessions, such Offence may be prosecuted before any Justices in either of such Counties or Districts.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

7. All the Provisions contained in the Act passed in the 11th and 12th Years of the Reign of Her present Majesty, Chapter 43, intituled "An Act to facilitate the Performance of the Duties of the Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," and all Provisions which are or shall be contained in any Act or Acts amending the same, relating to the Proceedings for the Recovery of Penalties by summary Conviction, and to Appeals against such Convictions, and the levying and enforcing of Penalties, and the Costs of such Proceedings, shall be applied and put in force in relation to the Penalties by this Act imposed.

Parties allowed to appeal to Quarter Sessions, on giving Security.

8. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen ; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Ad-

judication,

judication, nor unless 10 Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

9. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Court to make such Order as they think reasonable.

10. Nothing in this Act contained shall prevent any Person who shall for the Time being be otherwise legally entitled so to do from deepening the Bed of or diverting or altering the Course or Direction of any such River, Brook, or Stream within the Limits of this Act, provided that every such deepening, Diversion, or Alteration, and every deepened, diverted, or altered River, Brook, or Stream, and the Course and Bed thereof respectively, which shall be made in lieu or substitution of any River, Brook, or Stream, or of any Part or Parts of any River, Brook, or Stream within the Limits of this Act, shall from the Commencement of any such deepening, Deviation, or Alteration be and be deemed to be within the Limits of this Act as fully and effectually, to all Intents and Purposes, as if such deepening, Deviation, or Alteration had been made before the passing of this Act.

Act not to prevent Diversion of Streams.

11. Nothing in this Act shall exempt the Rivers hereinbefore mentioned from the Provisions of any General Act with reference to the Navigation of Rivers or Canals now in force, or to be in force in the present or in any future Session of Parliament.

Rivers not exempt from Provisions of present and future General Acts.

12. Nothing in this Act contained shall extend or operate to prejudice, diminish, alter, take away, or affect any Jurisdiction, Right, Privilege, Power, or Authority vested in or enjoyed by the Commissioners acting in execution of the "Bury Improvement Act, 1846," anything in this Act contained to the contrary notwithstanding.

Saving the Rights of the Bury Improvement Commissioners.

13. Nothing in this Act contained shall extend or operate to prejudice, diminish, alter, or take away any Jurisdiction, Right, Privilege, Power, or Authority vested in or enjoyed by the Queen's most Excellent Majesty in right of Her Crown or of Her Duchy of Lancaster, or the Commissioners for the Conservancy of the River Mersey, or any Powers lawfully exercised by the Owner or Owners, Undertakers, Trustees, Proprietors,

Saving of Rights, &c.

or Board of any Canal or other Inland Navigation constituted or authorized by Act of Parliament, or the Owner or Owners, Undertakers, Proprietors, Trustees, Commissioners, or Board of any Harbour or Dock, or any Municipal Corporation, or the Right, Power, or Authority of any public Body to exercise the Sanitary Powers of the Local Government Act, 1858, or the Local Government Act (1858) Amendment Act, 1861.

Commence-
ment of Act.

14. The Provisions in this Act contained shall come into force on the 5th Day of April in the Year 1863.

Cap. ccxxiii.

“The Great Eastern Railway Act, 1862.”

Recites the Eastern Counties Railway Acts, and specifies the several Railways, Pier, and Stations constituting the Eastern Counties Undertaking; that the present Capital of the Eastern Counties Railway Company consists of the following Classes and Amounts of Stock; (that is to say,)

Class of Stock.	Preference Dividend per Cent. per Annum.	Total Amount.
	£.	£
Extension Stock, No. 1 -	5	960,000
Extension Stock, No. 2 -	5	960,000
Six per Cent. Preference Stock	6	641,817
Ordinary Stock - -	-	5,854,015
		£8,415,832

that by the 24 & 25 Vict. c. ccxxxi. the Company were authorized to raise a further Capital of 600,000*l.* in Shares or Stock, which have not yet been created; that by the Act 19 & 20 Vict. c. lxxxi. the Eastern Counties Railway Company were authorized to borrow on Mortgage Sums not exceeding in the whole 3,195,270*l.*, and by the said Act 24 & 25 Vict. c. ccxxxi., the said Company were authorized to borrow on Mortgage the further Sum of 200,000*l.*, and their present Mortgage Debt amounts to 3,112,979*l.* 2*s.* 3*d.*, or thereabouts, and under the Powers of the recited Acts or some of them they have created Debenture Stock amounting to 39,535*l.*; recites that by the Local Act 10 & 11 Vict. c. cclxxv., relating to the East Anglian Railways Company, the Ely and Huntingdon, Lynn and Ely, and Lynn and Dereham Railway Companies were amalgamated by the Name of the East Anglian Railways Company; and recites the several Local Acts relating to the East Anglian Railways Company; and specifies the several Railways, Stations, Landing Places, Jetties, Wharves, Works, and Conveniences constituting the East Anglian

Undertaking ; that the Capital of the East Anglian Railways Company consists of the following Classes and Amounts of Shares and Stock ; (that is to say,)

Class of Shares or Stock.	Number of Shares of which Classes consist.	Amount of Shares.	Preference per Cent. per Annum.	Total Amounts.
		£	£,	£ s. d.
Class A. Stock	- - - -	-	5	86,640 0 0
	- - - -	-	7	9,780 0 0
Class B. Stock	- - - -	-	6	120,000 0 0
Class C. Stock	- - - -	-	7	70,873 10 0
Ordinary Stock	- - - -	-	-	1,033,606 10 0
			£	1,320,900 0 0

that the East Anglian Railways Company were authorized by their said Acts to borrow on Mortgage or Bond Sums amounting in the whole to 345,200*l.*, and their present Mortgage or Bond Debt is 279,100*l.* or thereabouts ; that by an Agreement dated the 2d February 1852, and confirmed by the Local Act 15 & 16 Vict. c. cviii., relating to the East Anglian Railways Company, it was agreed between the East Anglian Railways Company and the Eastern Counties Railway Company that the Eastern Counties Railway Company should work the Undertaking of the East Anglian Railways Company for 999 Years from the 4th July 1852, upon the Terms in the said Agreement mentioned ; recites the several Local Acts relating to the Newmarket and Chesterford Railway Company, and specifies the Railway, Stations, Works, and Conveniences constituting the Newmarket and Chesterford Undertaking ; that the Capital of the Newmarket Company consists of the following Shares and Amount ; (that is to say,)

Class of Share.	Number of Shares.	Amount of Shares.	Amount of Capital.
		£ s. d.	£ s. d.
Newmarket and Bury Shares	22,788	6 5 0	142,425 0 0

that under an Agreement dated the 28th March 1854, and confirmed by the Local Act 17 & 18 Vict. c.ccx., the Undertaking of the Newmarket Company is worked, managed, and maintained by the Eastern Counties Railway Company, and the Eastern Counties Railway Company pay to the Newmarket Company an annual Rent or Sum of 5*l.* per Centum per Annum upon the Capital expended upon the Undertaking, amounting to 142,425*l.* ; recites 10 & 11 Vict. c. clxiv., whereby the Eastern Union and Ipswich and Bury Railway Companies were amalgamated by the Name of the Eastern Union Railway Company, and the several Local Acts relating to the Eastern Union Railway Company ;

and specifies the several Railways, Stations, Works, and Conveniences constituting the Eastern Union Undertaking, whereof the Harwich Branch is leased to the Eastern Counties Railway Company for 999 Years, at an annual Rent equal to 4*l.* per Centum per Annum on the Cost of and attending the Construction thereof, and the Eastern Union Railway Company are entitled, under an Agreement dated the 6th February 1854, to Interest at the Rate of 4*l.* per Centum per Annum on the Cost of and attending the Construction of the Woodbridge Branch, and the Amount of such Cost has not yet in either Case been ascertained, but the Eastern Union Railway Company have up to the 31st December 1861, paid on account of such Cost the Sum of 489,728*l.* 17*s.* 4*d.*, and Stocks called respectively Harwich Stock and Woodbridge Stock, bearing Interest at the Rate of 4*l.* per Centum per Annum, have been created by the Eastern Union Railway Company to the Extent of 316,330*l.*, in part Payment of the said Sum of 489,728*l.* 17*s.* 4*d.*; that the Capital of the Eastern Union Railway Company consists of the following Classes and Amounts of Stock; (that is to say,)

Class or Name of Stock.	Preference per Cent. per Annum.	Total Amounts.
	£ s.	£
Creditors Stock - - - -	3 10	23,750
Creditors Stock - - - -	4 0	223,650
Four per Cent. Guaranteed Stock - -	4 0	132,380
Five and a Half per Cent. Guaranteed Stock	5 10	30,000
Five per Cent. Guaranteed Stock (redeem- able July 1862) - - - -	5 0	304,556
Five per Cent. Guaranteed Stock (redeem- able July 1865) - - - -		
Harwich Stock - - - -	4 0	128,880
Woodbridge Stock - - - -	4 0	187,450
Ordinary Stock, Class A. - - - -	- - -	287,050
„ Class B. - - - -	- - -	774,425
		2,092,141

that the Eastern Union Railway Company were authorized by their recited Acts or some of them to borrow on Mortgage or Bond Sums amounting in the whole to 769,966*l.* 13*s.* 4*d.*, and their present Mortgage Debt is 769,966*l.* 13*s.* 4*d.* or thereabouts; recites that by 8 & 9 Vict. c. xli. the Yarmouth and Norwich and Norwich and Brandon Railway Companies were amalgamated by the Name of the Norfolk Railway Company, and recites the Local Acts relating to the Norfolk Railway Company, and specifies the several Railways, Tramways, Bridge, Navigation, and Harbour, and the several Stations, Works, and Conveniences, constituting the Undertaking of the Norfolk Company; that the Capital of

the Norfolk Railway Company consists of the following Classes and Amounts of Shares and Stock ; (that is to say,)

Class of Shares or Stock.	Amount of Share.	Preference per Cent. per Annum.	Total Amounts.
Consolidated Five per Cent. Extension Stock, 1846.	- £ -	£ s. 5 0	£ 300,000
Consolidated Five and a Half per Cent. Preference Stock, 1847.	- -	5 10	105,000
Consolidated Five per Cent. Waveney Valley Extension Stock, 1847.	- -	5 0	36,980
New Five Pounds Five per Cent. Preference Shares, 1856.	5	5 0	14,690
Ordinary Stock	- - -	- - -	1,002,190
			1,458,860

that the Norfolk Railway Company were authorized by their said Acts to borrow on Mortgage Sums amounting in the whole to 531,045*l.*, and their present Mortgage Debt is 79,510*l.* or thereabouts, and under the Powers of their said Acts or some of them they have created Debenture Stock amounting to 451,535*l.* ; that by an Agreement dated the 6th February 1854, between the Eastern Counties Railway Company of the First Part, the Eastern Union Railway Company of the Second Part, and the Norfolk Railway Company of the Third Part, after referring, amongst other things, to the herein-before mentioned Agreements between the Eastern Counties Railway Company and the East Anglian and Newmarket Railway Companies respectively, it was agreed that the Eastern Counties Railway Company should work the Undertakings of the Eastern Union Railway Company and the Norfolk Railway Company upon the Terms therein mentioned, and Provision was made for the future Amalgamation of the Companies Parties thereto ; that by the Local Act 17 & 18 Vict. c. ccxx., the recited Agreements of the 2d February 1852 between the East Anglian and Eastern Counties Railway Companies, the 6th February 1854 between the Eastern Counties, the Eastern Union, and the Norfolk Railway Companies, and the 30th March 1854 between the Newmarket and Eastern Counties Railway Companies, were confirmed, and the said Companies were authorized to enter into Agreements for any of the Purposes of the Act, and it was amongst other things enacted, that the Eastern Counties Railway Company should deposit in the Private Bill Office of the House of Commons for the Session of Parliament next after the 31st December 1861 a Bill for an Amalgamation of the Five Companies and their respective Undertakings, on such Terms and Conditions, framed on the Basis of the therein-recited Agreements, as the Five Companies should agree upon, or as in case of Difference,

should be settled by the Board of Trade ; and that it is expedient that the Provisions of the said Act with respect to the Amalgamation of the Five Companies should be carried into effect, subject to the Provisions of this Act, and that Provision should be made for the Redemption of the Preference Stocks of the said Companies ; that by reason of the disproportionate Amount of the fixed Charges affecting the Undertakings of the Eastern Counties Railway Company, the Norfolk Railway Company, and the Eastern Union Railway Company respectively, and from other Causes, the joint Profits are divisible amongst the Proprietors of the ordinary Stocks of the said Companies at different Rates per Centum per Annum, and the Proportion of Profits applicable to the Eastern Union ordinary Stockholders are divisible at different Rates per Centum per Annum between the Proprietors of Class A. and Class B. of such ordinary Stock ; and in order to amalgamate the said Companies upon the Basis of the said Agreement of the 6th February 1854, and to place the Proprietors of all the said ordinary Stocks upon a fair and equitable Footing, it is expedient that the total aggregate Amount of such ordinary Stocks should be altered, and that a Preference Stock should be created, and divided in certain Proportions between the Proprietors of the ordinary Stocks of the Eastern Counties and Norfolk Railway Companies respectively ; that the Liabilities of the Eastern Union Railway Company in respect of all fixed annual Charges are estimated at the Sum of 72,000*l.*, but the actual Amount of such Charges and Liabilities has not been arrived at, and it is just that if the same shall exceed that Amount the Excess shall be borne by the Proprietors of ordinary Stock in the Eastern Union Railway Company, or that if such fixed Charges and Liabilities shall be ultimately proved to be less than 72,000*l.* a Year, the said Proprietors shall be allowed the Benefit of the Reduction of such Charges and Liabilities in their Participation in the Profits of the Company incorporated by this Act ; recites that by "The East Suffolk Railway Company's Amalgamation Act, 1858," the Yarmouth and Haddiscoe Railway Company and the Lowestoft and Beccles Railway Company and the East Suffolk Railway Company were amalgamated by the Name of "The East Suffolk Railway Company ;" and recites other Acts relating to the Undertaking of the East Suffolk Railway Company, and specifies the Railways, Stations, Works, and Conveniences constituting the East Suffolk Undertaking ; that by "The East Suffolk Railway Act, 1861," Provision is made for the Creation of new Shares or Stock of that Company to the nominal Amount of 177,860*l.*, bearing preferential Dividends not exceeding the Rate of 5*l.* per Centum per Annum, and for the Substitution of the same for ordinary Shares or Stock of that Company of the like nominal Amount, or for the Redemption of the same ordinary Shares or Stock by Cash at Par ; that the ordinary Shares or Stock of the East Suffolk Railway

Company which are not so redeemable are specified in the Schedule to "The East Suffolk Railway Act, 1861," and are of the aggregate nominal Amount of 759,380*l.*, but are paid up or deemed to be paid up only to the aggregate Amount of 560,000*l.*; that the Shares or Stock of the East Suffolk Railway Company which are so redeemable are the whole of their Shares or Stock, except their Shares or Stock specified in that Schedule, and are of the aggregate nominal Amount of 177,860*l.*; that the East Suffolk Railway Company are indebted on Mortgage to the Amount of 340,000*l.*, and on Simple Contract Debts to the Amount of 86,488*l.*, and inasmuch as they might, under the Acts relating to the East Suffolk Railway Company, redeem their ordinary Shares or Stock to the aggregate nominal Amount of 177,860*l.* by Payment of that Sum in Cash, those Three Sums, making together the total Sum of 604,348*l.*, are for the Purposes of this Act regarded as fixed Liabilities of that Company, and as being represented by the yearly Sum of 27,000*l.*; that under "The East Suffolk Railway Company's Amalgamation Act, 1858," the East Suffolk Railway Company have entered into an Agreement with Sir Samuel Morton Peto, Baronet, for a Lease to him of their Railways, and by "The East Suffolk Railways Act, 1861," Provision has been made for the Determination of that Agreement; that Arrangements with the East Suffolk Railway Company have been made by the Eastern Counties, the Norfolk, and the Eastern Union Railway Companies, for the working by them of the Railways of the East Suffolk Railway Company; and it has been agreed that the Undertaking, Railways, and Property of the East Suffolk Railway Company shall on the passing of this Act be amalgamated with the Undertakings, Railways, and Property of the Company incorporated by this Act, on the following Terms and Conditions.

