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THE  
S T A T U T E S  
OF  
THE UNITED KINGDOM  
OF  
GREAT BRITAIN AND IRELAND,  
= 22 VICTORIA, 1859.

WITH TABLES SHOWING THE EFFECT OF THE LEGISLATION OF  
SESSION 1, 1859, AND A COPIOUS INDEX.

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1859.

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Containing the TITLES of all

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Passed in the THIRD Session of the SEVENTEENTH  
Parliament

OF

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22° VICTORIÆ.

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## PRIVATE ACT,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPY MAY BE GIVEN  
IN EVIDENCE.

1. AN Act to authorize *Charles Frederick Clifton* Esquire and the Lady *Edith Maud* his Wife, and their Issue, to assume and bear the Surnames of "*Abney Hastings*" in lieu of the Surname of *Clifton*, and to bear the Arms of "*Abney*" and "*Hastings*," in compliance with the Condition contained in a Settlement made by Sir *Charles Abney Hastings* Baronet, deceased, of certain Estates in the Counties of *Derby* and *Leicester*. Page 146
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## PRIVATE ACT,

NOT PRINTED.

2. An Act to enable *Thomas Augustus Purdy* Clerk to exercise his Office of Priest and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.
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THE  
STATUTES AT LARGE.

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Anno Regni VICTORIÆ, Britanniarum Reginæ,  
Vicesimo Secundo.

‘ **A**T the Parliament begun and holden at *Westminster*, the  
‘ Thirtieth Day of *April*, *Anno Domini* 1857, in the  
‘ Twentieth 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 Third Day of  
‘ *February* 1859 ; being the Third Session of the Seventeenth  
‘ Parliament of the United Kingdom of *Great Britain* and  
‘ *Ireland*.’

C A P. I.

An Act more effectually to prevent Danger to the Public  
Health from Places of Burial. [25th *March* 1859.]

‘ **W**HEREAS by Section Twenty-three of an Act passed in  
‘ the Session holden in the Twentieth and Twenty-first  
‘ Years of Her Majesty, Chapter Eighty-one, “to amend the  
‘ Burial Acts,” it was enacted that it should be lawful for Her  
‘ Majesty, upon the Representation of One of Her Majesty’s  
‘ Principal Secretaries of State, by and with the Advice of Her  
‘ Privy Council, from Time to Time to order such Acts to be  
‘ done by or under the Directions of the Churchwardens or such  
‘ other Persons as might have the Care of any Vaults or Places  
‘ of Burial, for preventing them from becoming or continuing  
‘ dangerous or injurious to the Public Health ; and such Church-  
‘ wardens or other Persons should do or cause to be done all Acts  
‘ ordered as aforesaid, and the Expenses incurred in and about the  
‘ doing thereof should be paid out of the Poor Rates of the  
‘ Parish : And whereas it is expedient to amend the said Enact-  
‘ ment as 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 :

I. Where it appears to One of Her Majesty’s Principal Secre-  
taries of State, on the Representation of any Person authorized by  
22 VICT. B him

20 & 21 Vict.  
c. 81.

Where Persons  
having the Care  
of a Place of

*Burial Places.**Anniversary Days Observance.*

Burial neglect to comply with Order in Council, the Churchwardens may act in their Stead.

him to inspect any Vaults or Place of Burial in relation to which an Order in Council has been or shall have been issued under the said recited Enactment, that any Acts which by such Order in Council are ordered to be done by or under the Direction of Persons other than Churchwardens having the Care of such Vaults or Place of Burial are not done or performed within a reasonable Time, and according to the Intent of such Order in Council, it shall be lawful for such Secretary of State, by Writing under his Hand, to authorize and direct the Churchwardens of the Parish in which such Vaults or Place of Burial may be situate forthwith to do or complete the Acts in such Order in Council mentioned, or such of them as remain undone, and such Order of the Secretary of State shall be obeyed by such Churchwardens, and they and all Persons acting under their Direction shall have the same Power of entering and doing all such Acts upon the Premises to which the Order in Council relates as if the said Acts had by the Order in Council been directed to be done by such Churchwardens, and such Vaults or Place of Burial had been under their Care; and any Person who shall obstruct such Churchwardens or any others acting under their Direction in relation to the Premises, or remove or interfere with the Works done by such Churchwardens, shall be guilty of a Misdemeanor.

This and recited Act to be as One.

II. This Act shall be read together with the said Act of the Twentieth and Twenty-first Years of Her Majesty and the Burial Acts therein mentioned as One Act.

## C A P. II.

An Act to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of *January* and other Days. [25th *March* 1859.]

‘ WHEREAS Her Majesty has been graciously pleased, in pursuance of Addresses of both Houses of Parliament, to issue Her Royal Warrant for the Discontinuance of the Forms of Prayer and Service made for the Thirtieth Day of *January*, the Twenty-ninth Day of *May*, and the Fifth Day of *November*, and it is expedient that the Enactments requiring the Observance of those Days, and (in *Ireland*) the Twenty-third Day of *October*, as Anniversary Days, should be repealed:’ 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 :

Enactments for the Observance of the 30th *January*, 29th *May*, 5th *November*, and 23d *October*, repealed.

I. The several Acts and Parts of Acts mentioned in the Schedule to this Act, and every other Enactment now in force which may be read or construed as requiring the Observance of the Thirtieth Day of *January*, the Twenty-ninth Day of *May*, the Fifth Day of *November*, and the Twenty-third Day of *October* respectively, as Anniversary Days, or the Use of any special Services of the Church for those Days respectively, shall be and the same are hereby repealed.

SCHE-

*Anniversary Days Observance.*

## SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
<b>ACTS OF THE PARLIAMENT OF ENGLAND.</b>		
3 Jac. 1. c. 1. -	An Act for a Public Thanksgiving to Almighty God every Year on the Fifth Day of November.	The whole Act.
12 Car. 2. c. 14.	An Act for a perpetual Anniversary Thanksgiving on the Nine-and-twentieth Day of May.	The whole Act.
12 Car. 2. c. 30.	An Act for the Attainder of several Persons guilty of the horrid Murder of His late Sacred Majesty King Charles the First.	So far as it enacts that every Thirtieth Day of January, unless it falls out to be upon the Lord's Day, and then the Day next following, should be set apart to be kept and observed as an Anniversary Day as therein mentioned.
13 Car. 2. c. 7.	An Act for confirming Public Acts.	So far as it confirms the Enactment herein-before mentioned of the 12 Car. 2. c. 30.
13 Car. 2. c. 11.	An Act for confirming of Three Acts therein mentioned.	So far as it confirms the Act 12 Car. 2. c. 14.
<b>ACT OF THE PARLIAMENT OF GREAT BRITAIN.</b>		
24 G. 2. c. 23.	An Act for regulating the Commencement of the Year, and for correcting the Calendar now in use.	So far as it requires the keeping and observing of the Thirtieth Day of January, the Twenty-ninth Day of May, and the Fifth Day of November, as therein mentioned.
<b>ACTS OF THE PARLIAMENT OF IRELAND.</b>		
14 & 15 Car. 2. Sess. 4. c. 1.	An Act for a perpetual Anniversary Thanksgiving on the Nine-and-twentieth Day of May in this Kingdom.	The whole Act.
14 & 15 Car. 2. Sess. 4. c. 23.	An Act for keeping and celebrating the Twenty-third of October as an Anniversary Thanksgiving in this Kingdom.	The whole Act.

*Inclosure.*

## C A P. III.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England and Wales*. [25th March 1859.]

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 Fourteenth 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, &c. &c.

Inclosures in Schedule to be proceeded with. Short Title.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

II. 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, 1859," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

## SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Snappe - - -	Suffolk -	13th May 1858.
Botley Common - -	Southampton	3d June 1858.
Cathedine - - -	Brecon -	3d June 1858.
Skelwith Common -	Lancaster -	17th July 1858.
Ashreigney - - -	Devon -	25th June 1858.
Lydney - - -	Gloucester -	3d July 1858.
Osmotherley - - -	Lancaster -	8th July 1858.
Mexbrough - - -	York - -	22d July 1858.
Fulbrook, Shipton-under-Wychwood, and Taynton - - -	Oxford -	5th August 1858.
Asthall, Whichwood, and Fulbrook - -	Oxford -	5th August 1858.
Moseley Common -	Hereford -	20th August 1858.
Kirkby Ireleth - -	Lancaster -	21st October 1858.
Ramsden - - -	Oxford -	28th October 1858.
Docking - - -	Norfolk -	11th November 1858.
Drayton - - -	Oxford -	9th December 1858.
Elton Meadow and Stroud Field - -	Gloucester -	13th January 1859.
Dibden - - -	Southampton	13th January 1859.
Ciunbury Hill - -	Salop - -	28th October 1858.
Clavering - - -	Essex - -	5th January 1859.
Pembridge - - -	Hereford -	23d December 1858.
Chithurst - - -	Sussex -	15th January 1859.
Oathall Manor - -	Sussex -	19th January 1859.
Rhandirisa - - -	Carmarthen -	19th January 1859.

*Mutiny.*

## C A P. IV.

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

[25th March 1859.]

[§§ 7 and 9. *These are extended to British Columbia and Vancouver's Island. §§ 53 and 105 of the Act of last Year are omitted. Several verbal Alterations occur throughout the Act in consequence of the Transfer to the Crown of the East India Forces in accordance with 21 & 22 Vict. c. 106. In other respects, except as to Dates and the Sections and Part of Schedule here inserted, this Act is the same as 21 & 22 Vict. c. 9.*]

WHEREAS 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 twenty-two thousand six hundred and fifty-five Men, exclusive of Fifteen thousand and five 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:

Numbers,  
122,655 Men.

II. 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 in respect of such Service, and also to the Officers and Soldiers belonging to Her Majesty's *Indian Forces* while such Officers or Soldiers shall be in any Part of the

Persons sub-  
ject to this Act.

*Mutiny.*

United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers or the Corps of Royal Sappers and Miners, or in the Corps of Royal Military Surveyors and Draftsmen, or in the Field Train or Medical Staff Corps, or Hospital Corps, or Military Train, or serving as Army Schoolmasters, Probationary Armourers, and Armourer Serjeants, and to all Officers and Persons who are or shall be serving on the Commissariat Staff and in the Commissariat Corps, 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 Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and all Civil Officers who are or shall be employed by or act under the War Department 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.

Colonial and Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

IV. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty (other than Officers and Soldiers belonging to Her Majesty's *Indian Army* when out of the United Kingdom), shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

As to Courts-martial composed of Officers of One or more of the Services.

XII. Where it is necessary or expedient, a Court-martial composed exclusively of Officers of Her Majesty's Army or of Her Majesty's *Indian Army*, or a Court-martial composed of Officers of both the above Services, or of either or both together, with Officers of Her Majesty's Royal Marines, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces, may try a Person belonging to either of the above Three Services; provided that when the Person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's *Indian Army*, and be within the United Kingdom, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Army only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall

*Mutiny.*

shall belong to Her Majesty's Royal Marines, then the Provisions of such Act as shall be in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall belong to Her Majesty's *Indian Army*, and be out of the United Kingdom, the Provisions of such Act as shall be in force for the Amendment of the Laws for punishing Mutiny and Desertion of Officers and Soldiers in Her Majesty's *Indian Army* shall be applicable.

XIII. The President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, the Officer convening such Court may be the President thereof.

As to Presidents of Courts-martial.

XVI. After any Person subject to this Act has been found guilty of any Charge or Charges, the Court before which any such Person shall have been tried may, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book, or the Defaulter Book of the Regiment, Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate; nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment or other Corps by the Clerk of any such Court, or other Officer having Custody of the

Previous Convictions may be put in Evidence before passing Sentence.

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Records of such Court, or the Deputy of such Clerk, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction ; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender : Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him ; provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of Proceedings of General and District Courts-martial to be transmitted to Judge Advocate General.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Army, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved ; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence *per Folio* of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Six Months after the Trial, if the same took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions ; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial : Provided also, that the Proceedings of District and Garrison Courts-martial need not be preserved after the Expiration of a Period of Twelve Years from the Date of their Deposit in the Office of the Judge Advocate General.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Desertion or for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty ; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Forfeiture of Pay on being found guilty of Desertion, &c., or on Conviction for Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier



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Soldier unfit for Service, or of tampering with his Eyes, with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and every Soldier who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in possession of, whether for Field Service or for Good Conduct, together with the Annuity or Gratuity thereto appertaining; and any Serjeant reduced to the Ranks by Sentence of Court-martial may by the Order of the same Court be made to forfeit the Annuity and Medal for meritorious Service which may have been conferred upon him.

XXXV. 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 visible and conspicuous, and not liable to be obliterated. **Marking Deserters.**

XLVI. 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 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 Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible **Apprehension of Deserters in the United Kingdom.**

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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 set apart under the Authority of this Act) or Police Station legally provided as a 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 Soldiers of his own Regiment or Corps 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 in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War 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-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; 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, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in the Colony, or, if the Regiment or Corps be in the Colony, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to

In the Colonies.

the

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the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

LVII. Any Recruit who shall have enlisted into and been attested for Her Majesty's Army or for Her Majesty's *Indian* Army, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Recruit shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought before them, and shall be proved upon Oath to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have concealed any such Infirmity, or to have designedly made any false Representation, before or at the Time of receiving Enlisting Money or before the Justice at the Time of his Attestation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Recruit, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Declarations, Oaths, and Certificates in the Schedule to this Act annexed, before or at the Time of receiving Enlisting Money, or before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such

Further  
Offences con-  
nected with  
Enlistment.

7 & 8 G. 4.  
c. 29.