- A. The Mortgage Debts of the East Suffolk Railway Company amounting to 340,000*l.*, and their Simple Contract Debts amounting to 86,488*l.*, and their ordinary Shares or Stock not specified in the Schedule to "The East Suffolk Railway Act, 1861," shall be provided for by the Issue to the East Suffolk Railway Company or their Nominees by the Company incorporated by this Act of Debenture Stock and Preference Stock of that Company to the aggregate nominal Amount of 675,000*l.*, to be deemed fully paid up:
- B. By means of the Debenture Stock and Preference Stock to be so issued the East Suffolk Railway Company shall satisfy their said fixed Liabilities:
- C. In consideration of the Issue of that Debenture Stock and Preference Stock by the Company incorporated by this Act to the East Suffolk Railway Company or their Nominees, that Company shall indemnify and save harmless the Company incorporated by this Act against the said fixed Liabilities of the East Suffolk Railway Company, and all Claims and Demands in respect thereof:

D. The ordinary Shares or Stock of the East Suffolk Railway Company, specified in the Schedule to the East Suffolk Railway Act, 1861, to the aggregate nominal Amount of 759,380*L.*, and paid up or deemed to be paid up to an aggregate Amount not exceeding 560,000*L.*, shall be provided for by the Issue to the East Suffolk Railway Company or their Nominees by the Company incorporated by this Act of so much of the ordinary Stock of that Company to be deemed fully paid up as Captain Douglas Galton, R.E., or, failing him, an Arbitrator, to be, on the Application of the Two Companies or either of them, named for the Purpose by the Board of Trade, shall determine to be the Amount of that ordinary Stock, which, taking into consideration the probable natural future Development of the Traffic of the East Suffolk Railway Company's Railways and Undertakings, ought to be so issued :

E. The Dividends on the Debenture Stock and Preference Stock to be so issued to the East Suffolk Railway Company or their Nominees shall fall due in equal half-yearly Sums on the 30th June and 31st December in every Year, and the First Payment thereof shall fall due on the 31st December 1862, and every Payment thereof shall be made free from all Deductions, except only for Income Tax, at the same Times as the Dividends on the other Preference Stock of the Company :

F. The Dividends on the ordinary Stock to be so issued shall fall due and be paid by the Company incorporated by this Act half-yearly with the Dividends on their other ordinary Stock, and the First Payment thereof shall fall due and be made in respect of the Half Year ending with the 31st December 1862, and every Payment thereof shall be made free from all Deductions, except only for Income Tax :

G. The Accounts between the East Suffolk Railway Company and the Eastern Counties, the Norfolk, and the Eastern Union Railway Companies, with respect to the working of the Railways of the East Suffolk Railway Company, shall be made up and settled to the 30th June 1862 inclusive, and those Railways shall be deemed to be worked after that Day at the Expense and Risk and for the Benefit of the Company incorporated by this Act :

that under the Powers of the said Act 10 & 11 Vict. c. clvi., the Pepper Warehouses and Wharves of the East and West India Dock Company are leased to the Eastern Counties Railway Company ; that under the Powers of the Local Act 7 & 8 Vict. c. xx., the Undertaking of the Northern and Eastern Railway Company is leased to the Eastern Counties Railway Company for a Term of 999 Years at an annual Rent of 61,716*L.* (being 5*l.* per Centum upon a Capital of 910,800*L.*, and 6*l.* per Centum upon a Capital of 269,600*L.*) ; that by the said Act 24 & 25 Vict. c. cccxxi. Provision is made for the Colne Valley and Halstead Rail-

way being worked by the Eastern Counties Railway Company ; that under the Powers of certain of the above recited Local Acts the Stowmarket and Ipswich Navigation is leased to the Eastern Union Railway Company for 42 Years from the 1st January 1846 at an annual Rent of 1,050*l.*, and the Undertaking of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company is leased to the Eastern Union Railway Company for 999 Years at an annual Rent of 9,500*l.* ; that under the Powers of certain of the above-recited Local Acts the Undertaking of the Lowestoft Harbour and Railway Company is vested in the Norfolk Railway Company, as to Part thereof (that is to say, the Norwich and Lowestoft Navigation,) for a Term of Years, and as to the Remainder thereof (that is to say, the Lowestoft Railway and Harbour,) in perpetuity, in consideration of annual Rents, Dividends, or Payments equal to 4*l.* per Centum per Annum, and contingent Participation in surplus Profits upon 120,000*l.*, and 6*l.* per Centum per Annum upon a further Sum of 120,000*l.* ; that the Eastern Counties Company are authorized to subscribe 22,000*l.* towards the Undertaking of the Ware, Hadham, and Buntingford Railway Company, and 40,000*l.* towards the Undertaking of the Bishop Stortford, Dunmow, and Braintree Railway Company, and it is expedient that the Company amalgamated by this Act should be authorized to guarantee Interest on all or any of the Mortgages and Debentures of those Companies respectively ; that the Eastern Counties Company work the Undertaking of the Wells and Fakenham Railway Company, and it is expedient that the said Undertaking should be amalgamated with that of the Company hereby incorporated, and it is also expedient that Provision should be made for the future vesting of the Undertakings of the Ware, Hadham, and Buntingford Railway Company, and of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company, by Amalgamation, Sale, or Lease, in the Company amalgamated by this Act ; and that Provision should also be made for the complete Amalgamation with the said Company's Undertaking of the Pepper Warehouses and Wharves of the East and West India Dock Company ; that it is expedient that the Company amalgamated by this Act should for all or any of the Purposes of the Act, and for the general Purposes of their Undertaking, be authorized to raise more Money by the Creation of Shares or Stock, and by borrowing on Mortgage ; and that the Provisions of the recited Acts relating to the Undertakings of the Companies to be amalgamated should be repealed, and their Provisions consolidated and amended.

L. The Eastern Counties Railway Company, the Norfolk Railway Company, the Eastern Union Railway Company, the East Anglian Railways Company, and the Newmarket Railway Company shall for all Purposes, except so far as regards the Newmarket Railway Company for the Payment of the Debts and Liabilities of that Company, cease to exist, and all the Provisions of the recited Acts relating to those Companies respectively

Recited Acts
(with certain
Exceptions)
repealed.

respectively (except such of the Provisions of the 10th and 11th of Victoria, Chapter clvi., as relate to a Lease of the Pepper Warehouses and Wharves of the East and West India Dock Company, and except such of the Provisions of the 15th and 16th of Victoria, Chapter cxlviii., as relate to a Lease of the Undertaking of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company, and except such of the Provisions of the Acts hereby repealed as are set forth in Schedule (A.) to this Act) shall be and are hereby repealed; but nothing herein shall be held or construed to repeal the Provisions of the 8th and 9th of Victoria, Chapter xlv., 9th and 10th of Victoria, Chapter cxxxii., and 10th and 11th of Victoria, Chapter xeviii., relating to the Lowestoft Railway and Harbour Company, or the Provisions of the 9th and 10th of Victoria, Chapter cvi., relating to the Stowmarket and Ipswich Navigation, or of the 10th of Victoria, Chapters xi., xviii., or xxi., relating respectively to the Colchester, Stour Valley, Sudbury, and Halstead Railway, or (except only as is by this Act expressly provided) of the 21st and 22nd of Victoria, Chapter cxi., relating to the East Suffolk Railway.

Certain Provisions of 7 & 8 Vict. c. xx.

2. The Provisions contained in the 7th and following Section to the 24th Section inclusive of the Seventh of Victoria, Chapter xx., relating to the Appointment of Directors of the Eastern Counties Railway Company by the Northern and Eastern Railway Company, and to the Capital and Borrowing Powers of the Eastern Counties Railway Company, are hereby repealed.

Companies, Lands, and Railways Clauses Acts, and Harbours, Docks, and Piers Clauses Act incorporated, § 3.

Incorporation of Company.

6. The several Persons and Corporations who at the Time of the passing of this Act are Proprietors of Shares in any of the Companies hereby dissolved, and all other Persons or Corporations who shall hereafter subscribe towards the Undertaking, or take or hold Shares or Stock of the Capital of the Company, and the Executors, Administrators, Successors, and Assigns of such Persons and Corporations respectively, shall be united into a Company for the Purpose of completing, maintaining, and working the Undertaking, and for other the Purposes of this Act, and shall be incorporated by the Name of "The Great Eastern Railway Company," and shall have perpetual Succession, a Common Seal, Powers to sue and be sued, and to purchase, hold, sell, and dispose of Land, subject to the Provisions of this Act, and all other Incidents of an incorporated Company.

East Suffolk Arrangement confirmed.

7. The East Suffolk Arrangement is by this Act confirmed and made binding on the East Suffolk Railway Company and the Company respectively, and from and after the passing of this Act full Effect may and shall be given thereto.

Vesting in Company Property of dissolved Companies.

8. All Railways, Tramways, Bridges, Harbours, Piers, Navigations, Stations, Warehouses, Wharfs, Quays, Cuts, Canals, Basins, Reservoirs, and other Works, Buildings, Lands, Tenements, Ferries, Rights, Privileges, Exemptions, Easements, Hereditaments, and Real Estate whatsoever, and also

all Choses in Action and Personal Estate and Effects whatsoever, which immediately before the passing of this Act were vested in or belonged to any of the Companies hereby dissolved and the East Suffolk Railway Company respectively in Fee Simple or in perpetuity, or for a Term of Years or other limited Interest, or would have become vested in or belonged to any of the said Companies if this Act had not been passed, and all the Estate, Right, Title, Interest, Property, Claim, and Demand of the Companies hereby dissolved, or any of them, in, to, upon, or over the same, and all their Rights and Remedies in respect thereof, shall be and become in like Manner and Degree vested in and belong to and be available for the Company; and in respect of the Railways, Property, and Effects of the East Suffolk Railway Company by this Act vested in the Company, they shall from and after the passing of this Act to all Intents represent the East Suffolk Railway Company: Provided that the East Suffolk Railway Company shall retain all their Registers, Books, Papers, Writings, and Chattels requisite for the carrying on of their Affairs, and all Monies belonging or due to them, and all their Rights and Remedies in respect thereof.

9. All Works, Buildings, Lands, Tenements, and Hereditaments which by any of the Acts hereby repealed were vested in any Body Corporate, Commissioners, Trustees, or other public Body, or any private Company or Individual, other than any of the Companies hereby dissolved, shall, notwithstanding the Repeal of the said Acts, continue and be vested in such Body Corporate, Commissioners, Trustees, public Body, or private Company, their Successors or Assigns respectively, in like Manner, and upon and subject to the same Trusts, Powers, Conditions, Provisions, and Restrictions, as they would have continued or been vested if this Act had not been passed.

Revesting Works, Buildings, &c. vested by repealed Acts in Body Corporate, &c. other than any of the dissolved Companies.

Conveyances to remain in force, § 10.

Continuing certain Sections of repealed Acts set forth in Schedule A., § 11.

Unrepealed Provisions of recited Acts and other Acts relating to dissolved Companies to apply to the Company, § 12.

13. All Rivers, Outfalls, Drains, Sewers, Ditches, Culverts, and Watercourses of any Description, and all Railways, Bridges, Roads, Embankments, Fences, Towing-paths, and Works of any Description whatsoever, which, under any of the Sections or Provisions of any of the Acts hereby repealed, any of the Companies hereby dissolved or the East Suffolk Railway Company were required to construct, maintain, scour, dredge, cleanse, renew, or keep in repair or free from Obstruction, or to maintain, without making or occasioning any Obstruction or Impediment, whether on behalf of any Owner, Lessee, or Occupier of Land, or of any Municipal or Drainage Corporation, Commissioners, or Trustees, or of any other Person, public Body or private Company, or not, shall be constructed, maintained, scoured, dredged, cleansed, renewed, and kept in repair and free from Obstruction, and so maintained as not to make or occasion any Obstruction or Impediment by the Company;

Company to construct, maintain, cleanse, dredge, &c. Works, Outfalls, &c. required to be maintained by dissolved Companies.