9 G. 4. c. 55.

summary

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summary Proceeding or Prosecution shall be instituted ; and the Production of the Declaration in the Schedule to this Act annexed, made by the Recruit on his Attestation, and of the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as stated in the Declaration made by him ; and Proof upon Oath that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to Her Majesty's *Indian Forces*, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same ; and the Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given ; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Army or Marines, or into Her Majesty's *Indian Forces*, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days ; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for Her Majesty's *Indian Forces*, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on or after the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental Court-martial or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces, or to Her Majesty's *Indian Forces*, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct ; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction or any Time not exceeding Six Calendar Months over and above any Penalty or Punishment to which such Person so offending may

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may be otherwise liable ; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Forces, or of Her Majesty's *Indian Forces*, into which he shall have so enlisted, or to the Navy into which he shall have entered : Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain and Ireland* or elsewhere in any Regiment, Battalion, or Corps of Her Majesty's Forces, or of Her Majesty's *Indian Forces*, in which he has so enlisted, and shall be subject to all the Provisions of this Act, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse to join and serve in such Corps, or in the Navy as aforesaid.

LIX. 'And whereas it is expedient that Provision should be made for enlisting and attesting Soldiers desirous of re-enlisting or of enlisting abroad : Be it enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, or for any Justice of the Peace or Magistrate acting for the Place of such Enlistment, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain or Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Army or into Her Majesty's *Indian Army* ; and any Person so appointed 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 ; 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 enlisted or re-enlisted 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 ; any Soldier attested for the Infantry and at his own Request transferred to the Cavalry, Artillery, or Engineers shall be bound to serve for the full Term of such Service as if originally enlisted therein, but any Soldier at his own Request transferred from either of such before-mentioned Services to the Infantry shall be liable to serve for the Term of his original Enlistment.

Enlistment and  
Re-enlistment  
abroad.

LXIV. It

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Removal of  
Doubts as to  
Attestation of  
Soldiers.

LXIV. It is hereby enacted, That no Person who shall for Six Months and upwards, and either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be conclusive Evidence), shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever; but, on the contrary, every such Person shall be deemed to have been legally and regularly and properly enlisted and attested.

Allowance to  
Innkeepers.

LXXI. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such  
Victuallers

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Victuallers or other Persons as aforesaid, and to charge the same against such Officers ; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof ; which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

LXXII. All the Powers and Provisions in this Act contained relating to Her Majesty's Army or Her Majesty's Forces shall be construed to apply to Her Majesty's Land Forces other than the *Indian* Forces of Her Majesty, and the Powers and Provisions relating to Her Majesty's *Indian* Forces shall be construed to apply to Her Majesty's *Indian* Land Forces, and the Powers and Provisions relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed* ; and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *Great Britain* and *Ireland* belonging ; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided ; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions ; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Head-boroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting ; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland* ; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary : Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority

Definition of Terms.

Powers and Regulations as to Billets.

Exemptions from Billets.

of

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of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tipping in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVI. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XCI. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf on any Pretence whatsoever, or who shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour,  
for



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for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions on the Recommendation of the Officer or Officers for the Time being administering the Government thereof but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

C. All Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation. Attestation of  
Accounts.

CI. All Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to this Act annexed; which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General Commissaries,  
&c. to attest  
their Accounts.

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or any Assistant Quartermaster General of the Army, who shall respectively have Power to administer and receive the same.

Administration  
of Oaths.

CII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations; and any Person taking a false Oath or Declaration where an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Perjury.

Duration of  
this Act.

CV. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-nine inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty; 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 fifty-nine inclusive until the First Day of *May* One thousand eight hundred and sixty; 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 fifty-nine inclusive until the First Day of *August* One thousand eight hundred and sixty; 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 fifty-nine inclusive to the First Day of *September* One thousand eight hundred and sixty; 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 inclusive until the First Day of *January* One thousand eight hundred and sixty-one; 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-one; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-one inclusive until the First Day of *February* One thousand eight hundred and sixty-two: 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.

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## SCHEDULE.

## FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-named }  
this Day of }

*Justice of the Peace of* or,  
*Commander in Chief, or Second in Command,*  
*et cætera, the Army serving in*  
*et cætera [as the Case may be].*

## FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I, Storekeeper at \_\_\_\_\_, do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Sale of old Stores, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever beyond my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832  $\frac{5}{1178}$  (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to \_\_\_\_\_, have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

Storekeeper at \_\_\_\_\_.

Declared before me at \_\_\_\_\_,  
this Day of \_\_\_\_\_ 18 .

Magistrate for \_\_\_\_\_.

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## FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I \_\_\_\_\_, Barrack Master of the \_\_\_\_\_ Barracks at \_\_\_\_\_, do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Impresta, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department; and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to \_\_\_\_\_, have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

\_\_\_\_\_  
Barrack Master at \_\_\_\_\_.  
Declared before me at \_\_\_\_\_  
this \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_  
\_\_\_\_\_  
Magistrate for \_\_\_\_\_.

## FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.

I \_\_\_\_\_ do solemnly and sincerely declare, That the foregoing Pay List of the \_\_\_\_\_ Regiment of \_\_\_\_\_, for the Period ended 185 \_\_\_\_\_, contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the \_\_\_\_\_, the \_\_\_\_\_, and the \_\_\_\_\_ have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

Also, that the List of Commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly \_\_\_\_\_

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correctly copied therein ; and that the Sum debited in the general State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to \_\_\_\_\_, have been actually and bonâ fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is \_\_\_\_\_.

Also, that the Statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the \_\_\_\_\_ of \_\_\_\_\_ 185 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the \_\_\_\_\_ 185 ) and the \_\_\_\_\_ of \_\_\_\_\_ 185 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also, that, to the best of my Knowledge and Belief, both my Sureties are now living ; that the Property of each is at least double that for which he is Surety ; and that they respectively reside at the Places under-mentioned.

Names of Sureties.

Places of Residence.

\_\_\_\_\_  
 \_\_\_\_\_

Declared and subscribed before me }  
 at \_\_\_\_\_, this \_\_\_\_\_ }  
 Day of \_\_\_\_\_ 185 . }

\_\_\_\_\_  
Paymaster.\_\_\_\_\_  
Justice of the

Peace for \_\_\_\_\_.

\_\_\_\_\_  
Commanding Officer.

Witnesses { \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Adjutant.

## C A P. V.

An Act for the Regulation of Her Majesty's Marine Forces while on shore. [25th March 1859.]

[§§ 8 & 9. These are extended to British Columbia and Vancouver's Island. § 63 is a new Provision. § 68 is in lieu of § 67 of the Act of last Year. A few verbal Alterations occur in the Act and in the Schedules, in consequence of the Transfer to the Crown of the East India Forces, in accordance with 21 & 22 Vict. c. 106. In other respects, except as to Dates and the Sections here inserted, this Act is the same as 21 & 22 Vict. c. 7.]

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of or be **Marines to be subject to the Discipline of**

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the Navy  
while on board  
Ship.

be on board any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea and to the Rules and Discipline of the Royal Navy for the Time being, and shall and may be proceeded against and punished for Offences committed by them whilst so borne or on board, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore; and with or without any Commission or Warrant from the said Lord High Admiral or the said Commissioners for that Purpose, the Officer commanding in chief or commanding for the Time being any such Marine Officers or Marines shall have Power and Authority to convene, and to authorize any Officer to convene, Courts-martial under this Act, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High  
Admiral, &c.  
may grant  
Commissions  
for holding  
General  
Courts-martial,  
&c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain and Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom

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Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, or before or after any such Commission or Warrant shall be granted, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

XVIII. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove

Previous  
Convictions  
to be put in  
Evidence.

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the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of  
Proceedings of  
Courts-martial.

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence *per Folio* of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Six Months after the Trial, if the same took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial: Provided also, that the Proceedings of District and Garrison Courts-martial need not be preserved after the Expiration of a Period of Twelve Years from the holding of the Court.

Power to in-  
flict Corporal  
Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Desertion or for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Forfeiture of  
Pay on Con-  
viction of  
Desertion or  
Felony

XXXII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay,



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Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and every Marine who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in possession of, whether for Sea or Field Service or for Good Conduct, together with any Annuity or Pension or Gratuity, if any, thereto appertaining; and any Sergeant reduced to the Ranks by Sentence of Court-martial may, by the Order of the same Court, be made to forfeit any Annuity or Pension and Medal for meritorious Service, or any or either of them, which may have been conferred upon him.

XXXVIII. 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 visible and conspicuous, and not liable to be obliterated.

**Marking  
Deserters.**

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, passed upon him by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

**Imprisonment  
of Offender  
already under  
Sentence for  
previous Of-  
fence.**

XLI. Save as herein specially provided, every Term of Penal Servitude or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

**Term and  
Place of Impri-  
sonment.**

L. 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

**Apprehension  
of Deserters.**

**Manner**

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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 Depôt 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 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 of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected

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suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, 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 in the Colony 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.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine, not borne on the Books of any of Her Majesty's Ships or Vessels in Commission as aforesaid, and who shall be on Furlough, shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Extension of  
Furlough in  
case of Sick-  
ness.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode,

Enlisting and  
swearing of  
Recruits.

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or at the Place where he stated that it was his Intention to sleep ; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday, Christmas Day, or Good Friday* not included,) but not sooner than Twenty-four Hours, after such enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have been enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereto ; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Declaration and Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Declaration or Oath, anything in any Act to the contrary notwithstanding ; and the Fee for administering the Declaration and Oath shall be One Shilling and no more ; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed ; and if any such Recruit so to be certified shall refuse to make the Declaration and take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall make such Declaration and take the said Oath of Fidelity.

Offences connected with Enlistment.

LXI. If any Recruit shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion ; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken  
down

*Marine Mutiny.*

down in Writing : Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit ; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter ; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, Militia, or Navy, or the Forces of the late *East India* Company, or Her Majesty's *Indian* Forces, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months ; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oath, Declaration, and Certificates in the Schedule to this Act annexed before or at the Time of receiving Enlisting Money, or before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition ; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished,

7 & 8 G. 4.  
c. 29.

9 G. 4. c. 55.

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*Marine Mutiny.*

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punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Declaration in the Schedule to this Act annexed made by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Declaration made by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marine, or to the Forces of the late *East India Company*, or Her Majesty's *Indian Forces*, that he designedly made any false Representation of any Particular contained in the said Oath, Declaration, and Certificates, or either of them, before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, or Marines, or into Her Majesty's *Indian Forces*, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for Her Majesty's *Indian Forces*, or who may have denied or shall hereafter deny, or who may have confessed or who shall hereafter confess, on or after the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice of the United Kingdom, or before a Divisional or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces,

Army,

*Marine Mutiny.*

Army, or Marines, or to Her Majesty's *Indian Forces*, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary of the Admiralty shall direct, or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces into which he has so enlisted or in the Navy into which he shall have entered: Provided also, that every such Person so enlisted shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted, and shall be subject to all the Provisions of this Act, or, if he had entered the Navy, to the Law, Rules, Regulations, and Customs by which the Navy is governed, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines or from the Navy if he shall neglect or refuse to join and serve in the Marines or in the Navy as aforesaid.

LXIII. 'And whereas it is expedient that Provisions should be made for re-enlisting Marines abroad: Be it enacted, That it shall be lawful 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, to enlist and attest out of *Great Britain* or *Ireland* any Marine desirous of re-enlisting into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer a fit Person to continue in Her Majesty's Service, and every such Commanding Officer 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 shall be deemed to be an attested Marine.

As to Re-enlistment abroad.

LXVIII. No Person who shall for Six Months and upwards, and either before or after the passing of this Act, have received Pay and be borne on the Strength and Pay List of any Division of Her Majesty's Royal Marine Forces, of which the last Quarterly Pay List (if produced) shall be conclusive Evidence, or been borne as a Marine on the Books of any of Her Majesty's Ships in Commission, shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been legally and regularly and properly enlisted and attested.

Removal of Doubts as to Attestation of Marines.

LXXI. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding

Allowance to Innkeepers.

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*Marine Mutiny.*

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exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed ; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain*, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Marine ; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse ; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be paid or distributed to them respectively ; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer ; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof ; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Justices of  
Peace to direct  
Payment of  
Sums expended

LXXV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or  
if



*Marine Mutiny.*

if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass ; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act passed during the Session holden during the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

for Carriages.  
&c.

LXXVII. All Officers and Marines being in proper Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage, or returning from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Prescription, Grant, or Custom, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies ; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds ; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned ; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time,

Exemption  
from Tolls.

*Marine Mutiny.*

and shall in such Case pay only Half the ordinary Rate for such Boat.

Administration  
of Oaths.

Perjury.

XCI. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or other Person having Authority to administer Oaths and Declarations; and any Person giving false Evidence or taking a false Oath or Declaration where an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Duration of  
Act.

XCIV. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-nine until the Twenty-fifth Day of *April* One thousand eight hundred and sixty 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 fifty-nine until the First Day of *May* One thousand eight hundred and sixty inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-nine until the Twenty-fifth Day of *July* One thousand eight hundred and sixty 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 Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-nine until the Twenty-fifth Day of *September* One thousand eight hundred and sixty inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-nine until the Twenty-fifth Day of *November* One thousand eight hundred and sixty inclusive.

## C A P. VI.

An Act to apply the Sum of One million two hundred twenty-two thousand three hundred and eighty-three Pounds Eight Shillings and Ninepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and fifty-nine. [25th *March* 1859.]

## C A P. VII.

An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine. [25th *March* 1859.]

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*County Courts.*


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## C A P. VIII.

An Act to repeal the Thirty-second Section of the Act "for the more easy Recovery of Small Debts and Demands in England," and to make further Provision in lieu thereof. [25th March 1859.]