Company; and every Owner, Lessee, or Occupier of Land, all Municipal or Drainage Corporations, Commissioners, or Trustees, and every other Person, public Body or private Company, shall have the same Rights and Remedies for compelling the Company to construct, maintain, scour, dredge, renew, or keep in repair or free from Obstruction, or to maintain, without making or occasioning any Obstruction or Impediment, any such River, Outfall, Drain, Sewer, Ditch, Culvert, Watercourse, Railway, Bridge, Road, Embankment, Fence, Towing-path, or Work, or for or in respect of any Refusal, Neglect, or Default of the Company to construct, maintain, scour, dredge, cleanse, renew, or repair, or keep free from Obstruction, or maintain, without making or occasioning any Obstruction or Impediment, any such River, Outfall, Drain, Sewer, Ditch, Culvert, or Watercourse, Railway, Bridge, Road, Embankment, Fence, Towing-path, or Work, as he, she, or they might or would have had against any of the Companies hereby dissolved or the East Suffolk Railway Company if this Act had not been passed.

Company not to alter Line or Level of River, &c., or contract Waterway, or divert Water, or obstruct Navigation, which dissolved Companies were restricted from altering, &c.

14. It shall not be lawful for the Company, in or for the Purpose of repairing or maintaining any Bridge or Work, or for any other Purpose, to alter the Line or Level of any River, Canal, Cut, Drain, Watercourse, or Work of Drainage, or to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway thereof, or to divert, abstract, take, diminish, or use any of the Waters thereof, or to obstruct, stop, interrupt, or impede the full and free Use of any Navigation or navigable Canal or Cut, or the Towing-path thereof, or the Drainage of any Lands, which respectively any of the dissolved Companies or the East Suffolk Railway Company were for any such Purpose by any of the Acts hereby repealed restricted from altering, or from contracting or diminishing, or from diverting, abstracting, taking, diminishing, or using, or from obstructing, stopping, interrupting, or impeding; and the Company shall be subject and liable to all such and the same Penalties and Liabilities for every and any Act committed by them contrary to this Provision as any of the dissolved Companies or the East Suffolk Railway Company would have been subject or liable to if such Act had been committed by them, and the recited Acts were not hereby repealed, and every Body Corporate, Commissioners, Trustees, or other public Body, private Company, or Individuals shall have the same Powers, Rights, and Remedies, Compensation and Satisfaction, for or in reference to or in consequence or on account of any such Act, as they respectively would have had if the recited Acts were not hereby repealed.

Continuance of Liabilities of Company under repealed Acts.

15. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by any of the repealed Acts shall be as valid as if such Acts were not repealed; and the Repeal thereof, and this Act respectively, shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and

and future, which if the said Acts were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and the Company shall be liable in respect to all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as any of the Companies hereby dissolved (except the Newmarket Railway Company) or as the East Suffolk Railway Company would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not passed; and the Newmarket Railway Company shall be liable in respect to all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as that Company would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not passed: Provided always, that the Generality of the Provisions in this Enactment shall not be confined or restricted by any special Provision in this Act.

16. The Lease of the Undertaking of the Northern and Eastern Railway Company to the Eastern Counties Railway Company, and the Lease of the Pepper Warehouse of the East and West India Dock Company to the Eastern Counties Railway Company, and the Lease of the Stowmarket and Ipswich Navigation to the Eastern Union Railway Company, and the Lease and Transfer of the Undertaking of the Lowestoft Harbour and Railway Company to the Norfolk Railway Company, shall respectively, notwithstanding the passing of this Act, continue in force, and shall apply to the Company after the Amalgamation in like Manner in all respects as but for the Amalgamation the same respectively would have applied to the Eastern Counties Railway Company, or to the Eastern Union Railway Company, or to the Norfolk Railway Company, as the Case may be; and the Lease of the Undertaking of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company to the Eastern Union Railway Company shall, after the Amalgamation, and notwithstanding this Act, continue in force, and shall thenceforth be read and construed, operate and take effect, and the Company shall be bound by and take the Benefit thereof in all respects and for all Purposes, as if the Name of the Company were inserted therein instead of the Name of the Eastern Union Railway Company.

Leases of the Northern and Eastern and other Undertakings to apply to Company.

Actions, &c. not to abate, § 17.

Debts due to and by the Company to be paid to and by them, § 18.

Shareholders to pay Calls, § 19.

Monies paid into the Bank of England, § 20.

Officers to continue, § 21.

Books to be Evidence, § 22.

Byelaws, &c. to remain in force, § 23.

24. All Sums applicable to Revenue Account received or accrued due by or to the dissolved Companies respectively prior to the 1st Day of July 1862 shall be applicable as Revenues of the dissolved Companies respectively as if this Act had not been passed; and with respect to each of the dissolved Companies, the Directors thereof at the Time of the

Revenues accrued prior to 1st July to belong to the dissolved Companies to be applied by

their Directors; subsequent Revenues to belong to the Company.

passing of this Act shall form a separate Committee, with Powers to receive, divide, and apply the Portion of the gross Amount of such Sums to which their respective Company was entitled; and from Sums applicable to Revenue Account received on or subsequently to the 1st Day of July 1862 so much as shall be required to pay the Portion of preferential Dividend upon the Preference Stocks of the Norfolk Railway Company for the Months of July and August 1862 shall be paid to the Committee for applying the Revenues of that Company, and such Committee shall pay the Dividend on such Preference Stocks for the Half Year ending in July or August, as the Case may be, and the Residue of all Sums applicable to Revenue Account which accrued on or subsequently to the said 1st Day of July shall belong to the Company, and be applicable as Revenues of the Company, as if the Amalgamation had taken place from and after the 30th Day of June 1862.

25. The Capital of the Company shall be 14,830,699*l.*, but may be increased as herein-after provided for.

26. Such Capital shall consist of the following Classes of Stock; (that is to say),

Capital of the Company.
Division of Capital.

	£	<i>s.</i>	<i>d.</i>
The several herein-before mentioned Classes of Preference Stock in the Capital of the Eastern Counties Railway Company, amounting together to	2,561,817	0	0
The several herein-before mentioned Classes of Creditors and Guaranteed Stock in the Capital of the Eastern Union Railway Company, amounting together to - - - -	1,030,666	0	0
The several herein-before mentioned Classes of Preference or Guaranteed Stock in the Capital of the Norfolk Railway Company, amounting together to - - - -	441,980	0	0
The several herein-before mentioned Classes of Preference Stock in the Capital of the East Anglian Railways Company, amounting together to	287,293	10	0
Stock, herein-after called Newmarket and Bury Stock, amounting to -	142,425	0	0
Stock, herein-after called Norfolk Five per Cent. Preference Stock, 1856, amounting to - - - -	14,690	0	0
Stock, herein-after called East Anglian Stock, amounting to - - -	1,033,606	10	0
Stock, herein-after called Great Eastern Preference Stock, amounting to -	1,122,600	0	0
Ordinary Stock - 6,990,621	0	0	0
Great Eastern A Stock - - - -	1,205,000	0	0
	<hr/>		
	8,195,621	0	0
	<hr/>		
	£14,830,699	0	0

27. The several herein-before mentioned Classes of Preference, Creditors, or Guaranteed Stock, amounting respectively to 2,561,817*l.*, 1,030,666*l.*, 441,980*l.*, and 287,293*l.* 10*s.* shall respectively belong to the same Persons, and be entitled to the same Amount of Preference or Guaranteed Dividends, and confer the same Rights, Powers, and Privileges (except as herein-after mentioned), and be subject to the same Condition or Right of Redemption, and to the same Trusts, Powers, Charges, Liens, and Liabilities, as they respectively belonged or were entitled to, conferred, or were subject to immediately before the passing of this Act, and no Disposition of any such Stock by Will or other testamentary Instrument shall be revoked or affected by this Act.

Old Stocks to continue in the same Persons, &c.

28. The Proprietors of the Newmarket and Bury Shares, at the Time of the passing of this Act, shall for each such Share belonging to them respectively be entitled to 6*l.* 5*s.* of the Newmarket and Bury Stock created by this Act, and (in lieu of the Rent payable to them by the Eastern Counties Railway Company, under the said Agreement of the 28th Day of March 1854) shall be entitled to preferential Dividends upon such Stock at the Rate of 5*l.* per Centum per Annum on the Amount thereof, having the same Priority with respect to Payment as the said Rent.

As to Newmarket and Bury Stock.

29. The Proprietors of "The Norfolk New Five Pounds Five per Centum Preference Shares, 1856," at the Time of the passing of this Act, shall for each such Share belonging to them respectively be entitled to 5*l.* of the Norfolk Five per Centum Preference Stock, 1856, created by this Act, and shall be entitled to preferential Dividends upon such Stock at the Rate of 5*l.* per Centum per Annum on the Amount thereof.

As to Norfolk 5 per Cent. Preference Stock, 1856.

30. Every Proprietor of East Anglian ordinary Stock at the Time of the passing of this Act shall in lieu of such Stock be entitled to a like Amount of East Anglian Stock created by this Act, and shall be entitled, from and after the 1st Day of January 1863, to Dividends upon such Stock at the Rate of 1*l.* per Centum per Annum on the Amount thereof, and to such Increase of Dividend as is herein-after mentioned; that is to say, if and whenever for any Half Year ending the 30th Day of June or the 31st Day of December after the 1st Day of January 1863 the Dividends declared upon the ordinary Stock of the Company shall exceed the Rate of 3*l.* per Centum per Annum, the Proprietors of the East Anglian Stock shall be entitled to receive an Increase of Dividend equal to Two Fifths of the Amount of Dividend exceeding 3*l.* per Centum per Annum which shall be so declared upon the ordinary Stock of the Company.

As to East Anglian Stock.

31. And whereas by the said Agreement of the 6th Day of February 1854 the gross Revenues of the Companies hereby amalgamated, after certain Deductions made therefrom, were divisible into Seven equal Parts, and One of such Parts was chargeable with the Mortgages and the several Creditors Stocks and Guaranteed Stocks of the Eastern Union Railway Company and another of such Parts was chargeable with the Mortgages and several Debenture and Preference or Guaranteed

Providing Security for Payment of Preference Shares, &c.

Stocks of the Norfolk Railway Company, and the remaining Five Parts were chargeable with the Mortgages and several Debenture and Preference Stocks of the Eastern Counties Railway Company : And whereas it is expedient to provide for the Security of the said Stocks, and that they should retain, as near as may be, their present relative Positions with respect to the Revenues of the Company : And whereas after making the Deductions from the said gross Revenues required by the said Agreement, and also deducting the Interest and Dividends upon the Mortgages and Debenture Stocks of the said Companies, Seven equal Parts of the residue of such gross Revenues were found to amount on an Average to a Sum equal to 31*l.* 10*s.* per Centum, as near as may be, upon the whole Amount of such gross Revenues : Therefore (subject and without Prejudice to the Payment of the Interest and Dividends upon the Mortgages and Debenture Stock for the Time being of the Company, and of the preferential Dividends on the Newmarket and Bury Stock, and on the East Anglian Stocks) in each and every Half Year after the Commencement of the Amalgamation 31*l.* 10*s.* per Centum of the gross Revenues of the Company for the Half Year shall be set apart and chargeable as follows ; (that is to say,) a Sum equal to One Seventh Part of such 31*l.* 10*s.* per Centum shall in the first instance be liable for and chargeable with the Payment of the guaranteed or preferential Dividends upon the said several Classes of Creditors Stock and Guaranteed Stock of the Eastern Union Railway Company, amounting to the said Sum of 1,030,666*l.*, according to the Priorities inter se of such Dividends respectively as such Priorities existed at the Time of the passing of this Act ; and a Sum equal to One other Seventh Part of the said 31*l.* 10*s.* per Centum shall in the first instance be liable for and chargeable with the Payment of the preferential Dividends upon the said several Classes of Preference or Guaranteed Stocks of the Norfolk Railway Company, such Preference or Guaranteed Stocks amounting together to 441,980*l.*, and of the said "Norfolk Five per Centum Preference Stock, 1856," according to the Priorities inter se of such Dividends respectively as such Priorities existed at the Time of the passing of this Act ; and a Sum equal to the remaining Five Seventh Parts of the said 31*l.* 10*s.* per Centum shall in the first instance be liable for and chargeable with the Payment of the preferential Dividends upon the said several Classes of Preference Stock of the Eastern Counties Railway Company, amounting together to 2,561,817*l.*, according to the Priorities inter se of such Dividends respectively as such Priorities existed at the Time of the passing of this Act ; and the Residue of the said 31*l.* 10*s.* per Centum, after Payment of the Dividends chargeable on the said One Seventh Part, One Seventh Part, and Five Seventh Parts thereof respectively, shall be applicable as general Revenues of the Company.

32. Five million eight hundred and fifty-four thousand and fifteen Pounds of the ordinary Stock created by this Act shall be divided rateably amongst the Proprietors of the ordinary Stock of the Eastern Counties Railway Company in proportion

Allocation of
ordinary Stock
and Great
Eastern A
Stock.

to the respective Rights and Interests therein of such Proprietors respectively; and 1,136,606*l.* of the ordinary Stock created by this Act shall be divided rateably amongst the Proprietors of the Ordinary Stock of the Norfolk Railway Company in proportion to the respective Rights and Interests therein of such Proprietors respectively; and 430,575*l.* of the Great Eastern A Stock created by this Act shall be divided rateably amongst the Proprietors of Class A ordinary Stock of the Eastern Union Railway Company in proportion to the respective Rights and Interests therein of such Proprietors respectively; and the remaining 774,425*l.* of Great Eastern A Stock created by this Act shall be divided rateably amongst the Proprietors of Class B ordinary Stock of the Eastern Union Railway Company, according to the respective Rights and Interests therein of such Proprietors respectively.

33. The Profits of the Undertaking applicable to the Payment of Dividends upon ordinary Stock shall be divided at an equal Rate per Centum per Annum amongst the Proprietors of the ordinary Stock and the Great Eastern A Stock, subject to the following Additions and Reductions with respect to the last-mentioned Stock; (that is to say,)

As to Dividends on Great Eastern A Stock.

The Proprietors of the Great Eastern A Stock shall be entitled annually to an Addition of 6,936*l.*, being 4*l.* per Centum per Annum on the Amount over and above 316,330*l.* expended by the Eastern Union Railway Company in the Construction of the Harwich and Woodbridge Branches: If the Eastern Union Liabilities in respect of all fixed annual Charges, exclusive of the Dividends on the said Sum of 316,330*l.*, shall be found to be less than 72,000*l.* per Annum, the Proprietors of Great Eastern A Stock shall be entitled annually to such an Addition as shall be equal to the Difference between the Amount of such fixed Charges and Liabilities and 72,000*l.* :

If such Liabilities in respect of all fixed annual Charges shall be found to be more than 72,000*l.* per Annum, the Share per Annum of the Proprietors of Great Eastern A Stock in the divisible Profits shall be less by the Difference between 72,000*l.* and the Amount of such fixed Charges and Liabilities.