WHEREAS it is provided by the Thirty-second Section of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, that, until Parliament should otherwise direct, the High Bailiff of *Westminster* should have the Execution of all Process issuing out of any of the Courts holden under that Act the Jurisdiction of which should include the City and Liberty of *Westminster* or any Part thereof, and should be deemed the High Bailiff of such Courts, and the High Bailiff of *Southwark* should have the Execution of all Process issuing out of any of the said Courts the Jurisdiction of which should include the Borough of *Southwark* or any Part thereof, and should be deemed the High Bailiff of such last-mentioned Courts, and no other High Bailiff should be appointed for such Courts: And whereas under the Provisions of the said Act a Court was established, and called the *Westminster* County Court of *Middlesex*, and the High Bailiff of *Westminster* had the Execution of all Process which issued thereout, and was deemed the High Bailiff thereof, and another Court was established, and called the *Southwark* County Court of *Surrey*, and the High Bailiff of *Southwark* had the Execution of all Process which issued thereout, and was deemed the High Bailiff thereof: And whereas the Persons for whose Benefit the said Thirty-second Section was enacted are deceased, and it is expedient that Provision be now made by Parliament for the Performance of the Duties of the Office of High Bailiff of these Courts by Persons who will be able to devote their whole Time thereto: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Thirty-second Section of the said Act is hereby repealed, and on the passing of this Act any Person who may be deemed to be the High Bailiff of either of the said Courts, under the Provisions of the said Section, shall cease to be deemed and to be the High Bailiff of the said Court; and High Bailiffs for the *Westminster* County Court of *Middlesex* and the *Southwark* County Court of *Surrey* respectively, and for any other Courts holden under the said Act of which the High Bailiffs of *Westminster* and *Southwark* respectively would have been deemed High Bailiffs under the said Section, shall be from Time to Time appointed, and shall be liable to be removed, in the same Manner as now by Law provided concerning the Appointment and Removal of the High Bailiffs of other Courts holden under the said recited Act.

Section 32. of 9 & 10 Vict. c. 95. repealed, and other Provisions made as to Appointments of High Bailiffs of *Westminster* and *Southwark*.

*Ecton and Welton Exchange.*

## C A P. IX.

An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss *Sophia Broadley*. [25th March 1859.]

‘ **W**HEREAS the Queen’s most Excellent Majesty in right of  
 ‘ the Crown is seised or entitled to Herself, Her Heirs  
 ‘ and Successors, of or to the perpetual Advowson of the Vicarage  
 ‘ of *Welton-with-Melton* in the Archdeaconry of the East  
 ‘ Riding of *Yorkshire* and Diocese of *York*, which Living is  
 ‘ of the yearly Value of Five hundred and eighty-five Pounds :  
 ‘ And whereas *Sophia Broadley* of *Welton House* in the County  
 ‘ of *York*, Spinster, is seised in her Demesne as of Fee to her  
 ‘ and her Heirs of the perpetual Advowson of the Rectory of  
 ‘ *Ecton* in the County of *Northampton* and Diocese of *Peter-*  
 ‘ *borough*, which Living is of the yearly Value of Seven hundred  
 ‘ Pounds : And whereas the yearly Value of the said Rectory of  
 ‘ *Ecton* being greater than the yearly Value of the said Vicarage  
 ‘ of *Welton-with-Melton*, the said *Sophia Broadley* has proposed  
 ‘ to give to Her Majesty the Advowson of the said Rectory of  
 ‘ *Ecton* in exchange for the Advowson of the said Vicarage of  
 ‘ *Welton-with-Melton*, and as the proposed Exchange, by reason  
 ‘ of the greater Value of the said Rectory of *Ecton*, would be  
 ‘ for the Benefit of the Crown, Her Majesty has been graciously  
 ‘ pleased to approve thereof: And whereas the Most Reverend  
 ‘ *Thomas* Lord Archbishop of *York*, the Diocesan of the said  
 ‘ Vicarage of *Welton-with-Melton*, and the Right Reverend  
 ‘ *George* Lord Bishop of *Peterborough*, the Diocesan of the said  
 ‘ Rectory of *Ecton*, consent to the proposed Exchange : And  
 ‘ whereas there being no Provision by Law for the Exchange of  
 ‘ Ecclesiastical Patronage between Her Majesty seised in right of  
 ‘ Her Crown and any of Her Majesty’s Subjects, such Exchange  
 ‘ cannot be effected without the Aid and 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 :

Advowson of  
 Rectory of  
 Ecton ve:  
 in Her Majesty.

I. Upon and from the passing of this Act, the perpetual Advowson, Donation, Right of Patronage and Presentation, of, in, and to the Rectory of *Ecton* in the County of *Northampton* and Diocese of *Peterborough*, shall become and be the Property and Estate of and vested in Her Majesty the Queen, Her Heirs and Successors, in right of Her Crown, freed and discharged from all Claims and Demands whatsoever by or on behalf of the said *Sophia Broadley*, her Heirs or Assigns.

Advowson of  
 Vicarage of  
 Welton-with-  
 Melton vested  
 in *Sophia*  
*Broadley*.

II. Upon and from the passing of this Act, the perpetual Advowson, Donation, Right of Patronage and Presentation, of, in, and to the Vicarage of *Welton-with-Melton* in the Archdeaconry of the East Riding of *Yorkshire* and Diocese of *York*, shall become and be the Property and Estate of and be vested in the said *Sophia Broadley* and her Heirs, and she shall thereupon by  
 virtue

*Ecton and Welton Exchange.**Oaths Act Amendment.*

virtue of this Act be and become seised thereof in her Demesne as of Fee, to her, her Heirs and Assigns, freed and discharged from all Title, Claim, or Demands whatsoever for or on behalf of Her Majesty, Her Heirs or Successors.

III. Provided always, That if Her Majesty, Her Heirs, Successors, or Assigns, shall at any Time hereafter be evicted from the said Advowson of *Ecton* through any Defect in the Title of the said *Sophia Broadley* thereto, then and immediately thereupon Her Majesty, Her Heirs, Successors, or Assigns, shall be remitted and restored to the Possession and Enjoyment of the said Advowson of *Welton-with-Melton* as of Her and their former Estate, and in as full and ample a Manner as if this Act had not been passed, together with all Augmentations and Additions which subsequently to the passing of this Act shall have been made to the said Living of *Welton-with-Melton* previously to the Advowson thereof so reverting to Her Majesty, Her Heirs or Successors.

If Her Majesty evicted from Advowson of Ecton, the Advowson of Welton to revert in Her.

IV. Provided also, That if the said *Sophia Broadley*, her Heirs or Assigns, shall at any Time hereafter be evicted from the said Advowson of *Welton-with-Melton* through any Defect in the Title of Her Majesty thereto, then and immediately thereupon the said *Sophia Broadley*, her Heirs or Assigns, shall be remitted and restored to the Possession and Enjoyment of the said Advowson of *Ecton* as of her and their former Estate, and in as full and ample a Manner as if this Act had not been passed, together with all Augmentations and Additions which subsequently to the passing of this Act shall have been made to the said Living of *Ecton* previously to the Advowson thereof so reverting to the said *Sophia Broadley*, her Heirs or Assigns.

If Miss Broadley evicted from Advowson of Welton the Advowson of Ecton to revert in her.

V. Nothing in this Act contained shall disturb or prejudicially affect the present Incumbents of the said Rectory or Vicarage respectively in the Enjoyment of their respective Incumbencies.

Act not to affect present Incumbents.

VI. Saving always to all Persons, Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than the Queen's most Excellent Majesty, Her Heirs and Successors, and the said *Sophia Broadley*, her Heirs, Executors, Administrators, and Assigns, the Lord Archbishop of *York* and his Successors for ever, and the Lord Bishop of *Peterborough* and his Successors for ever,) all such Estate, Right, Title, Interest, Trust, Claim, and Demand whatsoever, in, to, or out of the said Advowsons and other Premises hereby respectively vested and settled as aforesaid respectively, as they or any of them had before the passing of this Act, or could have had in case this Act had not been passed.

General Saving.

## C A P. X.

An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath.

[8th April 1859.]

WHEREAS it is expedient to alter the Form of Affirmation to be taken by Persons of the Persuasion of the People called Quakers and by other Persons by Law permitted to make

*Oaths Act Amendment.*

‘ a solemn Affirmation or Declaration instead of taking an Oath ‘ in the Cases 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 :

Form of Affirmation to be made by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath as in 21 & 22 Vict. c. 48.

I. Instead of the Form of Affirmation directed to be made and subscribed by Persons of the Persuasion of the People called Quakers and other Persons by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath in and by an Act of the Twenty-second Year of Her present Majesty, intituled *An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration ; and for the Relief of Her Majesty’s Subjects professing the Jewish Religion*, every Person of the Persuasion of the People called Quakers, and every other Person now by Law permitted to make his solemn Affirmation or Declaration instead of taking an Oath, shall be permitted to make his solemn Affirmation in the following Words ; namely,

‘ I *A. B.* do solemnly, sincerely, and truly declare and affirm, ‘ That I will be faithful and bear true Allegiance to Queen ‘ *Victoria*, and to Her will be faithful against all Conspiracies ‘ and Attempts whatever which shall be made against Her Person, ‘ Crown, or Dignity ; and I will do my utmost Endeavour to ‘ disclose and make known to Queen *Victoria*, Her Heirs and ‘ Successors, all Treasons and traitorous Conspiracies which I ‘ shall know to be formed against Her or Them ; and I will be ‘ true and faithful to the Succession of the Crown, which Suc- ‘ cession, by an Act intituled “ An Act for the further Limitation ‘ “ of the Crown, and better securing the Rights and Liberties of ‘ “ the Subject,” is and stands limited to the Princess *Sophia* ‘ Electress of *Hanover*, and the Heirs of Her Body being Pro- ‘ testants, hereby utterly renouncing and refusing any Obedience ‘ or Allegiance unto any other Person claiming or pretending a ‘ Right to the Crown of this Realm ; and I do declare that no ‘ Foreign Prince, Person, Prelate, State, or Potentate hath or ‘ ought to have any Jurisdiction, Power, Superiority, Pre- ‘ eminence, or Authority, Ecclesiastical or Spiritual, within this ‘ Realm :’

And the making and subscribing of such Affirmation by a Person herein-before authorized to make and subscribe the same shall have the same Force and Effect as the taking and subscribing by other Persons of the Oath appointed by the said Act of the Twenty-second Year of Her present Majesty.

The Name of the Sovereign for the Time being to be substituted for the Name of Her Majesty.

II. Where in the Affirmation hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act “ for the further Limitation of the Crown, and better “ securing the Rights and Liberties of the Subject,” shall be substituted from Time to Time, with proper Words of Reference thereto.

*East India Loan.*

## C A P. XI.

An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*. [8th April 1859.]

‘ WHEREAS, in consequence of the recent Disturbances in *India*, it is expedient that the Secretary of State in Council of *India* should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of *India*:’ 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 :

I. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom for the Service of the Government of *India* any Sum or Sums of Money not exceeding in the whole Seven Millions as herein-after provided.

Secretary of State in Council of *India* may raise any Sum not exceeding Seven Millions.

II. It shall be lawful for the said Secretary of State in Council from Time to Time to borrow upon Bonds to be issued under the Hands of Three Members of the Council of *India*, and countersigned by the Secretary of State for *India*, or One of his Under Secretaries or his Assistant Under Secretary, all or any Part of the Money hereby authorized to be raised as aforesaid ; such Bonds to be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest as the said Secretary of State in Council may think fit.

Money may be raised on Bonds under the Hands of Three Members, &c.

III. For raising all or any Part of the Money by this Act authorized to be raised which may not be borrowed on Bond as aforesaid, it shall be lawful for the said Secretary of State in Council to issue from Time to Time Debentures under the Hands of Three Members of the said Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the said Secretary of State in Council may think fit ; such Debentures to be issued at or for such Prices and on such Terms as may be determined by the said Secretary of State in Council.

When Money not borrowed on Bond, Debentures may be issued.

IV. All Debentures issued under the Authority of this Act shall be paid off at par at a Time or Times to be mentioned in such Debentures respectively ; and the Interest on all such Debentures shall be payable half-yearly, on such Days as shall be mentioned therein ; and the Principal Moneys and Interest secured by such Debentures shall be payable at the Treasury of the said Secretary of State in Council in *London*.

As to Payment of Principal and Interest on Debentures.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal Moneys secured thereby, and all Interest due and accruing thereon, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed.

Debentures transferable by Delivery or Deed.

*East India Loan.*

The whole Amount secured by Bonds, &c. not to exceed Seven Millions.

VI. The whole Amount of Principal Moneys to be secured by Bonds or Debentures, or by Bonds and Debentures, to be issued under this Act, shall not exceed Seven Millions, and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty, or, if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Moneys previously secured under this Act, as herein-after provided.

Power to raise Money for Repayment of Principal Moneys.

VII. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the said Secretary of State in Council may at any Time borrow or raise by Bonds or Debentures as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time, as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

Securities to be charged on Revenues of India.

VIII. All Bonds and Debentures to be issued under this Act, and the Principal Moneys and Interest thereby secured, shall be charged on and payable out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provision as to Composition for Stamp Duties on Bonds and Debentures.

IX. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

How Forgery of Debentures to be punishable.

X. All Provisions now in force in anywise relating to the Offence of forging, or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.

XI. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Moneys raised on Loan under the Provisions of this Act; also, a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India* at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting; and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

XII. This



*East India Loan. Common Rights, &c. (War Department).*

XII. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of the passing thereof.

Saving Powers of the Secretary of State in Council.

## C A P. XII.

An Act to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State. [8th April 1859.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Powers now vested in Her Majesty's Principal Secretary of State for the War Department under the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Sixty-seven, and the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and seventeen, for the Purpose of ascertaining, making, and paying Compensation for and extinguishing all Rights of Common, Commonable and other Rights, in, over, or affecting Lands the Soil of which has been purchased by the principal Officers of Her Majesty's Ordnance under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-four, or has been or may be purchased by the said Secretary of State under the last-mentioned Act and the said Act of the Eighteenth and Nineteenth Years of Her Majesty, shall extend to all Rights of Common, Commonable and other Rights, in, over, or affecting any Lands the Soil of which is for the Time being vested in the said Secretary of State on behalf of Her Majesty, and all the Provisions of the said Act of the Seventeenth and Eighteenth Years of Her Majesty shall apply to and in the Case of the Purchase of such Rights as aforesaid in or over any such Lands as last aforesaid in like Manner as such Provisions are applicable to and in the Case of the Purchase of such Rights in or over any Lands purchased as therein mentioned.

Powers of 17 & 18 Vict. c. 67. and 18 & 19 Vict. c. 117. extended to Rights of Common, &c. over any Lands the Soil of which is vested in the Secretary of State for War.

II. Conveyances of Land in *England* and *Ireland* to be purchased by the said Secretary of State may be according to the Form in the Schedule (A.) to this Act, or as near thereto as the Circumstances of the Case admit, and all Conveyances so made shall be effectual to vest the Land thereby conveyed in the said Secretary of State and his Successors, and shall operate to bar and destroy all such Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Land comprised in such Conveyances as have been purchased or compensated for by the Consideration given on the Purchase, but this Enactment shall not in anywise interfere with or affect Section Eight of the said Act of the Fifth and Sixth Years of Her Majesty.

Conveyances of Land to Secretary of State for War, as in Sched. (A.)

## III. Feus

*Common Rights, &c. (War Department).*

Conveyances to the Secretary of State for War of Land in Scotland, as in Sched. (B.)

III. Feus and Conveyances of Lands and Heritages in *Scotland* to be purchased by the said Secretary of State may be according to the Form in the Schedule (B.) to this Act, or as near thereto as the Circumstances of the Case admit, which Feus and Conveyances being duly executed and being registered in the Particular Register of Sasines kept for the County, Burgh, or District in which the Lands and Heritages are locally situated, or in the General Register of Sasines for *Scotland* kept at *Edinburgh*, within Sixty Days from the last Date thereof, which the respective Keepers of the said Registers are hereby authorized and required to do, shall give and constitute a good and undoubted Right, and complete and valid feudal Title in all Time coming, to the said Secretary of State and his Successors, to the Lands and Heritages therein described or referred to and intended to be thereby conveyed, any Law or Custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the said Secretary of State to record in any Register of Sasines any Feus or Conveyances in their Favour which shall contain a Procuratory of Resignation or Precept of Sasine, or which may be completed by Infestment; and the Title of the said Secretary of State under such last-mentioned Feus or Conveyances shall be regulated by the ordinary Law of *Scotland* until the said Feus or Conveyances or the Instruments of Sasine thereon shall have been recorded in a Register of Sasines; provided also, that the Rights and Titles to be granted in manner herein mentioned in and to any Lands and Heritages in *Scotland* shall, unless otherwise specially provided for, in nowise affect or diminish the Right of Superiority in the same, which shall remain entire in the Person granting such Rights and Titles; but in the event of such Lands and Heritages being a Part or Portion of other Lands and Heritages held by the same Owner under the same Titles, the said Secretary of State, his Successors and Assigns, shall not be liable for any Feu Duties or Casualties to the Superiors thereof, or be bound to enter with the said Superiors.

Provision as to Erections on Lands taken compulsorily.

IV. The Proviso at the End of Section Nineteen of the said Act of the Fifth and Sixth Years of Her Majesty shall not extend to prevent the Erection of Barracks on any Lands taken as therein mentioned, and being within any Fortress or Garrison Town or appurtenant to any Fortification, or to prevent any Buildings on any such Lands being used as or for Barracks.

Recovery of Possession of Land in England from Tenants.

1 & 2 Vict.  
c. 74.

V. Where any Lease or Agreement of or concerning Land in *England* vested in the said Secretary of State on behalf of Her Majesty is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), Possession of such Land may be recovered by or on behalf of the said Secretary of State under the Act of the Session holden in the First and Second Years of Her Majesty, Chapter Seventy-four, as in Cases therein provided for, although the Term or Interest of the Lessee or Tenant may have exceeded Seven Years, and the Rent may have exceeded the Rate of Twenty Pounds a Year, or such Possession may be recovered with Rent or Mesne Profits, or both, under the Act of the Session holden in the Nineteenth and Twentieth Years of

19 & 20 Vict.  
c. 108.

Her

*Common Rights, &c. (War Department).*

Her Majesty, Chapter One hundred and eight, as in Cases provided for in Section Fifty of such Act, and other Provisions auxiliary thereto, although the Value of the Premises and the Rent which may have been payable in respect thereof may have exceeded Fifty Pounds by the Year; and in proceeding under the said Act of First and Second Years of Her Majesty for Recovery of Possession of any Land which may have been holden under any such Lease or Agreement as aforesaid, the Notice of Intention to apply to Justices to recover Possession may require such Possession to be given on or before the Expiration of Seven clear Days from the Service of the Notice, and the Form of Notice shall be varied accordingly; and the Justices by the said Act authorized to issue a Warrant for giving Possession of the Premises may by such Warrant authorize the Entry and Delivery of Possession of the Premises, either forthwith, or on or before such Day as the Justices may think fit to name; and in proceeding under the said Act of the Nineteenth and Twentieth Years of Her Majesty for the Recovery of Possession as aforesaid it shall not be necessary to prove the yearly Value and Rent as thereby required.

VI. When any Lease or Agreement of or concerning Land in Ireland vested in the said Secretary of State on behalf of Her Majesty is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), Possession of such Land may be recovered by or on behalf of the said Secretary of State either as provided by Section Seventy-two of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, in the Case of Lands holden by a Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and the Tenant's Interest wherein is determined, notwithstanding the Rent payable under such Lease or Agreement may exceed that Amount, and the Provisions of the said Act shall be applicable accordingly, or as provided by Section Fifteen of "The Summary Jurisdiction (*Ireland*) Act, 1851," for the Recovery of Possession of Houses in certain Towns and Villages; and such last-mentioned Provision shall be applicable in all Cases to the Recovery of Land in *Ireland* holden under any such Lease or Agreement as aforesaid where such Lease or Agreement is determined as aforesaid, wherever such Land may be situate, and at and for whatever Rent and Term the same may be holden; and notwithstanding anything to the contrary in the said Provision, the Justices authorized to issue a Warrant for giving Possession may by such Warrant authorize such Possession to be given forthwith, or on or before such Day as the Justices may think fit to name, and may, if they think fit, issue such Warrant notwithstanding the Tenant may be willing to give such Undertaking as therein mentioned.

VII. Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the said Secretary of State if this Act had not been passed.

VIII. In the Construction of this Act the Style or Title "Her Majesty's Principal Secretary of State for the War Department,"

Recovery of Possession of Land in Ireland from Tenants.

14 & 15 Vict. c. 57.

14 & 15 Vict. c. 92. s. 15.

Nothing to lessen Powers of Secretary of State for War.

Construction of "Secretary of State."

*Common Rights, &c.**Patents for Inventions.*

and any Expression referring to such Secretary of State, 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.

**SCHEDULE (A.)***Form of Conveyance.*

I of in consideration of the Sum of paid to me by Her Majesty's Principal Secretary of State for the War Department, do hereby convey to the said Secretary of State, and his Successors, all the Lands and Hereditaments set forth in the Schedule hereto, together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by Law empowered to convey, to hold the Premises to the said Secretary of State and his Successors for ever on behalf of Her Majesty.

In witness whereof I have hereunto set my Hand and Seal,  
the Day of in the Year of our  
Lord

The Schedule :

**SCHEDULE (B.)***Form of Conveyance.*

I of in consideration of the Sum of Pounds paid to me by Her Majesty's Principal Secretary of State for the War Department, do hereby sell, alienate, dispoise, convey, assign, and make over from me, my Heirs and Successors, to the said Secretary of State, and his Successors for ever, all the Lands and Heritages set forth in the Schedule hereto, together with all Rights and Pertinents thereto belonging, and all such Right, Title, and Interest in and to the same as I and my aforesaid are or shall become possessed of or are empowered to convey [*here insert the Condition (if any) of the Conveyance, and a Registration Clause for Preservation and Diligence, and a testing Clause, according to the Form of the Law in Scotland*].

The Schedule :

**C A P. XIII.**

**An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War. [8th April 1859.]**

' **W**HEREAS in some Cases of Inventions for Improvements in Instruments or Munitions of War it may be important to the Public Service that the Nature of the Invention should not be published, and it is therefore expedient to amend the Law concerning Letters Patent for Inventions: 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,

*Patents for Inventions (Munitions of War).*

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

I. Any Inventor of any Improvement in Instruments or Munitions of War, or the Executors, Administrators, or Assigns of such Inventor, may, for valuable Consideration or without, assign to Her Majesty's Principal Secretary of State for the War Department, on behalf of Her Majesty, all the Benefit of the Invention, and of all Letters Patent obtained or to be obtained for the same, and such Secretary of State may be a Party to the Assignment, and such Assignment shall be effectual to vest the Benefit of such Invention and of such Letters Patent in the said Secretary of State for the Time being, on behalf of Her Majesty, at Law and in Equity; and the Benefit of such Invention and of such Letters Patent shall be deemed Property acquired by the said Secretary of State on behalf of Her Majesty; and all Covenants and Agreements contained in such Assignment for giving full Effect thereto, and for keeping the Invention secret, and otherwise in relation thereto, shall be valid and effectual (notwithstanding any Want of valuable Consideration), and may be enforced and proceeded upon by the said Secretary of State for the Time being accordingly, and all Actions, Suits, and Proceedings in relation thereto may be instituted and conducted by such Secretary of State for the Time being, who shall have all such Rights, Privileges, and Prerogatives in relation thereto as by Law provided in the Case of Actions, Suits, and Proceedings concerning Property under his Care, Control, and Disposition.

Improvements in Instruments or Munitions of War may be assigned by Inventors to Secretary of State for War.

II. The foregoing Enactment shall extend to render valid and effectual, and be otherwise applicable to and in respect of any such Assignment as aforesaid made before the passing of this Act, and the Covenants and Agreements contained in such Assignment, as well as any such Assignment to be made thereafter, and the Covenants and Agreements therein contained.

Foregoing Enactment to extend to Assignments already made.

III. Where any such Assignment as aforesaid has been made to the said Secretary of State he may, at any Time before the filing of the Petition for the Grant of Letters Patent for the Invention, or after the filing of such Petition and before Publication of the Provisional Specification (if any), if he think it for the Benefit of the Public Service that the Particulars of the Invention, and of the Manner in which the same is performed, should be kept secret, certify the Fact of such Assignment having been so made, and his Opinion to the Effect aforesaid, in Writing under his Hand to the Commissioners of Patents for Inventions.

Secretary of State for War may certify to Commissioners of Patents that the Invention should be kept secret.

IV. Where the said Secretary of State certifies as aforesaid the Petition for Letters Patent for the Invention, the Declaration accompanying such Petition, and the Provisional Specification or Complete Specification (as the Case may be) filed or left therewith, and any Specification to be filed in pursuance of the Condition of any Letters Patent for such Invention, and all Disclaimers and Memoranda of Alterations to be filed in relation to such Letters Patent, and any Drawings accompanying any of the Documents aforesaid, and any Copies of any such Documents or Drawings, or, where the said Secretary of State so certifies

Where the Secretary of State for War has so certified, Petition for Letters Patent, &c. to be left with the Clerk of the Patents in a Packet under Seal of Secretary of State.

after

*Patents for Inventions (Munitions of War).*

after the said Petition has been filed, such of the said Documents and Drawings as may be filed after his so certifying, and the Copies thereof shall, in lieu of being filed or left in the ordinary Manner in the Office of the Commissioners, or in the Office appointed for that Purpose under "The Patent Law Amendment Act, 1852," be delivered to the Clerk of the Patents in a Packet sealed with the Seal of the said Secretary of State.

Such Packet to be kept so sealed, or under the Seal of the Commissioners;

V. Such Packet shall at all Times after the Delivery thereof to the Clerk of the Patents, until the Expiration of the Term or any extended Term for which Letters Patent for the Invention may be granted, be kept by him sealed up as aforesaid, or under the Seal of the Commissioners, save when it may be necessary to have Access to the Documents therein contained, or any of them, for the Purpose of recording and endorsing the Day of the filing thereof, or for the Purpose of any Reference to One of the Law Officers, either in relation to the same or any other Invention: but in any such Case as aforesaid the Clerk of the Patents shall not part with the Care or Custody of the said Packet, or any of the said Documents, save as may be required by One of the Law Officers for the Purposes of any such Reference, and shall use such Precautions as may be necessary to prevent the Contents or Particulars of any such Documents being improperly disclosed.

and to be delivered to Secretary of State, &c.;

VI. Such sealed Packet shall be delivered at any Time during the Continuance of any such Letters Patent to the said Secretary of State, or to any Person having Authority to receive the same on his Behalf, on Demand in Writing under the Hand of the said Secretary of State, or to such Person as the Lord Chancellor may order, and shall, if and when the same is returned to the Commissioners, be again sealed up and kept under Seal as aforesaid.

and on Expiration of Term to Secretary of State.

VII. Such sealed Packet as aforesaid shall, at the End of the Term or extended Term for which any Letters Patent for the Invention to which the Documents in such Packet relate, be delivered up to the said Secretary of State or to any Person having Authority to receive the same on his Behalf.

Where Secretary of State certifies after filing of Petition, Documents to be put into a sealed Packet.

VIII. Where the said Secretary of State certifies as aforesaid after the filing of the Petition, and before the Publication of the Provisional Specification (if any), such Petition, and the Declaration accompanying such Petition, and the Provisional Specification and Drawings relating to the Invention which may have been filed or left in any such Office as aforesaid, and all Copies thereof in any such Office, shall be forthwith placed in a Packet sealed with the Seal of the Commissioners; and every such Packet shall be subject to all the Provisions of this Act concerning any sealed Packet delivered to the Clerk of the Patents.

Copy of Specification, &c. not to be published, but otherwise Provisions of Patent Acts to apply.

IX. No Copy of any Specification, or other Document or Drawing by this Act required to be kept under Seal, shall be transmitted to *Scotland* or *Ireland*, or be printed, published, or sold, or be open to the Inspection of the Public; but, save as in this Act otherwise directed, the Provisions of the Patent Law Amendment Act, 1852, and any Act amending the same, shall extend and be applicable to and in respect of every such Specification

*Patents for Inventions (Munitions of War).*

cation and other Document and Drawing as aforesaid, and the Letters Patent and Invention to which the same relates, and this Act and the Patent Law Amendment Act, 1852, shall be construed together as One Act.