34. It shall be lawful for the Company and any of the Holders of Great Eastern A Stock, by Agreement between themselves, to commute all or any such A Stock belonging to such Holders respectively into ordinary Stock of the Company, on such Terms as the said Company and the said Holders of Stock respectively agree.

Power to commute Great Eastern A. Stock into ordinary Stock.

35. The Great Eastern Preference Stock shall be considered as fully paid up, and shall be entitled to preferential Dividends at the Rate of 5*l.* per Centum per Annum on the Amount thereof, and 826,520*l.* shall be divided rateably amongst the Proprietors of the existing ordinary Stock in the Capital of the Eastern Counties Railway Company at the Time of the passing of this Act, and the remaining 296,080*l.* of the Great Eastern Preference Stock shall be divided rateably amongst the Proprietors of the existing ordinary Stock in the Capital

As to Great Eastern Preference Stock.

of the Norfolk Railway Company at the Time of the passing of this Act, and the Executors, Administrators, Successors, and Assigns of such Proprietors respectively, in proportion to the Amount of such existing ordinary Stock then held by them respectively.

Stock to vest
subject to old
Trusts, &c.

36. The Newmarket and Bury Stock, the Norfolk Five per Centum Preference Stock, 1856, the East Anglian Stock, the ordinary Stock, and the Great Eastern A Stock created by this Act, shall vest in the Persons and Corporations respectively entitled thereto under the Provisions of this Act, and subject to the same Trusts, Powers, Charges, Liens, and Liabilities as the original Shares or Stock for or in respect of which they are so vested, and so as to give Effect to and not revoke any Will or other Testamentary Instrument disposing of such original Shares or Stock.

Ordinary Stock
for East
Suffolk
Company.

37. In addition to the ordinary Stock of the Company amounting to 8,195,621*l.*, there shall be created by the Company, and issued to the East Suffolk Railway Company or their Nominees, such an Amount of ordinary Stock of the Company as shall be determined by Arbitration in pursuance of the East Suffolk Arrangement, and the East Suffolk Railway Company or their Nominees shall be Stockholders of the Company accordingly; provided that the ordinary Stock so issued to the East Suffolk Railway Company or their Nominees shall be applied or disposed of by them for the exclusive Benefit of the Holders of their ordinary Shares or Stock specified in the Schedule to "The East Suffolk Railway Act, 1861," and in proportion to the Amounts paid up or deemed to be paid up thereon.

Dividends on
that ordinary
Stock.

38. The Dividends on the ordinary Stock to be so created and issued to the East Suffolk Railway Company or their Nominees shall be paid at the same Times as and on a rateable Equality in all respects with the Dividends on the other ordinary Stock of the Company, and no Payment of Dividend on any Part of the ordinary Stock of the Company shall be made of any Profits or Monies accruing after the 30th Day of June 1862 unless Payment of a like Rate of Dividend on the ordinary Stock to be so created and issued be made therewith.

Power to
redeem Classes
of Preference
Stocks.

39. The Company may at any Time or Times and from Time to Time hereafter, subject to the Provisions of this Act, redeem at Par, and at no higher Rate of Interest, and extinguish, all or any Classes of the Preference, Creditors, or Guaranteed Stocks in the Capital of the Company; but no such Power shall be exercised unless with relation to Stocks or Shares which at the Time of the Creation thereof were declared to be redeemable, nor shall the said Power be exercised in a Manner inconsistent with any of the Terms or Conditions upon which the Stock to be redeemed was created by virtue of the repealed Acts; and the Company may raise the Sums required for such Redemption by the Creation of new Shares or Stock as herein-after mentioned.

Power to
purchase or
redeem Pre-
ference Shares.

40. The Company may at any Time and from Time to Time purchase up or redeem at Par, and at no higher Rate of Interest,

Interest, any Shares or Stock in any Class of Preference, Creditors, or Guaranteed Shares or Stock of the Company which the Owners of such Shares or Stock may be willing to sell or agree to be redeemed, for such Price or Consideration as may be agreed upon between the Company and such Owner, and may raise the Sums required for such Purchase or Redemption by the Creation of new Shares or Stock as herein-after mentioned.

41. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting convened with special Notice of the Purpose, may at any Time or from Time to Time raise by the Creation of new Shares or Stock such Sum or Sums of Money as they may require for Purposes authorized by the said Act 24th and 25th of Victoria, Chapter ccxxxi., not exceeding in the whole 600,000*l.*, and such further Sums as they may require for the general Purposes of their Undertaking, or as they may by this Act be authorized to raise for any of the Purposes thereof, not exceeding in the whole (exclusive of Sums required for the Purchase or Redemption of Shares or Stock, and exclusive of Sums required for the Amalgamation, Purchase, or Lease of the Undertaking or Work of any other Company, as herein-after mentioned,) 600,000*l.*

Power to raise Money by the Creation of new Shares or Stock.

42. All new Shares or Stock created under the Powers of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

New Shares or Stock to be Part of general Capital.

43. The Company, with such Consent of the Shareholders as aforesaid, may from Time to Time attach to all or any new Shares or Stock, or any Class of new Shares or Stock, which may hereafter be created by them under the Powers of this Act, preferential Dividends not exceeding the Rate of 5*l.* per Centum per Annum for the Time being paid thereon in priority to the ordinary Stock or Shares of the Company.

Privileges may be attached to new Shares.

44. If the Revenue of the Company available for Dividend in any Year ending the 31st Day of December shall be insufficient to pay the preferential Dividends due upon the Great Eastern Preference Stock, or upon any Preference Shares or Stock which may hereafter be created by the Company under the Powers of this Act, the Deficiency or any Part thereof shall not be chargeable against the Revenue of the Company available for Dividend in any subsequent Year, or against any other Funds of the Company.

If Year's Revenue insufficient for Dividend, subsequent Revenue not charged.

45. The Terms and Conditions on which any such preferential Shares shall be issued by the Company shall be clearly stated on the Certificates of such Shares.

Terms of preferential Shares to be stated on Certificate.

46. If the Company redeem any Class of Preference Shares or Stock under the Powers of this Act, and for such Purpose create a new Class of Shares or Stock, with preferential Dividends not exceeding in Amount the preferential Dividends of the Shares or Stock redeemed, they may assign to the new Class of Shares or Stock the same Priority in Payment of preferential Dividends as the Shares or Stock redeemed; but, except in such Case, no Guarantee of preferential Dividend which may be granted by the Company, under the Powers of

New Stock may be substituted for redeemed Stock, but in other respects Rights of existing Preference Shareholders saved.

this Act, on any Shares or Stock, shall prejudice or affect any Preference or Priority in the Payment of Dividend or Interest on any other Shares or Stock which may have been granted by any of the Companies hereby dissolved, in pursuance of or which may have been confirmed by any Act of Parliament previously passed, or which may otherwise be lawfully subsisting.

Amount and issuing of Shares, § 47.

Limit of Amount and Number of Calls, § 48.

Issuing of Stock, § 49.

Certain Provisions of 8 & 9 Vict. c. 16. to apply to Newmarket and Bury and other Stocks, and Stock created under Act.

50. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of the Shares into Stock, so far as they are not inconsistent with the Provisions of this Act, shall apply to the Newmarket and Bury Stock, and to the Norfolk Five per Centum Preference Stock, 1856, and to the East Anglian Stock, and to the Great Eastern Preference Stock, and to any Stock which may be created under this Act, as if such Stock had been created for the Consolidation of Shares into Stock.

Company may cancel unissued new Shares, § 51.

Company may cancel forfeited new Shares, § 52.

Evidence for Cancellation, § 53.

Shareholder liable to pay Calls, &c. notwithstanding Cancellation, § 54.

Value of Share to be deducted, &c., § 55.

Company may cancel forfeited Shares with Consent of Holders, § 56.

Company may issue new Shares in lieu of such cancelled Shares, § 57.

Receipt for Persons under Disability, § 58.

Power to borrow on Mortgage.

59. And whereas the Sums which the Companies hereby amalgamated were authorized, under Acts passed before the present Session, to raise by Mortgage or Bond, after deducting 491,070*l.*, the Amount of Debenture Stock created by them, and exclusive of the 200,000*l.* which the Eastern Counties Railway Company were authorized to borrow under the said Act 24 & 25 Vict. c. cxxxii., but including Sums borrowed on Mortgage or Bond by the said Companies respectively, amounted in the aggregate to 4,350,411*l.* 13*s.* 4*d.*; therefore the Company may from Time to Time borrow on Mortgage of their Undertaking any Sums not exceeding in the whole, including Sums borrowed on Mortgage by the Companies hereby amalgamated, 4,550,411*l.*; but the Company shall not borrow or have outstanding on Mortgage or Bond more than 4,350,411*l.* of the said Sum of 4,550,411*l.* until 600,000*l.*, Part of the additional Capital by this Act authorized, shall have been subscribed for or taken, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify, under the 40th Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the said additional Capital of 600,000*l.* has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns,

Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages, § 60.

Arrears may be enforced by Appointment of a Receiver, § 61.

Nothing in Act to affect Priority of Northern and Eastern Shareholders, § 62.

Application of Sums raised under Act, § 63.

64. All Debenture Stock created by the Companies hereby dissolved, or any of them, prior to the passing of this Act, shall become Debenture Stock of the Company.

65. Instead of borrowing the Money which the Company are by this Act authorized to borrow on Mortgage of their Undertaking, or any Part thereof, or for the Purpose of paying off any Mortgages, the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting or General Meetings of the Company, convened with special Notice of the Purpose, may from Time to Time raise, by the Creation of Debenture Stock, such Sum or Sums of Money as they think fit, not exceeding in the whole the Amount which the Company may for the Time being be authorized to borrow on Mortgage under the Powers of this Act, and, with such Consent as last aforesaid, may guarantee such fixed Amount of Dividend on any such Debenture Stock, not exceeding 4l. 10s. per Centum per Annum on the Amount for the Time being paid thereon, as they think fit, and may attach such other Privileges to any such Debenture Stock, in the way of Preference or Priority in Payment of Dividend, or the Time of paying such Dividend, over all other Stock or Shares in the Capital, as they may think fit.

66. The Company may and shall, within One Month after the passing of this Act, create and issue to the East Suffolk Railway Company or their Nominees, in pursuance of the East Suffolk Arrangement, the Sum of 340,000l. Debenture Stock, bearing a fixed guaranteed Dividend at the Rate of 4l. per Centum per Annum, and the further Sum of 335,000l. Preference Stock, bearing a preferential Dividend at the Rate of 4l. 10s. per Centum per Annum, and the Dividends thereon respectively shall fall due in equal half-yearly Sums on the 30th Day of June and the 31st Day of December in every Year, and shall be paid at the same Times as the Dividends on the other Preference Stocks of the Company, and the First half-yearly Dividend thereon shall fall due on the 31st Day of December 1862.

67. In consideration of the Issue by the Company to the East Suffolk Railway Company of the said Sums of 340,000l. Debenture Stock and 335,000l. Preference Stock, making together the Sum of 675,000l. Debenture Stock and Preference Stock, that Company shall, in pursuance of the East Suffolk Arrangement, fully and freely indemnify the Company against all Claims and Demands in respect of the said fixed Liabilities of the East Suffolk Railway Company and every Part thereof,

As to Debenture Shares or Debenture Stock created by dissolved Companies.

Power to raise Money by Debenture Stock, to pay off Mortgages, &c.

Debenture and Preference Stock for East Suffolk Company.

Application of the Debenture and Preference Stock by East Suffolk Company.

and that Company shall apply and dispose of that Debenture Stock and Preference Stock so as to effect that Indemnity.

Mortgages may be taken in exchange for Stock.

68. The Company may take, in exchange for Debenture Stock, any Mortgage of equal nominal Amount for which the Company may be liable at the Time of the Creation of such Stock, or, instead of any such Mortgage as aforesaid, the Company may take a Release or Acquittance for any Part of the Principal Money secured by such Mortgage; and every Mortgage so taken in exchange shall be forthwith cancelled, and the Principal Money secured thereby, or for which any Release and Acquittance as aforesaid shall be given to the Directors, shall for the Purposes of this Act be considered as repaid by Money raised by means of the Debenture Stock.

Application of Monies raised.

69. All Monies raised by the Creation and Issue of Debenture Stock under this Act, other than the Debenture Stock of 340,000*l.* to be issued to the East Suffolk Railway Company, shall be applied in paying off Mortgages of the Company, or to the Purposes to which Money to be raised on the Security of such Mortgages could be lawfully applied, so far as such Monies have not been raised by Mortgage, and to no other Purpose.

Mortgaging Powers to cease to the Extent of Sums raised by Debenture Stock, § 70.

Transfer of Debenture Stock, § 71.

Register of Holders of Debenture Stock to be kept, § 72.

Power to close Transfer Books at certain Periods, § 75.

General Meetings, § 76.

Holders of Preference or Debenture Capital not to vote at Meetings of the Company, § 77.

Scale of voting, § 78.

Proxies to be transmitted to the Secretary Three clear Days before the Meeting, § 79.

Quorum of General Meetings, § 80.

Proprietors for calling Extraordinary Meetings, § 81.

Number of Directors.

82. Subject to the Provisions of this Act, the Number of Directors shall be Fifteen, of whom Three shall be Directors of the Northern and Eastern Railway Company, and appointed as herein-after mentioned, and Two shall be Directors appointed by the Proprietors of East Anglian Stock, herein-after called East Anglian Proprietors.

Qualification of Directors.

83. The Qualification of every Director of the Company not appointed by the Directors of the Northern and Eastern Railway Company shall be the Possession in his own Right of ordinary Capital of the Company in Shares and Stock, or either, amounting in the whole to not less than 2,000*l.*

Candidates for Directorship to give 14 clear Days Notice to the Secretary, § 84.

Appointment of First Directors.