X. It shall not be lawful for any Person to take Proceedings by Scire facias or otherwise to repeal any Letters Patent for any Invention in relation to which the said Secretary of State has certified as aforesaid.

No Scire facias to be brought.

XI. The Secretary of State may, at any Time by Writing under his Hand, waive the Benefit of this Act with respect to any particular Invention, and the Documents and Matters relating thereto shall be thenceforth kept and dealt with in the ordinary Way.

Benefit of Act may be waived.

XII. The Communication of any Invention for any Improvement in Instruments or Munitions of War to the said Secretary of State, or to any Person or Persons authorized by him to investigate the same or the Merits thereof, shall not, nor shall anything done for the Purposes of the Investigation, be deemed Use or Publication of such Invention so as to prejudice the Grant or Validity of any Letters Patent for the same.

Communication of Invention, &c. not to prejudice Letters Patent.

XIII. In the Construction of this Act "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.

Construction of "Secretary of State."

C A P. XIV.

An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in *Ireland*. [19th April 1859.]

‘ WHEREAS the continued Existence of Manor Courts in *Ireland* has been found prejudicial to the proper Administration of Justice : And whereas it is expedient that such Manor Courts should be abolished :’ 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 :

I. From and after the passing of this Act all the said several Manor Courts in *Ireland* shall be abolished, and from and after the passing of this Act no Action or Suit shall be commenced in any of the said Courts : Provided always, that the Abolition of such Manor Courts shall not alter or affect any other Franchise or Manorial Right, or any Right to Head Money, Leet Money, or Leet Silver, or any other Right appertaining to any Manor which now by Law may be exercised or exists, except where the Seneschal is the Returning Officer of any Borough within the said Manor, in which Case it is hereby enacted that the Sheriff for the Time being of the County in which such Borough may be situated shall henceforth be the Returning Officer in lieu of the said Seneschal ; provided also, that all Proceedings commenced in the said Manor Courts before the passing of this Act shall be

Manor Courts abolished, but certain Manorial Rights preserved.

continued

*Manor Courts, &c. (Ireland).*

continued until Decree or Dismissal pronounced, as if they had been commenced and finally determined before this Act passed.

Existing Judgments, &c. valid, to be enforced in County Courts by Chairman of Quarter Sessions.

II. All Judgments, Orders, or Decrees obtained in any of the Courts hereby abolished shall, notwithstanding the passing of this Act, be valid and effectual, and capable of being enforced by the Process of the several Courts in *Ireland* held by the Chairmen of Quarter Sessions, in the same Manner and by the same Process as the Decrees pronounced in the said Courts are now by Law enforced; and the Records, Muniments, and Writings of the several Courts abolished by this Act shall, as soon as conveniently may be after the passing of this Act, be placed under the Charge and Superintendence of the Clerk of the Peace, and be deposited and kept by him with the other Records of the County.

Powers to renew Decrees founded on Orders of Seneschals and Stewards.

III. It shall be lawful for the respective Chairman of Quarter Sessions of the several Counties in *Ireland*, and the Recorders of *Dublin, Cork, Galway, and Londonderry*, within the Limits of their respective Jurisdictions, to renew all Decrees and Dismisses made and pronounced by the several Seneschals or Stewards of the said Manor Courts hereby abolished prior to this Act receiving the Royal Assent, and every such renewed Decree or Dismiss shall be deemed a Renewal, Decree, or Dismiss of the said Chairman and Recorders, as the Case may be, and may be executed as such.

Power to award Compensation to existing Seneschals, Stewards, &c.

IV. Every Seneschal, Steward, or Registrar or Marshal of any Manor Court hereby abolished, in which Proceedings have been had according to the Course of the Court within One Year before the First Day of *January* One thousand eight hundred and fifty-nine, and who shall show that he is legally entitled to such Office, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and what were the lawful Fees actually received in respect of which such Compensation should be allowed, and the Commissioners shall in each Case award such gross or yearly Sum, and for such Time, as they shall think just, to be awarded, upon the Consideration of the special Circumstances of each Case, and all such Compensation shall be paid out of such Moneys as may be provided by Parliament for the Purpose.

Power to Justices at Petty Sessions to hear and determine Cases for Recovery of Debts not exceeding Two Pounds.

V. 'And whereas it is enacted by the Fourteenth and Fifteenth *Victoria*, Chapter Ninety-two, that it shall be lawful for any Justice or Justices at Petty Sessions to hear and determine certain Disputes concerning any Sums due for Wages, or for Hire of any Horse, or for Tuition, and to make such Order as they shall see fit for Payment, provided the Sum shall not exceed Ten Pounds: And whereas by Seventeenth Section of the said Act Justices are authorized to make Awards as to Disputes at Sales in Fairs and Markets where the Value does not exceed Five Pounds: And whereas it might be useful and beneficial to extend the said Powers, and to authorize any Justice or Justices at Petty Sessions in like Manner to hear and determine Disputes concerning



*Manor Courts, &c. (Ireland).*

‘ concerning any Sums of Money which shall be due for Small Debts between Party and Party :’ Be it therefore enacted, That it shall be lawful for the Justice or Justices at Petty Sessions to hear and determine Causes for the Recovery of Debts between Party and Party under the Value of Two Pounds, where the Right to recover such Debts shall have accrued within Twelve Calendar Months before the Day of the Date of the Process herein-after mentioned, and having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make an Order for the Payment of the Sum claimed, or shall dismiss the Complaint, either upon the Merits or without Prejudice, and with or without Costs, not exceeding Five Shillings, in the Form in Schedule A., and shall direct Execution by the Seizure and Sale of the Defendant’s or Plaintiff’s Goods: Provided always, that it shall be lawful for either Party to appeal from such Order or Decision of such Justice or Justices to the Chairman of the Quarter Sessions in the Civil Court at the next General Quarter Sessions held in the same Division and District of the County, the said Sessions being held next immediately after such Decision at Petty Sessions by such Justice or Justices when the Order shall be made by the Justice or Justices in any Petty Sessions Districts, or to the Recorder at his next Sessions when the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town: Provided always, that no such Right of Appeal shall exist unless Three clear Days shall elapse between the Time when such Order shall be made and such Appeal can be heard; and if Three Days do not elapse the Appeal shall be made to and heard at the next succeeding Sessions for the Division and District, which Appeal the said Justice or Justices are hereby required to receive, and stop all Proceedings on such Order at Petty Sessions, the Party appealing, if a Defendant, first lodging with the Clerk at Petty Sessions the Amount ordered to be paid by the said Justice or Justices, or entering into a Recognizance of Appeal in manner prescribed by the Summary Jurisdiction (*Ireland*) Act, 1851, Section Twenty-four, and if a Plaintiff, to deposit the Sum of Five Shillings as and for Costs on the Hearing of such Appeal; and such Chairmen and Recorders are hereby respectively required and empowered to hear such Appeal, and to issue a Decree and Execution thereon, in like Manner and Form as if such Appeal had been brought before such Chairman and Recorders as an original Civil Bill under the Fourteenth and Fifteenth *Victoria*, Chapter Fifty-seven, and with the like Costs, but without further Appeal.

Power to appeal to Quarter Sessions.

VI. The Process to be served upon the Defendant in all Cases, requiring him to appear before the Justice or Justices at Petty Sessions, and the Orders made thereon, shall be in the Form One and Two in the Schedule A. to this Act annexed, or as near thereto as the Nature of the Case will permit, and it shall not be necessary that such Process shall be signed by any Attorney, but it shall be sufficient if the same be signed by the Complainant, or

Forms of Process as those in Schedule A.

*Manor Courts, &c. (Ireland).*

any Person on behalf of such Complainant; and the said Forms shall be severally subject to the following Stamp Duties payable to Her Majesty; that is to say,

	<i>s.</i>	<i>d.</i>
For every original Process - -	0	6
For every Copy thereof served - -	0	6
For every Certificate on Appeal - -	1	0

Stamps to be used in lieu of Fees at Petty Sessions, and to be accounted for as provided by 21 & 22 Vict. c. 100.

VII. Every Paper or Document in respect of which any Fee shall be payable at Petty Sessions, under the Provisions of this Act, shall bear an impressed or adhesive Stamp denoting the Amount or Value of such Fee, as the same is specified in Schedule (C.) of this Act; and such impressed or adhesive Stamps shall be supplied and accounted for in the like Manner, and shall be subject to the like Provisions, Rules, and Regulations, so far as the same are applicable, as are provided in respect of stamped Forms or adhesive Stamps by an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred.

Duties granted by this Act to be deemed Stamp Duties, and the Provisions of the Stamp Acts to apply thereto.

VIII. The Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, Clauses, Regulations, and Directions, Fines and Penalties, contained in or imposed by the several Acts of Parliament relating to Duties of the same Kind or Description in force at the Time of the passing of this Act shall respectively be of full Force and Effect with respect to the Duties by this Act granted, so far as the same are or may be applicable, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the Duties by this Act granted.

Process to be served by Process Server authorized by Justices at Petty Sessions.

IX. The Process to appear shall in all Cases be served by a Process Server, duly authorized by the Justice or Justices at Petty Sessions to serve Summons, Three clear Days before the First Day of the Petty Sessions at which the Case shall be heard, and in no Case whatsoever shall any Process be served on *Sundays, Good Friday, or Christmas Day*, and Service on any of the said Days shall be absolutely void; and any such Summons Server shall be entitled to be paid by the Complainant or Person for whom he may be employed such Sum not exceeding the Sum of Sixpence for the Service of each Process upon each Party as the Justice or Justices shall fix and determine.

Defendant not to be sued, or obliged to appear, except within District of Petty Sessions in which he resides. Occupation of House, &c. deemed a Residence.

X. No Defendant shall be liable to be sued or proceeded against at Petty Sessions under this Act, or obliged to appear in any Cause to be heard and determined at any Petty Sessions held in any other Part of the Country than at the Petty Sessions held within the County and within the Petty Sessions District of such County in which the Defendant or Defendants reside or resides: Provided always, that if any Defendant or Defendants shall have and occupy any House, Warehouse, Counting-house, Shop, Factory, or Office for the Sale of Goods, or for carrying on any Business, within the District of such Petty Sessions District, he shall

*Manor Courts, &c. (Ireland).*

shall be deemed to have a Residence within such Petty Sessions District. The several Fees as set forth in Schedules B. and C. shall be the proper Fees payable on any Proceedings under the Provisions of this Act.

## SCHEDULE A.

1.

*Process.*

Petty Sessions District of \_\_\_\_\_ County of \_\_\_\_\_  
*A.B.* Complainant. *C.D.* Defendant. *Date.*

The Defendant is hereby required personally to appear before the Justice [*or Justices*] assembled at the Petty Sessions of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ next, to answer the Plaintiff's Bill in an Action for the Sum of \_\_\_\_\_, for that the Defendant is indebted to the said Plaintiff in the said Sum for [*Goods sold, Money lent, settled Account, &c. &c.*], and in default of such Appearance the said Justices will be required to proceed as to Justice shall appertain.

(Signed) *A.B.* Plaintiff.

2.

*Decree founded on Order.**Date.*

*A.B.* Complainant. *C.D.* Defendant.

By the Justices assembled at Petty Sessions held for the District of \_\_\_\_\_: It appearing to the Court that Process to appear at this present Sessions was duly served on the Defendant [*or Defendants*], and that the Defendant [*or Defendants*] is [*or are*] justly indebted to the Plaintiff [*or Plaintiffs*] in the Sum of \_\_\_\_\_ Pounds [*here state Cause of Action*], it is therefore ordered by the Court that the Plaintiff do recover the Sum of \_\_\_\_\_ Pounds, with Costs, and that in default of Payment thereof, and the said Defendant not having appealed from such Order, we order that the Sum of \_\_\_\_\_ Pounds and \_\_\_\_\_ Pounds be levied of the Goods of the said

(Signed) *A.B.* } Justices.  
*C.D.* }  
 or  
*E.F.* Justice.

*Form of Certificate of Appeal.*

Petty Sessions District of \_\_\_\_\_ County of \_\_\_\_\_  
*A.B.* Plaintiff. *C.D.* Defendant.

Whereas an Order having this Day been made that the Defendant shall pay to the Plaintiff the Sum of \_\_\_\_\_ Pounds [*or that the Plaintiff be dismissed, as the Case may be*], and the said Plaintiff [*or Defendant, as the Case may be,*] has appealed from such Order, I certify that the said Plaintiff [*or Defendant, as the Case may be,*] paid into Court the Sum of \_\_\_\_\_ Pounds [*the Sum ordered to be paid, or Five Shillings on the Dismiss*], in compliance with the said Act of

*A.B.* Clerk of Petty Sessions.

E 2

SCHE-

*Manor Courts, &c. (Ireland).**Indemnity.*

## SCHEDULE B.

To Plaintiff's Attorney, for attending and taking Instructions for and attending the Hearing	-	-	2	6
To Defendant's Attorney, for attending Hearing	-	-	2	6
To Plaintiff's Attorney, for attending the Hearing of every Appeal under this Act	-	-	2	6
To Defendant's Attorney, for same	-	-	2	6
To Clerk of the Peace, upon the Entry of every Appeal	0	6		
For signing the Decree or Dismiss on such Appeal	-	0	6	

## SCHEDULE C.

On the Entry of every Process at Petty Sessions	-	0	6
On the Entry of every Order of the Magistrates in Petty Sessions Book	-	-	0
On every Certificate of Appeal	-	-	0

## C A P. XV.

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. [19th April 1859.]

## C A P. XVI.

An Act to enable the Judges to appoint Commissioners within Ten Miles of *London* and in the *Isle of Man* and the *Channel Islands* to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer. [19th April 1859.]