85. At the First General Meeting of the Company which shall be held after the passing of this Act the Company shall appoint 10 Persons duly qualified to be Directors of the Company; and within One Month after the passing of this Act the Directors of the Northern and Eastern Railway Company shall appoint Three of their Body to be Directors of the Company, and the East Anglian Proprietors shall appoint Two Persons

Persons duly qualified pursuant to the Provisions of this Act to be Directors of the Company.

Old Directors to continue in Office till new Directors appointed, § 86.

Directors to go out of Office by Rotation, § 87.

For supplying occasional Vacancies in Board of Directors, § 88.

Appointment of Directors by Northern and Eastern Railway Company in the Place of Directors going out of Office by Rotation, § 89.

For supplying Vacancies by Death, &c. of Directors appointed by Northern and Eastern Railway Company or by East Anglian Proprietors, § 90.

Appointment of East Anglian Directors, § 91.

Evidence, § 92.

Directors to have equal Rights, § 93.

Power to increase or reduce Number of Directors, § 94.

Quorum to be Five, § 95.

Power to Company to declare Dividends, § 96.

Committee of Directors, § 97.

98. The following Railways, Tramways, Stations, Bridge, and Pier, as now respectively constructed, and Harbour, together with the several Tramways, Stations, Wharves, Jetties, Warehouses, and Works connected therewith respectively, and belonging to any of the Companies hereby amalgamated, shall, with the Railways not made, and herein-after referred to, and the Railways and Works for the Time being vested in the Company by Lease or for any Term of Years, during the Continuance of such Lease or Term, form the Undertaking of the Company; (that is to say,) the Railways and Works herein-before described as the Colchester Line, the Thames Branch, the North Woolwich Branch, the North Woolwich Loop Line, the Pepper Warehouses Branch, the Thames Branch Fork Line, the Hackney Branches, the Maldon and Braintree Branches, the Loughton Line, the Enfield Branch, the Cambridge Line, the Shepreth Branch, the Cambridge and Saint Ives Railway, the March and Wisbech Line, the Peterborough Branch, the Bishopsgate and Stratford Stations, the Huntingdon Line, the Lynn and Ely Line, the Wisbech Branch, the Lynn and Dereham Line, the King's Staith Quay Branch, the Newmarket Line, the Bury Saint Edmund's Line, the Ipswich Line, the Hadleigh Branch, the Harwich Branch, the Ipswich and Bury Line, the Norwich and Trowse Branches, the Woodbridge Branch, the Yarmouth Line, the Norwich and Brandon Line, the Dereham Branch, the Fakenham Branch, the Yarmouth Tramways and Bridge, the Lowestoft Branch, the East Suffolk Main Line, the Haddiscoe Branch, the East Suffolk Lowestoft Branch, the Mutford Branch, the Snape Branch, the Aldborough Extension and the Framlingham Branch, also the Thames Pier, and the Lowestoft Harbour.

Obligations in respect to level Crossings authorized by the various Acts, §§ 99, 100.

Restrictions in respect to crossing Trowse Millgate, §§ 101, 102.

- As to Roads numbered 50 in East Dereham and 10 in Fakenham, § 103.
- Trains not to be shunted across level Crossings, § 104.
- Lands for extraordinary Purposes, § 105.
- Power to purchase or take on Lease Lands or Buildings for Offices, &c., § 106.
- Superfluous Lands to be sold within 10 Years, § 107.
- Power to lease superfluous Lands prior to their Sale, § 108.
- Hackney Branches Junction to be under Control of North London Railway Company, § 109.
- For the Protection of the British Gaslight Company, § 110.
- Alterations to be made at Expense of Railway Company (British Gaslight Company), § 111.
- Regulating the Construction of Works over Pipes (British Gaslight Company), § 112.
- For Protection of Works of the East London Waterworks Company, §§ 113 to 119.
- Saving of Rights and Protection of Works of Regent's Canal Company, §§ 120 to 123.
- For securing the Construction of new Banks in a proper Manner (Levels of Havering, &c.), § 124.
- For accusing the Removal of accumulating Waters by making fresh Openings (Levels of Havering, &c.), § 125.
- Penalty for Company neglecting to do the necessary Work (Levels of Havering, &c.), § 126.
- Bridge over River Lea to be kept open at certain Periods, § 127.
- Provisions for Protection of Navigation of the River Lea, §§ 128 to 133.
- Trains not to stop at any Station in St. Mary, Leyton, during Morning Service on Sundays, § 134.
- Railway not to obstruct Extension of the Pipes of the Cambridge Gas Company, § 135.
- Against Injury to the Springs and Sources supplying Cambridge with Water, § 136.
- Penalty on Company for obstructing Supply of Water to the University and Town of Cambridge, § 137.
- The Company to make good all Injury occasioned by the Works of the Railway to the Cam Navigation, § 138.
- Conservators of the River Cam may sue in the Name of their Clerk, § 139.
- Officers of the University of Cambridge to have Access to Railway Stations, § 140.
- Company to take up and set down Members of University at appointed Stations only, § 141.
- Company to obey Instructions of University Officers as to the Conveyance of Members, § 142.
- Company not to take up or set down Passengers at the Cambridge Station between certain Hours on Sundays (Cambridge University), § 143.
- For Protection of the Drainage and Navigation of the Bedford Level, §§ 144 to 150.
- Nothing herein to prejudice the Rights of Middle Level Drainage Commissioners established under 7 & 8 Vict. c. 106, §§ 151 to 155.

- Saving Rights and Protection of Property of the Ouze Navigation Proprietors, §§ 156 to 158.
- As to Construction of Bridge over Channel of River Nene in case the same is improved, § 159.
- Preserving Rights of Drainage in Great and Little Waldersey, § 160.
- As to the making or erecting any new Bridge, Culvert, or Tunnel (Great and Little Waldersey), § 161.
- Openings under Railway in case of Inundation (South Level Cut), § 162.
- Costs of repairing of Bridges over the Nar to be borne by the Company (River Nar), § 163.
- Costs of repairing Bridge and Archways over the Nar to be borne by the Company (River Nar), § 164.
- Further Provisions for Protection of Works connected with River Nar, §§ 165 to 168.
- As to Rights of Haulage at Lynn Harbour, § 169.
- Securing running Powers over Lynn and Ely Line, Wisbech Branch, Dereham Line to East Dereham, if Railway made to unite Lynn or Wisbech and the Great Northern Railway, § 170.
- Power of Pre-emption if the Railway be discontinued, § 171.
- Communications to be made over Railway to the River Ouze, § 172.
- Company may divert Haling-path under certain Restrictions, § 173.
- Company not to detain Vessels navigating Rivers (River Nar), § 174.
- Provisions as to Repair of Bridges and Removal of Impediments in the Harbour, § 175.
- No Locomotive to be used on King's Staith Quay Branch, § 176.
- For preventing Obstructions to Railways, &c., § 177.
- Company not to close Victoria Station at Norwich, § 178.
- Company not to close Vauxhall or South Town Stations at Yarmouth, § 179.
- Remedy for Neglect of preceding Enactments, § 180.
- Company to keep proper Persons to open and shut the Bridge, § 181.
- Light to be affixed to Bridges, § 182.
- For protecting the Waters of the Rivers Wensum and Waveney to the like Extent as at present, § 183.
- Protection of Yarmouth and Norwich Navigation, § 184.
- Power to Admiralty to order Bridge to be made to open, § 185.
- Power to alter Lines of Tramways, with Consent of Corporation, § 186.
- Power for Corporation to take up Tramways for certain Purposes, § 187.
- Penalty for removing Tramways without Authority, § 188.
- Power to use Tramways, § 189.
- Power to the Corporation of Yarmouth to make Byelaws for regulating Use of Tramways; Confirmation and Publication of Byelaws, §§ 190 to 195.
- Charges on Yarmouth Tramways, § 196.

Application of Acts relating to East Suffolk Railways, § 197.

As to Tramways at Ipswich, § 198.

Tramways may be altered, § 199.

Power to make Railways authorized by 24 & 25 Vict. c. ccxxxi., § 200.

Description of
Railways.

201. The Railways by this Act authorized to be made and maintained comprise the following :

The Long Melford Line, being a Railway commencing in the Parishes of Sudbury Saint Gregory and Great Cornard, in the County of Suffolk, or in One of those Parishes, by a Junction with the Colchester, Stour Valley, Sudbury, and Halstead Railway, and terminating in the Parish of Long Melford, in the County of Suffolk, in or near a Field numbered 48 in that Parish on the Plans deposited as in "The Sudbury and Clare Railway Act, 1860," mentioned :

The Melford and Clare Line, being a Railway commencing from and out of the intended Long Melford Line in the said Parish of Long Melford at or near the Termination of that Railway as before described, and terminating in the Parish of Clare in the County of Suffolk in or near a Field called "The Bailey :

The Clare and Shelford Line, being a Railway commencing from and out of the intended Melford and Clare Line in the said Parish of Clare at or near the Termination of that Railway as before described, and terminating by a Junction with the Cambridge Line in the Parish of Great Shelford in the County of Cambridge :

The Melford and Bury Line, being a Railway commencing from and out of the said intended Melford Line in the said Parish of Long Melford at or near the Termination of that Railway as before described, and terminating in the Parish of Saint James, Bury St. Edmund's, in the County of Suffolk by a Junction with the Ipswich and Bury Line :

The Haverhill Branch, being a Railway wholly in the Parish of Haverhill in the County of Essex commencing from and out of the said intended Clare and Shelford Line, and terminating by a Junction with the Haverhill Extension of the Colne Valley and Halstead Railway :

The Wisbech Saint Peter Branch, being a Railway diverging from the Wisbech Branch at Walsoken, in the Parish of Walsoken, in the County of Norfolk, and terminating in the Parish of Wisbech Saint Peter near the Shore of the River Nene or Wisbech River.

Regulations as to level Crossings, §§ 202 to 205.

As to Inclination of certain Roads, § 206.

Power to alter Engineering Works, § 207.

Authorizing Sale of Glebe Lands of the Vicarage of Clare for a Rentcharge, § 208.

Junction with Stour Valley Railway, and Arrangements with Stour Valley Company, §§ 209 to 212.

Communications with the Colne Valley and Halstead Railway Extension, how to be made, § 213.

- Restricting Interference with Nene River and Roads, § 214.
 Company to provide Openings for Flood Waters of River Stour, § 215.
 Land for extraordinary Purposes, § 216.
 Compulsory Purchase of Land to be made within Two Years from passing of 24 & 25 Vict. c. ccxxxi., § 217.
 As to Purchase of Lands of E. A. S. Walton, Esq., for Purposes of Haverhill Branch, § 218.
 New Works to be completed within Three Years from passing of 24 & 25 Vict. c. ccxxxi., § 219.
 Dividends suspended if Railways not opened within Period limited, § 220.
 For securing Completion of Railway from Haverhill Junction to Cambridge, § 221.
 Traffic not to be obstructed, § 222.
 How Duty to be enforced, § 223.
 Tolls for Passengers, Animals, Goods, &c., §§ 224 to 233.

234. Where any Goods shall have been conveyed from any Place on the Railway to any other Place on the same Railway, and any Charge shall have been made by the Company in respect thereof, on Application in Writing, within One Week of the Payment of the said Charge, made to the Secretary of the Company by the Person who shall have paid the same, the Company shall, within Fourteen Days, render an Account to the Person so demanding the same, distinguishing how much of the said Charge is for the Conveyance of the said Goods on the Railway, including therein Tolls for the Use of the Railway, for the Use of Carriages, and for locomotive Power, and how much of such Charge is for loading and unloading, covering, Collection, Delivery, and for other Expenses, but without particularizing the separate Items of which the last-mentioned Portion of the Charge may consist.

As to Particulars of Charges.

235. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Definition of Terminal Station.

- Rates between Norwich or Yarmouth and London to be charged by shortest Route, § 236.
 Tolls on Yarmouth Line, Norwich and Brandon Line, and Dereham and Lowestoft Branches to be charged according to geographical Distance, § 237.
 Maintaining Equality of Tolls, Bury St. Edmund's, § 238.
 As to Bury St. Edmund's Traffic, § 239.
 As to Traffic between Bury St. Edmund's and London, § 240.
 Penalty on Owners of Goods not removing them after Notice, § 241.
 Company may erect certain Works, with Consent of Owners, &c. of Frontages in connexion with King's Staith Quay Branch, § 242.
 Damage done to Moorings to be made good by Company, § 243.
 Harbour Moorings Commissioners may take up and put down Posts in Lynn Harbour, if necessary, § 244.

- Works below High-water Mark not to be executed without Consent of the Admiralty, § 245.
- As to Construction of Works below High-water Mark, § 246.
- Saving Rights of Corporation of King's Lynn, § 247.
- Tolls for Use of Landing Places, &c., § 248.
- Officers of Customs to be Toll-free, § 249.
- Company may regulate Use of Pier, &c., § 250.
- Penalty in not complying with Directions, § 251.
- Power of Company to remove Vessels, § 252.
- Penalty on Master for obstructing Officer, § 253.
- Officer of Company may remove Ropes, &c., § 254.
- Powers limited, § 255.
- Remedies for Damage to Pier, &c., § 256.
- Owners to recover from Servants, § 257.
- Damages to be made good, § 258.
- Rates on Passengers using Pier, § 259.
- Rates on Goods shipped or unshipped at the Pier, § 260.
- Saving the Rights of Her Majesty, § 261.
- As to Payment to Corporation of Harwich, and vesting of their Works in the Company, § 262.
- Power to construct Works of Lowestoft Harbour and Navigation, § 263.
- Company not to construct Works to contract Water of Lake Lothing without Consent of Admiralty, § 264.
- Powers to raise or reduce Tolls in respect of Lowestoft Navigation, § 265.
- Lowestoft Harbour Rates to be charged equally, § 266.
- Company to take increased Toll for Vessels entering the Harbour for Refuge, and remaining beyond a certain Period, § 267.
- Tolls on Stowmarket Navigation, § 268.
- Extending Provisions of "Harbours, Docks, and Piers Clauses Act, 1847," as to Byelaws for the Navigation, § 269.
- General Exemptions, § 270.
- Exemption of certain Vessels from Tolls, § 271.
- Admiralty may order a local Survey at the Cost of the Company, § 272.
- If Works affecting tidal Waters, &c. fall into Disuse, Admiralty may remove them at Expense of Company, § 273.
- Company to work Colne Valley Railway, if required, § 274.
- Terms of working, § 275.
- Conditions of such Agreements, § 276.
- Agreement between Companies may be modified if required by Board of Trade, § 277.
- Public Notice of Expiration of decennial Period, § 278.
- Alternative Provision for facilitating the Traffic of the Colne Valley Company, § 279.
- Terms upon which Facilities are to be afforded, § 280.
- Provision for Arbitration, § 281.