WHEREAS Commissions to administer Oaths in Proceedings in the Superior Courts of Common Law are granted by the Judges, under the Authority of an Act passed in the Twenty-ninth Year of the Reign of King *Charles* the Second, Chapter Five, intituled *An Act for taking Affidavits in the Country, to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer*, but such Commissions are not granted to Persons residing within Ten Miles of the City of *London*, except to the Clerks of the Judges of the said Courts: And whereas the Convenience of Suitors and Witnesses or Deponents would be much promoted, Expense saved, and the Business of the Courts expedited and facilitated, by authorizing a certain Number of Attorneys of the said Courts practising in different Parts of *London* and its Neighbourhood, and other fit and proper Persons, to administer Oaths in Proceedings in such Courts: 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:

I. It shall be lawful for the Lord Chief Justice and other the Justices of the Court of Queen's Bench for the Time being, or

Power to  
Judges to ap-  
point Commis-

any

*Affidavits by Commission, &c.*

any Two or more of them, (whereof the Lord Chief Justice for the Time being shall be One,) and the Lord Chief Justice of the Court of Common Pleas and the rest of the Justices there for the Time being, or any Two or more of them, (whereof the Lord Chief Justice of the same Court shall be One,) and the Lord Chief Baron and the other Barons of the Court of Exchequer for the Time being, or any Two or more of them, (whereof the Lord Chief Baron for the Time being shall be One,) by One or more Commission or Commissions under the several Seals of the said respective Courts, from Time to Time, as Need shall require, to appoint and empower as many Persons as they shall think fit and necessary, such Persons being Attorneys of the said Courts respectively, and practising within Ten Miles of *Serjeant's Inn Hall*, or other fit and proper Persons, to administer Oaths, and take and receive all and every such Affidavit and Affidavits, Declarations or Affirmations, as any Person or Persons shall be willing and desirous to make before any of the Persons so empowered, in or concerning any Cause, Matter, or Thing depending or hereafter to be depending or anywise concerning any of the Proceedings in the said respective Courts: Provided always, that nothing in this Act contained shall in any way prejudice or affect the Power of the Judges of the said Courts respectively to issue Commissions to the Clerks of the Judges of the said Courts, as has been heretofore practised, and all such Commissions as last aforesaid, already or hereafter to be issued, shall and are hereby declared to be valid and effectual.

soners to administer Oaths within Ten Miles of London.

II. The Persons so appointed or empowered shall be styled "*London Commissioners to administer Oaths in Common Law*," and they shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, subject to any Order of the said Courts respectively varying or annulling the same.

Style of Commissioners.

Power to take Fees.

III. It shall also be lawful for the said Lord Chief Justices and Lord Chief Baron and the other Judges and Barons of the said Courts respectively from Time to Time to appoint and empower, in manner aforesaid, any Person or Persons duly admitted as Attorneys in any of the Superior Courts at *Westminster*, and other fit and proper Persons in the *Isle of Man* or in the *Channel Islands*, or any of them, to administer Oaths and take Declarations or Affirmations in the said Courts of Common Law, and such Persons shall be styled "*Commissioners to administer Oaths in Common Law for the Isle of Man*," or "*for the Channel Islands*," (as the Case may be,) and they shall be entitled to charge and take the same Fees as the said *London Commissioners*.

Power to Judges to appoint Commissioners for the Isle of Man and the Channel Islands.

IV. All Affidavits, Declarations, or Affirmations taken or made before any Commissioner appointed or empowered as aforesaid shall be read and made use of in the said Courts respectively, to all Intents and Purposes, as other Affidavits, Declarations, or Affirmations taken or made in the said Courts now are; and all and every Person and Persons forswearing him, her, or themselves in such Affidavit or Affidavits, or falsely declaring or affirming

Affidavits, &c. to be read and made use of as other Affidavits.

*Affidavits by Commission, &c.      Saving Banks (I.)*

in such Declarations or Affirmations, shall incur and be liable to the same Penalties, and be deemed guilty of Perjury, as if such Affidavit or Affidavits, Declarations or Affirmations, had been made or taken in open Court, and may be prosecuted for the same, where such Perjury was committed or where such Person or Persons shall be apprehended on such a Charge.

Provisions of  
4 W. & M. c. 4.  
as to Bail  
in Error, and  
to Recognizances on the  
Revenue Side  
of the Exchequer,  
extended.

V. ' And whereas it is also desirable to extend the Provisions of an Act passed in the Fourth Year of the Reign of King William and Queen Mary, intituled *An Act for taking Special Bails in the 'Country upon Actions and Suits depending in the 'Courts of King's Bench, Common Pleas, and Exchequer at Westminster, to the taking Bail in Error upon Proceedings commenced in the said Courts respectively, and to Proceedings on the Revenue Side of the Court of Exchequer:* Be it therefore further enacted, That the said recited Act, and all and every the Provisions therein contained, and also all Commissions heretofore issued in pursuance thereof, and now in force, shall apply and extend to and authorize the taking of Bail in Error, and the Recognizances of Bail in Error, in all Actions and Suits commenced in either of the said Courts, in like Manner as in the Case of Special Bail in Actions and Suits depending in either of the said Courts, to all Intents and Purposes whatsoever; and the said Act, and all and every the Provisions therein contained, and also all Commissions heretofore issued in pursuance thereof under the Seal of the Court of Exchequer, shall also apply and extend to and authorize the taking of all Recognizances of every Kind, and all Bail as well in Error as otherwise, on the Revenue Side of the Court of Exchequer.

C A P. XVII.

An Act to continue an Act of the Eleventh and Twelfth Years of Her present Majesty, for amending the Laws relating to Savings Banks in *Ireland*. [19th April 1859.]

[11 & 12 Vict. c. 133. continued till 1st January 1861, and from thence until the End of the next Session of Parliament.]

C A P. XVIII.

An Act for amending and confirming a Scheme of the Charity Commissioners for Sir *Thomas White's* Charity, and the Free Grammar School in the Town of *Nottingham*. [19th April 1859.]

Third Report of  
Charity Com-  
missioners,  
dated 28th  
Feb. 1856.

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, reported that they had provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for Sir *Thomas White's* Charity, and the Free Grammar School in the Town of *Nottingham*, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient to amend the said Scheme:

*Nottingham Charities.*

‘ Scheme : And whereas it is expedient that the said Scheme, as the same is set out in the Schedule to this Act, shall take effect :’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Scheme set out in the Schedule to this Act shall be established and take effect. Scheme confirmed.

## SCHEDULE.

**SCHEME** for the Application and Management of the Charities in the Town of Nottingham, called SIR THOMAS WHITE’S CHARITY (so far as relates to the Nottingham Branch thereof), and the FREE GRAMMAR SCHOOL of the Foundation of AGNES MELLERS.

1. The above-mentioned Charities and their respective estates, income, and property, shall continue to be managed, received, and administered by the present trustees thereof, and their legal successors, in the same manner and with the same powers as heretofore, subject and according to the provisions of this scheme. Charities to be administered by trustees as heretofore, subject to provisions of scheme.

2. The loans to be granted in future out of the funds of the above-mentioned branch of Sir Thomas White’s Charity by the trustees thereof shall be confined to persons of good character, being resident inhabitants of the town of Nottingham ; and the trustees of the said last-mentioned Charity, with the sanction and approval of the Board of Charity Commissioners for England and Wales, shall forthwith make and prescribe suitable rules and regulations in relation to the amount and duration of the loans to be granted out of the funds of the same Charity, and the nature of the security to be required for such loans, and the mode and period of their repayment, either by periodical instalments or otherwise, and the conditions and qualifications to be observed or required by or from the persons to whom such loans shall be granted, and for ensuring due publicity in relation to such loans by advertising and other suitable means, and generally with respect to the conduct and management of the same Charity, and may from time to time with the like sanction or approval vary such rules and regulations, provided that no such rules or regulations shall be at variance with the main objects and provisions of this scheme ; and such rules and regulations when made shall not be varied or added to without three calendar months notice in two or more of the local newspapers in most general circulation in the town of Nottingham, stating the nature of such proposed variations and additions. Future regulations of loans from Sir Thomas White’s Charity. Provision for fresh regulations.

3. The debt of 3,000*l.* now due to Sir Thomas White’s Charity from the Grammar School Charity is hereby extinguished. 3,000*l.* debt extinguished.

4. The trustees, with the sanction of the Court of Chancery or of the said Board of Charity Commissioners for England and Wales, may sell, exchange, or otherwise dispose of the present master’s house, and school buildings and appurtenances attached or belonging to the grammar school aforesaid, which premises shall from henceforth be freed and discharged from the present Alterations and additions in school buildings.

*Nottingham Charities.**Public Offices Extension.*

payment of two shillings per annum to the Corporation of Nottingham, and may erect and fit upon another suitable site, to be appropriated or acquired by the trustees for that purpose, in or near the town of Nottingham, other buildings, masters residences, schoolrooms, playgrounds, and premises suitable for the new school hereby contemplated, and the funds to be required for the above purposes may be provided or raised by the trustees in such manner as the said Court or Board may authorize or direct.

Trustees, with sanction of Court of Chancery or Charity Commissioners, may establish rules for government of school.

5. The present grammar school shall be transferred to the new school buildings when erected and fitted up as aforesaid, and such school shall be called "The Nottingham High School of the Foundation of Agnes Mellers," and the object of such school shall be to provide for the sons of inhabitants of the town of Nottingham a sound classical, commercial, and generally useful education at a moderate cost; and the said trustees, with the sanction and approval of the said board, shall make and establish proper rules and regulations with regard to the nature of the instruction to be given at the same school, and for dividing the same, if found necessary or proper, for the purposes of convenient instruction, into separate departments or sections, and for the appointment of such masters, teachers, and instructors as may be required for the same school, and generally for the constitution, government, and conduct of the school and the masters and scholars thereof, and also, whenever practicable and expedient, for the establishment and payment of suitable exhibitions or scholarships to be connected therewith, and, with the like sanction and approval, may from time to time vary or modify such rules and regulations, or any of them.

## C A P. XIX.

An Act to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service near *Whitehall* and Her Majesty's Palace at *Westminster*.

[19th April 1859.]

18 & 19 Vict.  
c. 95.

WHEREAS by "The *Downing Street* Public Offices Extension Act, 1855," the Commissioners of Her Majesty's Works and Public Buildings were empowered to provide a Site for additional Offices for the Public Service in or near *Downing Street, Westminster*: And whereas, with a view to further facilitate the Despatch of the Public Business of Her Majesty, it is expedient that several of the principal Offices in which such Business has been heretofore and is now carried on should be concentrated, and that a Site of adequate Extent and conveniently situated for the Erection of Public Offices thereon should be provided, and that certain Land of Her Majesty and divers of Her Majesty's Subjects situate near *Whitehall* and Her Majesty's Palace of *Westminster*, described in the Schedule to this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned for

the



*Public Offices Extension.*

' the Purpose aforesaid : And whereas a Map or Plan describing  
' the Land to be acquired by the said Commissioners under the  
' Authority of this Act has been prepared under the Direction of  
' the Commissioners : ' May it therefore please Your Majesty that  
it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall, for the Purposes of this Act, be and are hereby constituted a Corporation, by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they think fit.

Commissioners incorporated for the Purposes of this Act.

II. It shall be lawful for the Commissioners, and they are hereby authorized, out of any Monies which have been or which may from Time to Time be appropriated by Parliament and put at their Disposal for that Purpose, to purchase as after provided the Land in the Parish of *St. Margaret, Westminster*, in the County of *Middlesex*, mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings and all the Land mentioned in the Schedule to this Act, whether now used as Streets, Ways, Yards, Pleasure Grounds, vacant Ground, or otherwise, as a Site for the Erection thereon of Offices and Buildings for the Public Service and the necessary Accesses and Approaches to such Offices and Buildings, and to carry the Purposes of this Act into execution in manner herein mentioned.

Commissioners of Works to carry this Act into execution.

III. All Land purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Land to be vested in Commissioners for the Public Service.

IV. The said Map or Plan describing the Land, or any Part thereof, to be acquired by the Commissioners under the Authority of this Act shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

V. It shall be lawful for the Commissioners to stop up and wholly discontinue any Ways, Paths, Streets, or Passages which now lead into or pass through or by the Side of the Land and Premises herein-before mentioned, and the Ground and Soil of such

Power to stop up Streets and Ways.

*Public Offices Extension.*

such Ways, Paths, Streets, or Passages as shall be so stopped up and discontinued, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

Streets may be raised or lowered.

VI. The Commissioners are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Buildings so to be erected as aforesaid, or any Part thereof respectively, making Compensation to the Owners of Houses injured by such Alterations, as shall be agreed on between the Parties.

Power to take Land.

VII. For the Purposes of this Act it shall be lawful for the Commissioners to take and use any Land, and pull down and remove any Houses or Buildings thereon, at any Time after the Expiration of Six Calendar Months Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the Principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person who shall be the Owner and Occupier of such Land, or, in case he cannot be found or ascertained, left at the usual or last known Place of his Abode, or with the Tenant or Occupier of the said Land, or shall be affixed upon the Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No Land to be taken without Consent, unless as in Schedule.

VIII. Provided always, That no Land shall be taken for the Purposes of this Act, except such as is mentioned in the Schedule to this Act, without the Consent in Writing of the Owner thereof being first obtained.

Premises may be taken notwithstanding Errors in the Schedule.

IX. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act, any of the Tenements described on the said Plan as intended to be taken for the Purposes of this Act, although such Tenements, or the Name or Names of the Owner or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, in case it shall appear to any Two or more of the Justices of the Peace for the City and Liberty of *Westminster*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, &c. to enter upon Land for surveying or valuing.

X. It shall be lawful for the Commissioners, and for their Surveyors, Officers, and Workmen, at all reasonable Times in the Daytime, upon giving Notice in Writing for the First Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours, previous Notice to enter into and upon all or any of the Land authorized to be taken and used as aforesaid for the Purpose of surveying or valuing the same.

Power to Commissioners to treat for Purchases.

XI. It shall be lawful for the Commissioners to agree for the Purchase of any Land which they may deem necessary to be taken for the Purposes of this Act, and of any Interest therein or Charges thereon, or such of them, or such Part or Parts thereof, as the Commissioners shall think proper, and to enter into any Contract in respect of the Premises which they may think fit.