Power for
Company to
guarantee In-
terest on Mort-
gages of Bishop
Stortford, and

282. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at a General Meeting convened with special Notice of the Purpose, may from Time to Time guarantee such Amount of Interest as they may think proper, not exceeding the Rate of

5l. per Centum per Annum, on any Mortgages or Debentures that may be created by the Bishop Stortford, Dunmow, and Braintree Railway Company, or by the Ware, Hadham, and Buntingford Railway Company, under the Powers of the Acts relating to those Companies respectively.

283. All Capital which the Company may raise under the Provisions of the Acts authorizing the Eastern Counties Railway Company to contribute to the Undertakings of the Bishop Stortford, Dunmow, and Braintree Railway Company, or of the Ware, Hadham, and Buntingford Railway Company, shall be added to the Capital of the Company.

284. And whereas by "The Wells and Fakenham Railway Act, 1854," Power is given to the Wells and Fakenham Railway Company to enter into Agreements with the Norfolk Railway Company for the Use and Working by the last-named Company of the Wells and Fakenham Railway, and by "The Wells and Fakenham Railway Act, 1859," the Norfolk Railway Company were authorized to guarantee Interest or Dividends upon the additional Capital of 3,800*l.* authorized to be raised by the said Act, and an Agreement was entered into between the Promoters of the Wells and Fakenham Railway and the Norfolk Railway Company for the working in perpetuity by the last-named Company of the Wells and Fakenham Railway: And whereas by the hereinbefore recited Act of 1854, and of the Agreement whereon that Act is founded, the Powers of the Norfolk Railway Company have been exercised by the Eastern Counties Railway Company, and the Undertaking of the Wells and Fakenham Railway Company has since the same was completed been worked by the Eastern Counties Railway Company, and an Agreement has been entered into between the Wells and Fakenham Railway Company and the Eastern Counties Railway Company, which is set forth in Schedule (C), to this Act: Be it enacted, That the said Agreement be and the same is hereby confirmed, and the Undertaking of the Wells and Fakenham Railway Company shall be amalgamated as and from the 1st Day of September 1862 with the Undertaking of the Company upon the Terms and Conditions therein set forth, which Terms and Conditions the Parties thereto are hereby required to observe and perform.

285. The Undertaking of the Ware, Hadham, and Buntingford Railway Company, with the Consent of Three Fourths of the Votes of the Shareholders of that Company present, in Person or by Proxy, at a General Meeting specially convened for the Purpose, and the Undertaking of the Colchester, Stour Valley, Sudbury, and Halstead Railway Company, with the like Consent of the Shareholders of that Company, and the Pepper Warehouses and Wharves of the East and West India Docks Company (now leased to the Eastern Counties Railway Company), with the like Consent of the Shareholders of the East and West India Dock Company, may severally and respectively be at any Time hereafter transferred to and vested in the Company, by Amalgamation, Sale, or Lease, for such Price or Consideration or Rent, and upon such Terms

Ware, Hadham, and Buntingford Railway Companies.

As to Capital raised for Contributions to certain Undertakings.

Confirming Agreement for Amalgamation with Wells and Fakenham Railway Company.

Undertakings of certain other Companies may, by Agreement, be amalgamated with, sold, or leased to Company.

and Conditions, as may be agreed upon between the Company and the Company Proprietors of the Undertaking or Work to be transferred or vested as aforesaid, subject nevertheless to the Provisions of this Act.

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Amalgamation, &c. to be by Deed and Copies to be deposited with Clerks of the Peace, § 289.

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312. All Railways and other Works which the Eastern Counties Railway Company, the Eastern Union Railway Company, the Norfolk Railway Company, the East Anglian Railways Company, or the Newmarket Railway Company may be authorized to make by any Act or Acts passed or which may be passed in the present Session of Parliament shall form Part of the Undertaking of the Company; and all Capital in Shares or Stock which the said Companies or any of them may be authorized to raise by any such Act or Acts may be raised by the Company with and as Part of the Capital by this Act authorized to be raised, but nevertheless subject to the Terms and Conditions prescribed by the Act or Acts respectively authorizing the Creation of such Capital, and the Amount of such Capital shall be in addition to the Amount by this Act authorized to be raised, and all such Capital shall form Part of the general Capital of the Company, and the Dividends upon all such Capital shall be paid and payable out of the Profits of the Company in like Manner in all respects

As to Acts passed in the present Session, and conferring Powers on any of the Five Companies.

as if such Capital had been authorized by this Act, anything in the Acts authorizing the Creation of such Capital to the contrary notwithstanding ; and in all other respects all Acts passed or which may be passed in the present Session of Parliament conferring Powers upon or otherwise in any way relating to the Eastern Counties Railway Company, the Eastern Union Railway Company, the Norfolk Railway Company, the East Anglian Railways Company, or the Newmarket Railway Company shall apply to the Company in like Manner as but for the passing of this Act they would have applied to the first-mentioned Companies respectively.

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B. Rates in respect of Thames Pier.

C. Agreement with Wells and Fakenham Railway Company.

Cap. cccxiv.

“ Mid-Kent Railway (Bromley to Saint Mary’s Cray)
Leasing and Transfer Act, 1862.”

Recites that by “ The East Kent Railway Act, 1853,” a Company was incorporated by the Name of the East Kent Railway Company, but now, by virtue of “ The London, Chatham, and Dover Railway Act, 1859,” styled “ The London, Chatham, and Dover Railway Company ;” that by “ The Mid-Kent Railway (Bromley to St. Mary’s Cray) Act, 1856,” the Mid-Kent Railway (Bromley to St. Mary’s Cray) Company were incorporated ; that by “ The London, Chatham, and Dover Railway (Works) Act, 1861,” the Company were authorized to make a Railway called “ the Bickley Junction,” but it was by that Act enacted that the Company should not open or use the Bickley Junction Railway unless they should in the next Session of Parliament introduce and effectually prosecute a Bill for leasing for 999 Years the Undertaking of the Crays Company, as from the Date of the passing of such Bill into a Law, at a Rent that should amount to the Interest payable by the Crays Company on their Loan Debt of 23,000*l.*, and to Four per Centum per Annum on 61,550*l.* in respect of their Share Capital, (with all Powers, Rights, and Privileges of the last-mentioned Company in relation to such Undertaking, and subject only to the Obligations and Liabilities which on the First Day of that Year were legally affecting the said Undertaking, under the Authority of the Act incorporating the Crays Company,) but without being liable for any

pecuniary Obligation affecting or capable of affecting the said Undertaking ; that it is expedient that the Undertaking of the Crays Company be leased to the Company from the Period herein-after mentioned ; and that the Crays Company be authorized to make, and that the Company be authorized to take, a Transfer of the Undertaking of the Crays Company.

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Cap. ccxxv.

“The Somerset and Dorset Companies Amalgamation Act, 1862.”

Recites that by “The Somerset Central Railway Act, 1852,” the Somerset Central Railway Company were incorporated, and were authorized to make and maintain the Somerset

Central Railway, and to acquire the Glastonbury Canal, and the Bristol and Exeter Railway Company were authorized (in the Event which happened) to appoint One Director of the Somerset Company; that by the Somerset Central Railway Act, 1855, the recited Act was repealed, and the Somerset Company were re-incorporated by their original Name of Incorporation, and were authorized to make and maintain the Somerset Central Railway and the Lines of Railway, Pier, and other Works therein specified; and their Capital was declared to be 140,000*l.*, in 7,000 Shares of 20*l.* each, and they were authorized to borrow not exceeding 43,000*l.*; that by "The Somerset Central Railway (Glastonbury to Bruton) Act, 1856," the Somerset Company were authorized to make the Line of Railway and Works therein specified, and to raise by Shares an additional Capital of 100,000*l.*, and to borrow additional Sums not exceeding 33,000*l.*; that by the "Somerset Central (Narrow Gauge) Act, 1859," the Somerset Company were authorized to lay down Narrow Gauge Rails on their Railway, Pier, and Works, and their Capital was declared to be the aggregate of the following Amounts:

1st, the Amount of Debenture Stock, if any, from Time to Time created under the reciting Act:

2dly, the Amount of the preferential Shares, if any, from Time to Time created under the reciting Act:

3dly, the 140,000*l.* Capital by the Act of 1855 authorized:

4thly, the 100,000*l.* additional Capital by their Act of 1856 authorized:

5thly, the Amount of the ordinary Shares, if any, created under the reciting Act:

6thly, the Amount of the Capital, if any, created by the Conversion of Loan into Capital:

and they were authorized to raise a further Capital by Shares not exceeding in the whole 75,000*l.*, and to borrow additional Sums not exceeding in the whole, inclusive of the aggregate Sum of 76,000*l.* which they were already authorized to borrow, 100,000*l.*, and the total Amount which they might raise by Debenture Stock and by Shares and by borrowing was declared to be 415,000*l.*; that by "The Somerset Central Railway Act, 1861," the Somerset Company were authorized to make and maintain additional Works, and to raise by new Shares a further Capital of 85,000*l.*; and the total Amount which the Company were authorized to raise by borrowing was declared to be 173,000*l.*; that by "The Dorset Central Railway Act, 1856," the Dorset Central Railway Company were incorporated and were authorized to make and maintain the Dorset Central Railway; that by the "Dorset Central Railway Act, 1857," the recited Act was repealed and the Dorset Company were re-incorporated by their original Name of Incorporation, and were authorized to make and maintain their originally authorized Railway, and the other Lines of Railway and Works in the reciting Act specified, and their

Capital was declared to be 400,000*l.*, consisting of their original Capital of 100,000*l.* in 5,000 Shares of 20*l.* each, and their additional Capital of 300,000*l.* by the reciting Act authorized to be raised by Shares, and they were authorized to borrow not exceeding 133,000*l.*; that by "The Dorset Central Railway Act, 1860," the Dorset Company and the Somerset Company were respectively authorized to work over and use each other's Railways, and the Somerset Company were authorized to take and hold Shares of the Dorset Company's Capital to an Amount not exceeding 50,000*l.*, and to raise by new Shares the Money required for the Purpose, but the Somerset Company have taken and hold Shares of the Dorset Company's Capital only to the Amount of 30,000*l.*; that by an Indenture dated the 1st August 1857, to which the then Holders of 95,560*l.*, Part of the Somerset Company's ordinary Capital (now known as B Shares in that Capital), and the Somerset Company were Parties, an Arrangement was made for giving to the Holders of 17,000*l.*, Part of that ordinary Capital (now known as A Shares in that Capital), then authorized to be issued, a Preference to the Extent of 5*l.* per Centum in respect of Dividend over the Holders of the B Shares; that the Capital and Debenture Debt raised by the Two Companies respectively on the 31st December 1861 stood as follows; that is to say,

Somerset Company.

	£	s.	d.
Preferential Shares bearing 4½ per Cent. per Annum Dividend	-	-	-
	27,480	0	0
Ordinary Shares	-	-	-
A Shares	-	-	-
B Shares	-	-	-
	188,977	13	10
Debenture Stock	-	-	-
	-	-	-
Debenture Debt	-	-	-
	168,800	0	0

Dorset Company.

	£	s.	d.
Preferential Shares bearing 5 per Cent. per Annum Dividend	-	-	-
	64,280	0	0
Ordinary Shares	-	-	-
Less the Amount subscribed by the Somerset Company and hereafter cancelled	-	-	-
	30,000	0	0
	99,546	16	0
Debenture Debt	-	-	-
	79,990	0	0

that it is expedient that Provision be made for an Amalgamation of the Somerset Company and the Dorset Company, and for regulating the Capital and borrowing Powers of the new Company formed by the Amalgamation.

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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN
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N.B.—*To each of these Acts is annexed a Clause in the Terms following :*

“ This Act shall not be a Public Act, but shall be printed by
“ the several Printers to the Queen’s most Excellent Majesty
“ duly authorized to print the Statutes of the United King-
“ dom, and a Copy thereof so printed by any of them shall
“ be admitted as Evidence thereof by all Judges, Justices,
“ and others.”

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[30th June 1862.]

Cap. 2.

An Act for incorporating the Trustees under the Will of Captain *William Mackintosh*, for defining and explaining the said Will, and for carrying into effect the Purposes thereof.
[29th July 1862.]

Cap. 3.

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[29th July 1862.]

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For better Regulation in certain Cases of the Procedure in the High Court of Chancery in Ireland. Cap. 46. Page 160

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For confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861 (24 & 25 Vict. c. 45.), and The General Pier and Harbour Act, 1861, Amendment Act, (25 & 26 Vict. c. 19.) relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings. Cap. 51. Page 170

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- Public Harbours: 46 Geo. 3. c. 153. Notices of Piers, &c. to be given to Board of Trade; 15.
- Ballast: 54 Geo. 3. c. 159. Provisions as to Ballast to be administered by Board of Trade; 16.
- Transfer of Holyhead and Portpatrick Harbours; 17.
- Saving Prerogative of Crown and general Conservancy Powers of Admiralty; 18.
- Acts done, Contracts and Appointments made, &c. under Provisions of former Acts not to be prejudicially affected; 19.
- Borrowing Powers of Harbour Authorities; 20, 21.
- Repealing maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3.;—22.

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See also *Public Works and Harbours.*

Hastings. See *Harbours.*

Hawkers Licences. See *Customs and Inland Revenue.*

High Court of Chancery. See *Chancery, Court of.*

Highland - - - *Highways.**Highland Roads and Bridges.*

To transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto. Cap. 105. Page 769

Preamble recites 43 Geo. 3. c. 80., 59 Geo. 3. c. 135., 4 Geo. 4. c. 56., 5 Geo. 4. c. 38., 3 & 4 W. 4. c. 33., 14 & 15 Vict. c. 66., 18 & 19 Vict. c. 113., 17 & 18 Vict. c. 94., 6 & 7 Vict. c. 97., and 23 & 24 Vict. c. 201.

Short Title of Act, and Interpretation of Terms ; Sects. 1, 2.

Dissolution of the Commission ; 3.

Transfer of Roads and other Property to Commissioners of Supply ; 4, 5.

Sheriff may make Orders for Repair of Roads ; 6.

Contracts enumerated in Schedule (A.) may be enforced ; 7.

Actions not to abate ; 8.

Power to abandon Portions of Roads ; 9.

Persons aggrieved may appeal to the Sheriff ; 10.

If dissatisfied with Decision of Sheriff, may appeal to the Lord Ordinary in the Court of Session ; 11.

Assessment to be levied for the Purposes of this Act ; 12.

Roads in the Counties of Argyll and Caithness to be maintained out of Assessments levied under existing Acts ; 13.

Burghs to contribute to Repair of Roads within any Burgh ; 14.

Boundaries of Burghs for the Purposes of this Act ; 15.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act ; 16.

Appointment of Committees and Officers ; 17.

The Loans of 10,700*l.* and 3,000*l.* extinguished ; 18.

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Power to levy Rates and to borrow Money ; 20.

Sheriff may make Orders for Repair of Piers, &c. ; 21.

Continuance of Act for Twenty-one Years ; 22.

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Highways.

For the better Management of Highways in England. Cap. 61. Page 246

Limits of Act ; Sect. 1.

Definition of Terms ; 2-4.

Power to Justices, in General or Quarter Sessions assembled, to issue Provisional Orders for forming Highway Districts ; 5.

Regulations as to the Making, &c. of Orders of Justices ; 6.

Restrictions on Formation of Highway Districts ; 7.

Rules as to Objections and Evidence ; 8.

Constitution of Highway Board ; 9.

Election of Waywardens ; 10.

Consequences of Establishment of Highway Board ; 11.

Power to Highway Board to appoint Officers ; 12.

Two Offices not to be held by the same Person ; 13.

Duties of Treasurer, Clerk, and District Surveyor ; 14-16.

Board to maintain Highways ; 17.

Proceedings where Roads are out of Repair ; 18.

When Obligation to repair is disputed ; 19.

Expenses how charged, and Mode of defraying Expenses ; 20, 21.

Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor ; 22.

Power to Overseers, &c. to levy Rates for making Payments to Highway Board ; 23.

Mode of enforcing Payments to Highway Boards ; 24.

Accounts to be made up to 25th March, and Statement to be published ; 25-

Holyhead - - - - *Inclosure.*

- Power to appeal in respect of Account of Board ; 26.
 Clerk of Highway Board to transmit Statement to Secretary of State, and Abstract to be laid before Parliament ; Secretary of State may cause Form of Statement to be prepared ; 27-29.
 Quarterly Account to be sent to Overseers ; 30.
 Officers appointed by Highway Board to account to them when required ; 31.
 Provisions as to Extra-parochial Places, and for outlying Part of Parishes ; 32, 33.
 Expenses of Repair of Highways may be recovered from Party liable to repair *ratione tenuræ* ; 34.
 Highways repairable *ratione tenuræ* may be made repairable by the Parish ; 35.
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 Surveyor of Highway Board exempted from Turnpike Tolls ; 37.
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 Power to alter Highway Districts ; 39.
 Provision in case of Failure of Board to hold First Meeting ; 40.
 Reservation of Right to adopt Local Government Act ; 41.
 Construction of Principal Act and this Act ; 42.
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 Enabling Councils of certain Boroughs to adopt Parish Roads and Highways, and to apply Rates for their Repair ; 45.
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Holyhead Harbour. See *Harbours.*

Homicides. See *Jurisdiction in Homicides.*

Hop Duty. See *Customs and Inland Revenue.*

I.

Ilfracombe. See *Local Government.*

Improvement Commissioners. See *Burial Boards.*

Improvement of Landed Property. See *Landed Property Improvement (Ireland).*

Improvement of Towns (Scotland). See *Police and Improvement (Scotland).*

Inclosure of Lands.

To authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. Cap. 47. Page 162

To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Commissioners. Cap. 94. Page 550
 [The Lands authorized to be inclosed are set out in the Schedules.]

Inclosure Commission. See *Copyhold, &c. Commission.*

Income - - - - *Industrial.*

Income Tax. See *Customs and Inland Revenue.*

Incumbents, Leases by. See *Leases, &c. by Incumbents Restriction.*

Incumbered Estates. See *West Indies.*

Indemnity.

To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. Cap. 60. Page 264

India. See *Army.*

India Stocks. See *Transfer of Stocks.*

Industrial Schools.

For continuing for a further limited Time, and for extending the Operation of Orders made under, "The Industrial Schools Act, 1861," and "The Industrial Schools (Scotland) Act, 1861." Cap. 10. Page 31

Continuing 24 & 25 Vict. cc. 113. and 132. until 1st January 1867; Sect. 1.

Industrial and Provident Societies.

To consolidate and amend the Laws relating to Industrial and Provident Societies. Cap. 87. Page 419

15 & 16 Vict. c. 31., 17 & 18 Vict. c. 25., and 19 & 20 Vict. c. 40., repealed; Sect. 1.

As to Societies registered under recited Acts; 2.

Constitution of Societies under this Act, their Rules, and Registration of Society; 3-5.

Certificate of Registration to vest all Property in Society now held in trust for Society; 6.

Copy of Rules to be delivered to Persons, on Demand; 7.

No Society to be registered by same Name as that of any existing Society; 8.

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Publication of Name by a Society, and Penalties on Non-publication, &c.; 10, 11.

Every Society to have a registered Office, and Notice of Situation of such Office; 12, 13.

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Application of Friendly Societies Acts to this Act; 15.

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As to the Winding-up of Societies; 17.

Dissolution of Society not to prevent winding up of its Affairs; 18.

Provisions of Joint Stock Companies Acts to apply; 19.

Liability of present and past Members; 20.

Society may be constituted under Companies Acts; 21.

Members may inspect Books; 22.

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Injuries - - - - *Juries.*

Injuries to Sheep. See *Sheep (Ireland).*

Inland Revenue. See *Customs and Inland Revenue.*

Insolvent Debtors Court. See *Bankruptcy.*

International Exhibition of 1862 :

1.—*Protection of Inventions, &c.*

For the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art, 1862. Cap. 12. Page 33

Exhibition of new Inventions or Designs not to prejudice Patent Rights or Provisional Registration ; Sects. 2, 3.

2.—*Soane's Museum.*

To enable the Trustees of Sir John Soane's Museum to send Works of Art to the International Exhibition, 1862. Cap. 9. Page 30

Preamble recites 3 & 4 W. 4. c. 4. (*Private.*)

Inventions, &c., Protection of. See *International Exhibition, 1862.*

Ipswich. See *Local Government.*

Ireland. For Acts relating specially to Ireland, see the following Heads :—

Bills of Exchange.

Chancery, Court of.

College of Physicians.

County Surveyors.

Elections.

Landed Property Improvement.

Poor.

Savings Banks.

Sheep.

Summary Jurisdiction.

Summary Procedure, &c.

Transfer of Stocks, &c.

Unlawful Oaths.

Weights and Measures.

Isle of Man (Crown Suits).

To extend to the Isle of Man the Provisions of 18 & 19 Vict. c. 90. as to the Payment of Costs to and by the Crown. Cap. 14. Page 34

J.

Jamaica Loan.

For the Settlement of a Loan due from the Island of Jamaica to the Imperial Government. Cap. 55. Page 254

Preamble recites 2 & 3 W. 4. c. 125. and 3 & 4 Vict. c. 40.

Commutation of Debt for a fixed Annuity ; Sects. 1, 2.

Saving Clause ; 3.

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Juries.

To give greater Facilities for summoning Persons to serve on Juries, and for other Purposes. Cap. 107. Page 785

Preamble recites 6 G. 4. c. 50.

Short Title of Act, &c. ; Sect. 1.

Exemptions from serving on Juries ; 2.

Jurisdiction - - - Juvenile.

Provisions as to High Constables repealed; 3.
 Clerk of the Peace to issue Precepts to Parish Officers by Post, and Precepts, &c. to be printed at the Expense of the County, &c.; 4, 5.
 Duties and Liabilities of Parish Officers to continue; 6.
 As to Notices of Special Petty Sessions; 7.
 Justices to adjourn Petty Sessions for the Production of List; 8.
 Justices Clerk to send Jury Lists to Clerk of the Peace, and Clerk of the Peace to deal with the Jury Lists as before; 9, 10.
 All Jurors may be summoned by Post; 11.
 Fines may be remitted upon Cause shown; 12.
 Sheriffs to be allowed Costs of Summonses; 13.
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Jurisdiction in Homicides.

For the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act. Cap. 65. Page 324
 The Queen's Bench or a Judge may order certain Prisoners to be indicted and tried under the Provisions of this Act; Sect. 1.
 And upon such Order the Prisoner shall be removed to the Gaol of Newgate in London or the Richmond Bridewell in Dublin, &c.; 2.
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 A Certificate of his Removal under this Act and of the Cause of his Commitment shall be endorsed on the Indictment; 4.
 When Indictment is amended the Indorsement is to be also amended; 5.
 Indictment need not follow the Commitment; 6.
 No Objection to be taken to any Order, and no Proof to be required of the Subjection of any Person to the Mutiny Act; 7.
 Any Person convicted may be sentenced to be punished either in the County where the Offence was committed, &c.; 8.
 On Notice given by Prosecutor, Recognizances to bind Parties to give Evidence at the Inquiry and Trial; 9.
 Attendance and Payment, &c. of Witnesses; 10-12.
 No Proof to be required of due Removal of Prisoner; 13.
 The Prisoner may be removed to and from the Central Criminal Court as often as necessary; 14.
 Court before which Indictment found to have the same Authority as if the Offence had been committed within its Jurisdiction; 15.
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 Prosecutor and Witnesses may be bound by Recognizances to appear again before the said Court; 17.
 Her Majesty in Council may make Rules for Purposes of this Act; 18.
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 Interpretation of Terms, and Short Title; 20, 21.
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Justice, Administration of. See Bankruptcy. Bills of Exchange. Chancery. Common Pleas. Denmark (Surrender of Criminals). Habeas Corpus. Juries. Jurisdiction in Homicides. Juvenile Offenders. Peace Preservation. Summary Jurisdiction. Unlawful Oaths. Whipping of Offenders.

Juvenile Offenders.

To amend the Law as to the whipping of Juvenile and other Offenders. Cap. 18.

Lancaster - - - - *Longton.*

L.

Lancaster, County Palatine of. See *Chancery, Court of.*

Land. See *Charitable Uses. Declaration of Title. Public Offices Extension. Transfer of Land.*

Landed Property Improvement (Ireland).

To amend and enlarge the Acts for the Improvement of Landed Property in Ireland. Cap. 29. Page 84

Recital of 10 & 11 Vict. c. 32., 12 & 13 Vict. c. 23., 13 & 14 Vict. c. 31., 13 & 14 Vict. c. 113., 15 & 16 Vict. c. 34., 23 & 24 Vict. c. 19., and 24 & 25 Vict. c. 34.

Power to Commissioners of Public Works to make additional Loans; Sect. 1.

Power of Commissioners to make Loans as authorized by 24 & 25 Vict. c. 34. not affected; 2.

Time for Completion of Works extended; 3.

Recited Acts and this Act to be as One; 4.

Powers of Commissioners to be in force until 1st Jan. 1864; 5.

Leases, &c. by Incumbents Restriction.

To amend the Act 24 & 25 Vict. c. 105., to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices. Cap. 52. Page 217

How far Prohibition in recited Act as to making of Grants, &c. is to extend; Sect. 1.

Powers of Prebendaries as to Sale, Exchange, &c.; 2.

Lists and Ballots for the Militia. See *Militia.*

Loan from Jamaica. See *Jamaica Loan.*

Local Government.

To confirm certain Provisional Orders under the Local Government Act, 1858, (21 & 22 Vict. c. 98.), relating to the Districts of Hanley, Stroud, Ilfracombe, Longton, Halifax, Ipswich, and Sandown. Cap. 25. Page 69

Local Management of the Metropolis. See *Metropolis Local Management.*

Local Rates. See *Recovery of Poor Rates, &c.*

Longton. See *Local Government.*

*Lunacy.**Lunacy—Lunatics :**1.—Lunacy Regulation.*

To amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics; and for other Purposes. Cap. 86. Page 413

Short Title of Act; Sect. 1.

Act to be construed as Part of Lunacy Regulation Act, 1853 (16 & 17 Vict. c. 70.);—2.

Nature and Limit of Inquiry under Commissions of Lunacy; 3.

Inquiries before a Jury to be made by means of an Issue to One of the Superior Courts of Common Law; 4.

Reference in other Acts to Inquisition to apply to Verdict on Issue; 5.

Examination of alleged Lunatic on the holding of the Inquisition; 6.

No Traverse of an Inquisition made by One of the Judges of the Superior Courts and by a Jury to be granted, but new Trial may be ordered by the Lord Chancellor; 7.

Demand of Inquiry by Jury; 8, 9.

Commission may be superseded on Conditions; 10.

Lord Chancellor may order Costs; 11.

Power to Lord Chancellor, where Property of Lunatic does not exceed 1,000*l.* in Value, or 50*l.* per Annum, to apply it for his Benefit in a summary Manner, without Inquisition, 12.

Power to sell Land or other Property of Lunatic for his Benefit, and Power to make General Orders for that Purpose; 13, 14.

Power to apply Property of Persons acquitted on the Ground of Insanity for their Benefit; 15.

Extending Powers of charging Lunatic's Property for his Maintenance, Debts, and Costs; 16.

All Deeds, Transfers, Payments, &c. made in pursuance of this Act to be valid and binding; 17.

Power to Masters to summon Witnesses; 18.

Duties of Visitors; 19.

All Lunatics to be visited Four Times a Year; 20.

Visitors also to visit alleged Lunatics, and make a Report, &c. to the Lord Chancellor; 21.

Sections 104. and 105. (relating to visiting) of 16 & 17 Vict. c. 70. repealed; 22.

Power to the Lord Chancellor to allow Pensions to present Visitors, if desirous of retiring; 23.

Visitors to hold Office during good Behaviour, to receive Salaries, but not to practise in their Professions; 24.

Clerks to the Visitors to be appointed; 25.

Superannuation Allowances to Officers in Lunacy; 26.

Payment of Pensions and Salaries; 27.