Conveyance of Land purchased.

XII. The Land which may be purchased in pursuance of this Act shall be conveyed to the Commissioners of Her Majesty's Works

*Public Offices Extension.*

Works and Public Buildings and their Successors, or to such Person as they shall direct, in trust for the Purposes of this Act ; and the Rents and Profits of the said Land shall be received and applied by the said Commissioners for the Purposes of this Act.

XIII. If the Commissioners shall not within the Space of Three Years from the passing of this Act purchase or take the Land, or Parts thereof, which they are hereby empowered to purchase, then the compulsory Powers hereby granted to them for such Purpose shall cease.

XIV. It shall be lawful for all Bodies politic, corporate, or collegiate, ecclesiastical or lay, aggregate or sole, and for all Trustees and Feoffees in trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life, or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians, whether of the Person or Estate, on behalf of their Wards, Husbands on behalf of their Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators, and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right, and notwithstanding any Restraint therein, on behalf not only of themselves but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any of the said Land which by the Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same and every or any Part thereof to the Commissioners and their Successors, or to such Person as the Commissioners shall direct for the Purposes of this Act ; and all Contracts and Assurances which shall be made by such Bodies Politic, Corpo-

Limitation of Time for compulsory Purchase.

Bodies Politic, Trustees, and other Persons empowered to sell and convey.

rate,

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rate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law ; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they or any of them shall respectively make by virtue of this Act.

Satisfaction to be made and may be accepted.

XV. Every Body and Person herein capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner or Owners of any such Land, or any Share, Estate, or Interest therein or Charge thereon, may accept such Satisfaction for the Value thereof ; and such Bodies or Persons, and also any Tenant, or other Occupier of any such Premises entitled to any Compensation for Tenants Fixtures and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, may accept such Sum of Money in respect thereof as shall be agreed upon between him and the Commissioners, and in case they cannot agree as to the Amount the same shall be ascertained by a Jury in manner herein-after directed.

Parties to deliver a Statement of their Claims.

XVI. On or before the Expiration of One Month next after Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use any Land or any Part thereof for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, every Body or Person authorized by this Act to accept Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to the Commissioners or leave at their Office a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which such Body or Person claims to be entitled to or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained, and of the Amount of the Money which such Body or Person may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which such Body or Person may be willing to receive as Compensation for such Goodwill and Improvements and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat or shall not agree, a Jury to be summoned.

XVII. If any Body or Person seised, possessed of, or interested in any Land, or in any Share, Estate, or Interest therein or Charge thereon, which the Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the Commissioners for the Sale and Disposal of his Estate and Interest therein, or cannot be found or known, or shall not produce a clear Title to the Premises he may be in possession of or to the Interest he shall claim therein to the Satisfaction of the Commissioners, then and in every or any such Case the High Bailiff

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Bailiff of the City and Liberty of *Westminster* or his Deputy, or in case such High Bailiff or his Deputy shall be in anywise interested in the Matter in question then some One of the Coroners of the County of *Middlesex* not interested therein, shall, upon the Warrant of the Commissioners in manner herein-after mentioned, and he is hereby required and authorized to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of *Westminster*, which Oaths the said High Bailiff or his Deputy or Coroner is hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Land, and of the proportionable Value of the respective Estates and Interests of every Person seised or possessed thereof or interested therein, or of or in any Part thereof, and assess the Money to be paid for the Purchase of such Land, and of such Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Party, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Land for the Purposes of this Act; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase in Value of the Residue of any Property of which such Land shall form Part, and in order thereto the said High Bailiff, Deputy, or Coroner is hereby empowered and required from Time to Time as Occasion shall require to summon and call before the said Jury and examine upon Oath all Persons whomsoever whom it shall be thought necessary to examine as Witnesses touching or concerning the Premises, which Oath the said High Bailiff, Deputy, or Coroner is hereby empowered to administer, and such High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means as well for his own as for the said Jury's better Information in the Premises as the said High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have settled such Damage and Satisfaction, the said High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the Commissioners to the said Parties interested therein, according to such Verdict of the Jury, which said Verdict shall be final as against all Parties interested, and all other Persons whomsoever; and for the summoning and returning of such Jury the Commissioners are hereby empowered to issue their Warrant or Warrants to the said High Bailiff, Deputy, or Coroner to summon, empanel, and return, at some convenient Place in the said City of *Westminster*, a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the

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the said High Bailiff, Deputy, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing, under the Corporate Seal of the Commissioners, of the Time and Place at which such Jury are so required to be returned shall be given to such Person interested in the Premises before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Persons, or of the Head Officer of any Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said High Bailiff, Deputy, or Coroner is and are hereby empowered to empanel, summon, and return such Number accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said High Bailiff, Deputy, or Coroner respectively, and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of  
an Estate is  
taken, the Re-  
mainder to be  
valued.

XVIII. If the Owner, Lessee, or Occupier of any Land 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 Commissioners, or any Person authorized by them, shall not think it necessary to purchase, then the Jury shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which shall remain after the Commissioners, or the Person authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Commissioners for that Part which they shall have occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be  
given of the  
Compensation  
claimed.

XIX. No Jury to be summoned by virtue of this Act shall be allowed to award any Sum or Sums of Money to any Body or Person by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage

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Damage alleged to have been sustained by reason or Means of this Act, or anything which shall or may be done in the Execution thereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the Commissioners or left at their Office as aforesaid, by and on behalf of such Person Ten Days at least before the Time of the Meeting of such Jury.

XX. If the High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered with full Costs of Suit by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Matter wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of *Westminster*, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted, and all such Fines shall be paid to the Commissioners to be applied for the Purposes of this Act.

XXI. In all Cases in which a Verdict shall be given for the Value of any Land, or Share therein, the Jury shall, if required so to do, by or on behalf of the Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Land alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

XXII. The Jury so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of Land, or of any Share, Estate, or Interest therein, or any Charge thereon, separately and distinctly from the

Penalty on High Bailiff, Jury, and Witnesses for Neglect of Duty.

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

Value of Land to be ascertained distinct from Goodwill or other Damages.

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the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Land or Share, Estate, or Interest therein or Charge thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the Commissioners, declare whether the Statement delivered by the Claimant of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Commissioners to make a proper Offer.

Provision  
relating to  
Expenses of  
Juries.

XXIII. In case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of any Person in any such Land, or for any such Goodwill, Improvements, Injury, or Damage, as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person legally capacitated to enter into any Contract with the Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the Commissioners by any Body or Person who is by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the Commissioners) all such Costs, Charges, and Expenses to be settled by such High Bailiff, Deputy, or Coroner in manner aforesaid shall be paid to the Commissioners by the said Body or Person so claiming such Compensation or refusing to treat and agree as before mentioned respectively



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respectively (save only where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid), in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other, and all Costs, Charges, and Expenses hereby directed to be paid to the Commissioners shall be deducted and retained by them out of the Money so assessed to be paid by them as so much Money advanced to and for the Use of the Person entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be taken to be a Payment or Tender of the whole Sum so assessed, or in case no Money or no sufficient Sum of Money shall be assessed to be paid by the Commissioners whereout such Costs, Charges, and Expenses can be deducted, then the same shall be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of *Westminster*, by Distress and Sale of the Goods and Chattels of the Person liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any) after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

XXIV. A Minute or Docket of all the said Verdicts shall be recorded in the Office of the Commissioners, and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said City and Liberty of *Westminster*, to be preserved by him amongst the Records of the Quarter Sessions of the said City and Liberty, and shall be deemed to be Records to all Intents whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

Verdicts to be recorded.

XXV. If in any Case the Owner of any Land, Part only of which shall at any Time be required by the Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell such Part only as shall be required by the Commissioners, the Commissioners are hereby required, at the Option of any Owner of any such Land, to purchase of and from the said Owner the whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner shall think fit, and to apply so much and such Part thereof as they the Commissioners, with such Consent as aforesaid, shall see fit for the Purposes aforesaid; and if such Owner shall not or cannot agree with the Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof as aforesaid, then the Value thereof shall be ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be ascertained; and all such other Proceedings shall take place respecting the said Premises as are herein-before

Commissioners empowered to purchase the whole of the Land if Owners are unwilling to sell a Part.

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mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Persons holding under Leases to produce the same.

XXVI. In all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Land intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease or Grant thereof, the Commissioners are hereby authorized to require such Person to produce or show the Demise or Lease, or Agreement for Demise or Lease or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Demise or Lease, or Agreement for Demise or Lease or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the Commissioners, or any Person by them authorized, the Person claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling Disputes as to Damages of small Amount.

XXVII. In case any Difference shall arise between the Commissioners and any of the Owners of the Property to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be determined by some Two or more Justices of the Peace for the City of *Westminster*, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine the Amount of Compensation which shall be payable by the Commissioners, and such Justices may examine Witnesses and administer Oaths in all respects and with the same Consequences as to false Swearing as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXVIII. Provided always, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid shall be paid or tendered to the Party entitled to the same, or into the Bank of *England*, as herein mentioned, before the Commissioners, or any Person authorized by them, shall proceed to take possession of any Tenement or to pull down any House or other Erection or Building comprised in or affected by such Agreement or Verdict respectively, or to use the same for any of the Purposes of this Act.

Commissioners empowered to take possession on Payment of Purchase Money into the Bank of *England*.

XXIX. If any Body or Person seised or possessed of or interested in any such Land, or Share, Estate, or Interest therein or Charge thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance thereof, then and in every such Case, upon Pay-  
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ment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Jury, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person so interested in or entitled as aforesaid, such Land, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person or unknown Person to whose Credit such Money shall be paid in, to, and out of the Land to be purchased as aforesaid, shall from thenceforth vest in the Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estates in the Premises had actually conveyed the same by Release, Bargain, and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any such Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person or unknown Person of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the Commissioners.

XXX. If any Money shall be agreed or assessed to be paid for any Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body or Person under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to the Account there of such Accountant General *ex parte* the said Commissioners, pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Court; and such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Land in the Purchase

Application  
of Purchase  
Money when  
amounting to  
200l.

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or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Land or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or affecting other Land standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Land, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXI. Provided, That if any Money so agreed or assessed to be paid for any Land or Part thereof, or Share, Estate, or Interest therein or Charge thereon, purchased, taken, or used for Purposes aforesaid, belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Land, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, to be signified in Writing under his Hand, to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two or more Trustees to be nominated by the Body or Person making such Option and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating Parties and the Common Seal of the Commissioners, in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

XXII. Pro-

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XXXII. Provided always, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act in such Manner as the Commissioners shall think fit, or in case of the Infancy or Lunacy of such Person then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so entitled.

When less  
than 20*l*.

XXXIII. In case the Body or Person to whom any Sum of Money shall be agreed to be paid, or shall be awarded by any Jury, for the Purchase of any Land, or any Parts, Shares, Estates, or Interest therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Land, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Land, Parts, Shares, Estates, Interests, or Charges (describing such Land); but if such Party shall not be known, to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Person making Claim to any Sum of Money or any Part thereof by Motion or Petition, shall be and the same is hereby empowered in a summary Way of proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Body or Bodies, Person or Persons, making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

In case of not  
making out  
Titles.

XXXIV. Provided always, where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* as aforesaid, in pursuance of this Act, for the Purchase of any Land, or Part thereof, or of any Estate, Right, Title, Charge, or Interest into or upon any Land

Where any  
Question shall  
arise touching  
the Title, the  
Person in  
possession . . .

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be deemed entitled until the contrary be shown.

to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Person who shall have been in possession of such Land, Parts, Shares, Estates, Interests, or Charges at the Time of such Purchase, and every Body or Person claiming under such Body or Person, or under the Possession of such Body or Person, shall be taken to have been lawfully entitled to such Land, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land, or Part thereof, or to some Estate or Interest therein or Charge thereon.

Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.

XXXV. Provided also, That where by reason of any Disability or Incapacity of the Body or Person entitled to any Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* as aforesaid, to be applied in the Purchase of other Land to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of the Purchases to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the Commissioners, who shall pay such Sum or Sums of Money out of the Monies appropriated and applicable to the Purposes of this Act, as the said Court shall direct: Provided always, that the Costs of One Application only for Re-investment in Land shall be allowed, unless it shall appear to the said Court that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Costs of any such Investments to be paid by the Commissioners.

Where the Title is defective by reason of a Rent payable out of other Land, as well as Land required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Land which shall be subject to the Rent in the same Manner.

XXXVI. Where the Money awarded to be paid for any Land which shall be taken for the Purposes of this Act, shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Land to the Satisfaction of the Commissioners, or any Person authorized by them, by reason of the same Land being subject, together with other Land not required for the Purposes of this Act, to a Rent payable to some Body or Person unable or unwilling to release therefrom the Land so to be taken, then and in every or any such Case the Land for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed to be paid, shall be for ever discharged from such Rent and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested under the Direction of the Court of Chancery, to be  
signified

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signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Land for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Land which shall be conveyed and settled, subject, together with such other Land, to such Rent, to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Land hereby directed to be purchased in case such Purchase and Settlement were made; and the Land so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner to all Intents and Purposes as the Land taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Person to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Land to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same instead of the Land to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Land together with the other Land subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court, if it shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Person for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

XXXVII. Where any Land purchased or wanted or intended to be purchased by the Commissioners shall be subject, solely or jointly with other Land not intended or wanted to be purchased, to or with any Rent Service, Rentcharge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the Commissioners to agree for the Release of the Land so purchased or wanted or intended to be purchased, from such Rent, Payment,

Power to purchase the Release of Land wanted from Rents charged thereon.