Registrar to hold Office during good Behaviour; 28.

Office Copies of Orders to be acted upon by Accountant General and others; 29.

2.—Lunatics Law Amendment.

To amend the Law relating to Lunatics. Cap. 111. Page 794

Interpretation of Terms, Construction of Act, and Short Title; Sects. 1-3. Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State; 4.

Estimates to accompany Plans; 5.

Excess of Payment may be paid to a Building and Repair Fund; 6.

Provision as to Contract for Reception of Lunatics; 7.

Provision for Care of chronic Lunatics; 8.

Lunatics in Asylum; 9.

Lands Clauses Act (8 & 9 Vict. c. 18.) incorporated; 10.

Lunacy.

- Taking on Lease additional Lands for Use of Asylum ; 11.
 Superannuation of Officers ; 12, 13.
 Inspection by Commissioners before Licence granted by Justices ; 14.
 Notice of Alterations to be given to the Commissioners ; 15.
 Provision as to non-resident Proprietors ; 16.
 Penalty on infringing Terms of Licence ; 17.
 Extension of Powers to take Boarders in Houses ; 18.
 Provision for sending Pauper Lunatics to Asylums ; 19.
 Lunatics proper to be sent to Asylums ; 20.
 Amendment of Form of List as respects Pauper Lunatics in Work-
 houses ; 21.
 Order for Reception and Medical Visitation of Persons found lunatic by
 Inquisition ; 22.
 Persons signing Orders for Admission to have seen Patient within One
 Month ; 23.
 Certain Persons prohibited from signing Orders for Admission ; 24.
 Relative of Pauper to be named in Order of Admission ; 25.
 Same Order and Certificates to justify Detention as Pauper of Private
 Patient ; 26.
 Provision as to defective Certificates ; 27.
 Transmission of Documents to Commissioners on Admission of Patient ;
 28.
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 Power to remove Lunatic from Workhouse to Asylum ; 31.
 Removal of single Pauper Patients to Asylums ; 32.
 Effect of Order for Removal ; 33.
 Statement of Condition of Pauper Lunatics to be transmitted to Guar-
 dians ; 34.
 Amendment of Section 64. of 8 & 9 Vict. c. 100. ;—35.
 Copies of Entries of Commissioners and Visitors ; 36.
 Visiting Committee to enter Observations in a Book respecting Dietary,
 &c. ; 37.
 Patients may be permitted to be absent on Trial from Hospitals and
 Private Houses ; 38.
 Penalty on Officer conniving at the Escape of Lunatics ; 39.
 Correspondence of Private Patients ; 40.
 Statement as to Condition of single Patients ; 41.
 Commissioners empowered to prescribe Forms, &c. of Medical Visita-
 tion Book ; 42.
 Discharge of a Private Patient ; 43.
 Report to Coroner of Death of single Patient ; 44.
 Chargeability of Pauper Lunatics whose Settlements cannot be ascer-
 tained where found in certain Boroughs ; 45.
 Amendment of 8 & 9 Vict. c. 100. s. 100. as to Power of administering
 Oaths ; 46.
 Definition of Physician, Surgeon, or Apothecary ; 47.
 Part of Section 132. of 16 & 17 Vict. c. 97. repealed ; 48.
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3.—*Lunacy (Scotland).*

To make further Provision respecting Lunacy in Scotland.
 Cap. 54. Page 245

- Preamble recites 20 & 21 Vict. c. 71. and 21 & 22 Vict. c. 89.
 Interpretation of Terms ; Sect. 1.
 Provisions as to Appointment of Deputy Commissioners continued ; 2.
 Board may license Lunatic Wards of Poorhouses, and may sanction the
 Reception of Pauper Lunatics in Poorhouses ; 3, 4.
 Board may grant Special Licences for Reception in Houses of not more
 than Four Lunatics ; 5.
 Provision for allowing Persons to enter Asylum voluntarily ; 6.
 Board may grant Licences to charitable Institutions for imbecile Chil-
 dren without Fee ; 7.

Man - - - - *Merchandise.*

- Care of Pauper Lunatics ; 8.
 Secretary of State may authorize the Board to apply to Court of Session ; 9.
 Counties or Parishes providing Asylum Accommodation to be relieved from Assessments ; 10.
 Additional Grounds to District Asylums ; 11.
 Where there is no Asylum District Board may dissolve itself ; 12.
 District Boards may make Provision for Payment of Interest on borrowed Monies by fixed annual Instalments ; 13.
 Lunatics to be admitted by Order of the Sheriff and on Medical Certificate ; 14.
 Sheriff may commit dangerous Lunatics ; 15.
 On Application of Person at whose Instance a Lunatic is detained, Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff ; 16.
 Superintendent to give Intimation of Recovery of a Lunatic ; 17.
 If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures ; 18.
 Insane Prisoners may, on Expiry of Sentence, be detained in General Prison ; 19.
 Orders may be carried out in General Prison ; 20.
 Orders to be intimated to Managers of Prisons ; 21.
 Sentences for less than Nine Months may be carried out in General Prison ; 22.
 Insane Prisoners may be removed to an Asylum ; 23.
 Secretary of State may give Orders for Custody of Persons during Her Majesty's Pleasure ; 24.
 Certain Provisions of recited Acts repealed; General Board continued; 25.

M.

Man, Isle of. See *Isle of Man.*

Marine Mutiny.

For the Regulation of Her Majesty's Royal Marine Forces while on shore. Cap. 6. Page 15

Marking of Merchandise. See *Merchandise Marks.*

Married Women (Acknowledgment of Deeds).
 See *Common Pleas.*

Matrimonial Causes. See *Divorce Court.*

Measures. See *Weights and Measures (Ireland).*

Medical Education. See *Council of Medical Education.*

Merchandise Marks.

To amend the Law relating to the fraudulent marking of Merchandise. Cap. 88. Page 424

- Construction of Words ; Sect. 1.
 Forging a Trade Mark or falsely applying any Trade Mark with Intent to defraud, a Misdemeanor ; 2.
 Applying a forged Trade Mark to any Vessel, Case, Wrapper, &c. in or with which any Article is sold or intended to be sold, a Misdemeanor ; 3.

Merchant.

- Penalty on selling Articles with forged or false Trade Marks after 31st December 1863 ; 4.
 Additions to and Alterations of Trade Marks made with Intent to defraud to be deemed Forgeries ; 5.
 Any Person after 31st December 1863, having sold an Article having a false Trade Mark, shall be bound to give Information where he procured it ; 6.
 Penalty on marking any false Indication of Quantity, &c. upon an Article with Intent to defraud ; 7.
 Penalty on selling or exposing for Sale after the 31st December 1863 Articles with false Statement of Quantities, &c. ; 8, 9.
 Description of Trade Marks and forged Trade Marks in Indictments, &c. ; 10.
 Conviction not to affect any Right or Civil Remedy ; 11.
 Intent to defraud, &c. any particular Person need not be alleged in an Indictment, &c. or proved ; 12.
 Persons who aid in the Commission of a Misdemeanor to be also guilty ; 13.
 Punishment for Misdemeanor under this Act ; 14.
 Recovery of Penalties ; 15.
 Summary Proceedings before Justices to be within 11 & 12 Vict. c. 43. ; —16.
 In Actions Penalties to be accounted for in like Manner as other Monies payable to the Crown, and Plaintiffs to recover full Costs of Suit ; Limitations of Actions, &c. ; 17, 18.
 After 31st December 1863 Vendor of an Article with a Trade Mark to be deemed to contract that the Mark is genuine, and Description of its Quantity deemed to be true ; 19, 20.
 In Suits at Law or in Equity against Persons for using forged Trade Marks, Court may order Article to be destroyed, &c. ; 21.
 Persons aggrieved by Forgeries may recover Damages against the guilty Parties ; 22.
 Defendant obtaining a Verdict to have full Indemnity for Costs ; 23.
 A Plaintiff suing for a Penalty may be compelled to give Security for Costs ; 24.
 Act not to affect the Corporation of Cutlers of Hallamshire, nor to repeal 59 G. 3. c. 7. ;—25.
 Short Title ; 26.

Merchant Shipping.

To amend "The Merchant Shipping Act, 1854," (17 & 18 Vict. c. 104.), "The Merchant Shipping Act Amendment Act, 1855," (18 & 19 Vict. c. 91.), and "The Customs Consolidation Act, 1853," (16 & 17 Vict. c. 107.) Cap. 63. Page 287
 Short Title ; Sect. 1.

Repealing Section 51. of 8 & 9 Vict. c. 91., 16 & 17 Vict. c. 107. in part, 17 & 18 Vict. c. 104. in part, and Section 8. of 19 & 20 Vict. c. 75.

Registry and Measurement of Tonnage (Part II. of Merchant Shipping Act, 1854).

- Equities not excluded ; 3.
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 Steam Ships to carry Certificated Engineers ; 5.
 Examination for Certificates of Competency ; 6, 7.
 Certificates of Competency to be granted to those who pass ; 8.
 Engineers Certificates of Service to be delivered on Proof of certain Service ; 9.
 Certain Provisions to apply to Engineers Certificates ; 10.
 Power to investigate Conduct of Certificated Engineers ; 11.
 Declaration of Engineer Surveyor to contain Statement concerning Certificate ; 12.

*Merchant.**Masters and Seamen (Part III. of Merchant Shipping Act, 1854).*

- Application of, to Fishing Boats, Lighthouse Vessels, and Pleasure Yachts ; 13.
 Local Marine Board may determine Number of Quorum ; 14.
 Titles of Shipping Masters ; 15.
 Punishment for Embezzlement in Shipping Offices ; 16.
 Examination of Masters and Mates at Ports where there are no Local Marine Boards ; 17.
 Construction concerning Salvage ; 18.
 Payment of Wages to Seamen abroad ; 19.
 Wages and Effects of deceased Seamen, &c. ; 20, 21.
 Relief of distressed Seamen ; 22.
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- Lights, &c. under Local Authorities to be inspected, &c. by Trinity House, and other General Authorities ; 43.
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Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

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To apply the Sum of 973,747*l.* out of the Consolidated Fund to the Service of the Year ending 31st March 1862. Cap. 1. Page 1

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2.—*Exchequer Bills and Bonds.*

For raising the Sum of 1,000,000*l.* by Exchequer Bonds for the Service of the Year 1862. Cap. 13. Page 34

To amend the Act 24 & 25 Vict. c. 5., relating to Supply Exchequer Bills, and to repeal all Provisions by which Authority is given to the Commissioners of Her Majesty's Treasury to fund Exchequer Bills. Cap. 3. Page 1

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Soane's Museum.

To enable the Trustees of Sir John Soane's Museum to send Works of Art to the International Exhibition 1862. Cap. 9. Page 30

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Spirits, Sale of.

To amend the Laws relating to the Sale of Spirits. Cap. 38. Page 124

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U.

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To continue the Act 2 & 3 Vict. c. 74., for preventing the administering of unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. Cap. 32. Page 86

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*Transmission - - - Turnpike.**2.—India Stocks Transfer.*

To provide for the Registration and Transfer of India Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively. Cap. 7. Page 24

Preamble recites 23 & 24 Vict. c. 102.

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Power to transfer India Stock from the Books of the Bank of England to the Books of the Bank of Ireland, and vice versa; 2-4.

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Notices of Transfers to be sent to the Bank into which the Stock is to be transferred; 7.

Books to be provided for entering Transfers; 8.

On Production of Certificate from the Bank where the Transfer is made, the Bank to which the Transfer is made shall write the Amount into their Books; 9.

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Duplicates may be granted of Certificates lost or destroyed; 12.

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Turnpike Trusts, &c.

To confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38., to facilitate Arrangements for the Relief of Turnpike Trusts. Cap. 56. Page 256

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If aggregate Expenditure of whole Union at Michaelmas or Christmas next shall exceed 3s. in the Pound on the rateable Value of the Property of the Union, Guardians may apply to Poor Law Board for Authority to borrow; 3.

Guardians of distressed Unions where the Expenditure shall have exceeded 5s. in the Pound may apply to the Poor Law Board, who may apportion such Excess of Expenditure over the Unions in the County; 4.

Power to the Poor Law Board to exclude the poorer Unions; 5.

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Universities (Scotland).

To alter and amend the Universities (Scotland) Act, 21 & 22 Vict. c. 83., in so far as relates to the Bequest of the late Doctor Alexander Murray in the University of Aberdeen. Cap. 28. Page 83

University of Oxford. See *Oxford University.*

Unlawful Oaths (Ireland).

To continue the Act 2 & 3 Vict. c. 74., for preventing the administering of unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. Cap. 32. Page 86

Recital of 50 Geo. 3. c. 102., 4 Geo. 4. c. 87., 2 & 3 Vict. c. 74., 7 & 8 Vict. c. 78., 8 & 9 Vict. c. 55., 11 & 12 Vict. c. 89., 14 & 15 Vict. c. 48., and 19 & 20 Vict. c. 78.

2 & 3 Vict. c. 74. continued for Five Years from the passing of this Act, and until the End of the then next Session of Parliament.

V.

Victualling Stores. See *Naval and Victualling Stores.*

Volunteers. See *Officers Commissions.* *Rifle Volunteer Grounds.* Digitized by Google

Waking - - - - *West.*

W.

Waking. See *Artillery Ranges.*

Wales, Prince of. See *Duchy of Cornwall.*

War Department. See *Army. Artillery Ranges.*
Sandhurst Military College.

Water, Supply of. See *Police and Improvement*
(*Scotland*).

Weights and Measures (Ireland).

To amend "The Weights and Measures (Ireland) Act, 1860," (23 & 24 Vict. c. 119.) ; to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold in Ireland. Cap. 76. Page 383

Commencement of Act, and Short Title ; Sects. 1, 2.

Certain Sections of 23 & 24 Vict. c. 119. repealed, and this Act incorporated therewith ; 3, 4.

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A LIST

OF THE

LOCAL AND PRIVATE ACTS

PASSED DURING THE

SESSION 25 & 26 VICT. (1862).

☞ In this List the Local and Private Acts are subdivided into Classes, according to the Arrangement adopted in the Index to the Statutes compiled by Order of the Committee of the Library of the House of Lords, the Parliamentary Short Title of each Act being generally adopted. The Local Acts are denoted by Roman Numerals, and the Private Acts by Arabic Figures.

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