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or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum as shall be agreed upon between the Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by any Person and Corporation by this Act authorized and empowered to sell or convey Land; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Money on the Sale of Land; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Land purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Land jointly subject to the Rent, Payment, or Incumbrance as herein-before mentioned according to the respective Values of the Land purchased or wanted or intended to be purchased, and of the Land not purchased or wanted or intended to be purchased by the Commissioners; and all Assurances which shall be made by and between or to the Commissioners and any such Party as aforesaid respecting such Release shall be valid in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Land so jointly subject, and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Land so purchased by the Commissioners therefrom, then it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Land so purchased therefrom, (with the Consent of the Owner of the Land so purchased, and also of the Owner of the Land so jointly subject as aforesaid,) to release the Land so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid, jointly with other Land, on condition or in consideration of such other Land continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance; provided also, that when any of the Land purchased by the Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Land not purchased by the Commissioners, such last-mentioned Land shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Land not so purchased had been originally charged with that Amount only; provided also, that when a Part of any Rent, Payment, or Incumbrance



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cumbrance shall be released, it shall be lawful for the Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument declaring what Part of the Land originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrances which shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

XXXVIII. In all Cases in which a Part only of any Land comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Land comprised in such Lease or Agreement for a Lease shall be apportioned between the Land required for the Purposes of this Act and the Residue of such Land; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Land to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor from whom such Land is holden or agreed to be holden, and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Land comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Land not required for the Purposes of this Act; and the Lessor of the said Land shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Land not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease, contained, so far as the same relate to the Land comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Land, but not further, continue in full Force.

Rents on Leases to be apportioned.

XXXIX. Every Body and Person having any Mortgage on any Land which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in trust for any other Body or Person, and whether in possession

Mortgagees to convey to the Commissioners.

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of such Land by virtue of such Mortgage or not, and whether such Mortgage shall affect such Land solely or jointly with any other Land which shall not be so required) shall, on Payment or Tender by the Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Months Interest on the said Principal Money (which Tender and Payment the Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for an Estate or Interest of the Party entitled to the Equity of Redemption) of and in the Land so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Land which shall be so required to the Commissioners and their Successors, or to such Person as the Commissioners shall appoint; or in case such Mortgagees shall have Notice in Writing from the Commissioners, or from the Party entitled to the Equity of Redemption of and in the same Land, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Months, on Payment or Tender by the Commissioners of the Principal Money and Interest which would become due at the End of Six Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Land which shall be so required for the Purposes of this Act to the Commissioners and their Successors, or as the Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Payment or Tender as aforesaid, then on Payment of such Money, Interest, and Costs into the Court of Chancery as herein-after mentioned all Interest on every such Mortgage, Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease: Provided always, that in case any such Mortgagee shall, in either of the Cases aforesaid, neglect or refuse to convey, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England* at or near the End of Six Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice and in addition to the said other Monies of Six Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and Six Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in the like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate and Interest of such Mortgagee, and of every Person in trust for him or for whom he shall be Trustee, shall vest in the Commissioners and their Successors,

who

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who shall be deemed to be in the actual Possession of the Land comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

XL. In all Cases in which any Land subject to any Mortgage shall be required for the Purposes of this Act, which Land shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Land subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Land, and the Mortgagee thereof shall not consider the remaining Part of such Land to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due and to become due thereon, and all Costs, the Value of such Land, or, as the Case may be, of such Part of the said Land as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee and the Body, Trustee, or Person entitled to the Equity of Redemption of such Land, whether absolutely or for such Estate as might capacitate such Parties to convey for the Purposes of this Act on the one Part and the Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference, and the Amount of such Value and Compensation being so agreed upon or determined as aforesaid shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend; and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Land the Value whereof shall have been so agreed upon or determined as aforesaid, or in case of the Party neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee, as by this Act is provided in Cases of the like Nature, and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Land as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Land shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that every Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of his Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Land

As to Cases where the Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.

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Land not required for the Purposes aforesaid, as he would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Land originally comprised in such Mortgage: Provided also, that when a Part only of the Land subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Land so taken shall, on the Assignment or Conveyance thereof to the Commissioners and their Successors, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners to the Person so entitled as aforesaid to the Equity of Redemption of the Land comprised in such Mortgage Deed.

Tenants at  
Will or from  
Year to Year  
to quit after  
Notice given.

XLI. Every Tenant at Will or Lessee for a Year, or any other Person in possession of any such Land or any Part thereof which shall be purchased by virtue of this Act or vested in the Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall, at the End of Six Months next after Notice in Writing under the Corporate Seal of the Commissioners shall have been given to him or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time of such Tenant's holding or not, quit and relinquish the said Premises unto the Commissioners or to such Person as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Premises, then and in such Case the Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby, and in case of any Difference as to the Amount of such Satisfaction or Compensation the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Land is herein-before directed to be ascertained, or if the Commissioners and the other Parties in Difference shall agree thereto the same may be settled by a Reference to the Award of Arbitrators and their Umpire, to be chosen by the Parties in Difference; and that all and every Person and Body in possession of any Land or any Part of any Land which shall or may be purchased in pursuance of this Act by the Commissioners or vested in them for any of the Purposes aforesaid shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the Commissioners or to such Person as shall be by them authorized to receive Possession

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of the same, and all the Leases, Demises, Contracts, and Agreements whatsoever under or by virtue whereof any such Person or Body shall hold the said Premises, shall, at and from the End and Expiration of such Six Months or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the Commissioners, and if any such Tenant at Will or Lessee or other Person or Body shall refuse or neglect to deliver up the Premises at the Expiration of such Six Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the City and Liberty of *Westminster* to issue his Precept or Warrant to the Constables of the said City and Liberty for the Time being, or any of them, or to any Person to be by such Justice appointed a Constable for that especial Purpose, commanding and requiring such Constable or Constables or any of them to cause Possession of the said Premises to be taken and afterwards delivered to such Person as shall in such Precept or Warrant be nominated to receive the same on behalf of the Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of the Premises under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

XLII. Every Person and Body hereby capacitated to sell, and who may not agree with the Commissioners as to the Price to be paid, may, if he shall think fit, instead of having the Values ascertained by a Jury as aforesaid, agree with the Commissioners to refer it to any Person or Persons and their Umpire to ascertain the Amount to be paid, and every such Agreement and the Award to be made in pursuance thereof shall be in all respects binding and effectual, and as if the Value had been ascertained by a Jury.

Persons authorized to sell may refer it to Arbitrators to fix the Price.

XLIII. It shall be lawful for the Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them, or such Part thereof, as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act, and the Monies to be produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Houses and Buildings to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Power to clear the Ground and sell old Materials.

XLIV. No

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Purchases to be made under the Authority of the Treasury.

XLIV. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally or for any particular Purchase or Purchases as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Materials, &c. vested in the Commissioners.

XLV. The Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the Commissioners, or by their Order or otherwise, belonging to and used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with Effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them respectively, to their own Use and Uses, or shall disturb them the Commissioners, or their Officers, or other Persons acting under them in the Possession thereof.

Commissioners may cause Actions to be brought for Breach of Contract.

XLVI. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against any such Contractor for any Penalty contained in his Contract; and on Proof of the signing of the said Contract, and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract for such Sum of Money as the said Commissioners shall think proper.

XLVII. If

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**XLVII.** If any Proceedings shall be taken for the Recovery of the Possession of any Land so purchased or taken for the Purposes of this Act, then, within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises, there shall be paid or tendered to any Person so obtaining such Judgment in lieu of such Premises his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall, in the Manner herein-after mentioned, find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of the Act, or when Possession thereof was taken as aforesaid; and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises, and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act; and the said Land, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, such Amount or Value being taken and accepted in lieu thereof.

Costs and such Sum as Jury may find to be paid to Person obtaining Judgment in lieu of Lands.

**XLVIII.** ' And whereas by reason of taking the Land mentioned in the Schedule to this Act, and for the Purposes thereof, there may be Deficiencies in the Produce of the Assessments for the Relief of the Poor, and making certain Payments directed by Act of Parliament to be made out of the Poor's Rate, as also in the Produce of other Assessments directed to be raised and levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor of the Parishes of *Saint Margaret and Saint John the Evangelist, Westminster*: And whereas the Rates of the said Parishes have been mortgaged and are now charged with and subject to the Repayment of certain Sums amounting in the aggregate to Thirty-five thousand four hundred and three Pounds, or thereabouts, Principal Money, with Interest thereon, and which Charges it is calculated will be wholly paid off on or before the Twenty-fifth Day of *December* One thousand eight hundred and seventy-three; and it is expedient that Provision should be made for a Contribution for a limited Time by the said Commissioners in aid of the Poor Rates and other Rates to be raised and levied as herein-before mentioned: Be it enacted, That the said Commissioners shall, from and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-nine, yearly and every Year until the Twenty-ninth Day of *September* One thousand eight hundred and seventy-three, by and out of such Monies as Parliament may from Time to Time place at their Disposal for that Purpose, pay and make

Commissioners to make good to Parishes of *St. Margaret and St. John the Evangelist, Westminster*, Deficiencies in Rates.

*Public Offices Extension.*

make good to the said Parishes such Sum or Sums of Money, not exceeding the Sum of Four hundred Pounds *per Annum*, as shall be deficient in respect of the said Rates by reason or means of taking the Land mentioned in the said Schedule for the Purposes of this Act, such Deficiencies to be calculated and ascertained with reference to the Sum of Three hundred and seventy-five Pounds, being the Amount actually collected for and in respect of such Rates made in the Year One thousand eight hundred and fifty-eight, in respect of Houses and Buildings which may be shut up or taken down, or of Ground taken and used by the Commissioners for the Purposes of this Act, an Account of which Deficiencies shall from Time to Time be made out and delivered to the Commissioners, verified by the Collector or other proper Officer of the said Parishes in such Manner and Form as the Commissioners shall direct, and no Payment shall be made until such Account has been delivered, duly verified, to the said Commissioners, and approved of by them or on their Behalf.

When First  
Payment to be  
made.

XLIX. The First Payment in respect of such Deficiencies so ascertained and verified as aforesaid to be made on the Twenty-ninth Day of *September* One thousand eight hundred and sixty, and the Receipts of the Treasurer for the Time being of the said Parishes or of the Collector for the Time being of the said Rates, shall be a good and sufficient Discharge to the Commissioners for such Payment: Provided always, that in case any Act shall be passed before the Twenty-ninth Day of *September* One thousand eight hundred and seventy-three, rendering Crown or public Property, or the Owners or Occupiers thereof, liable to be assessed to the Poor Rate and other Rates to be raised and levied as herein-before mentioned, the Contribution or Payments by this Act provided for in respect of such Deficiencies in the Poor Rates and other Rates as aforesaid shall thereupon cease, and be no longer made or paid.

Deeds, &c. not  
liable to Stamp  
Duty.

L. No Deed, Bond, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged therewith by any future Act.

Persons giving  
false Evidence  
guilty of  
Perjury.

LI. All Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Plaintiff not to  
recover with-  
out Notice, or  
after Tender  
of Amenda.

LII. 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



*Public Offices Extension.*

before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such 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.

LIII. 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 Calendar 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 every 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 a 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.

LIV. Provided always, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Metropolitan Board of Works in relation to Sewers.

For protecting  
the Rights of  
the Metropolitan  
Board of  
Works.

LV. Nothing in this Act, or in any Deed or Instrument entered into or made by the Commissioners for the Purposes of this Act, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the said Deed or Instrument contained on the Part of

Commissioners  
not to be personally  
liable.

*Public Offices Extension.*

the same Commissioners or any of them ; but the Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.

LVI. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same, and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills if the Commissioners shall so direct.

Contracts made by First Commissioner of Works to be valid.

LVII. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Deeds to be enrolled in the Court of Exchequer.

LVIII. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Land by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners, and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be as good and available in Law, and of the like Force and Effect in all respects and to all Intents and Purposes, as if the same or a Memorial thereof had been registered in the Office appointed for registering Deeds and other Conveyances of Land and Tenements in the County of *Middlesex*, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

LIX. It shall be sufficient for all Purposes to cite this Act as "The Public Offices Extension Act, 1859."

## Public Offices Extension.

The SCHEDULE referred to in the foregoing Act.

The Parish of Saint Margaret, in the City and Liberty of Westminster, in the County of Middlesex.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Upper Crown Street.</i>					
1	1	Dwelling House and Yard.	- . . . .	Daniel Pudduck.	Daniel Pudduck and his weekly Tenants.
2	2	Dwelling House and Yard.	- . . . .	- . . . .	Daniel Pudduck and his weekly Tenants.
3	3	Dwelling House and Yard.	- . . . .	- . . . .	Daniel Pudduck and his weekly Tenants.
4	4	Dwelling House and Yard.	- . . . .	- . . . .	Daniel Pudduck and his weekly Tenants.
5	5	Dwelling House and Yard.	- . . . .	- . . . .	Wm. Bennett and his weekly Tenants.
6	6	Dwelling House, Beer-shop, and Yard.	- . . . .	- . . . .	Robt. Webster and his weekly Tenants.
7	7	Dwelling House and Yard.	- . . . .	- . . . .	Wm. Findlay and his weekly Tenants.
8	8	Dwelling House and Yard.	- . . . .	Eliza Fitzherbert Forasteen.	Rebecca Friend and her weekly Tenants.
9	9	Dwelling House and Yard.	- . . . .	- . . . .	Robt. Tyler and his weekly Tenants.
10	50	Dwelling House and Yard.	The Dean and Chapter of St. Peter, Westminster.	- . . . .	John Lindsey and his weekly Tenants.
11	56	Dwelling House and Yard.	- . . . .	Martha Gibbons.	Wm. Bramwell and his weekly Tenants.
12	55	Dwelling House and Yard.	- . . . .	David Gibbons.	Jane White and her weekly Tenants.
13	13	Dwelling House, Shop, and Yard.	- . . . .	- . . . .	Jane White and her weekly Tenants.
<i>Crown Court.</i>					
14	1	Dwelling House and Yard.	Major-Genl. Edwd. Pery Buckley.	Joseph Bowley	John Wadley and his weekly Tenants.
15	2	Dwelling House and Yard.	- . . . .	Martha Gibbons, David Gibbons, Eliza Fitzherbert Forasteen.	George Sommers and his weekly Tenants.
16	3	Dwelling House, Shop, and Yard.	The Dean and Chapter of St. Peter, Westminster.	- . . . .	- . . . .
17	4	Dwelling House and Yard.	Major-Genl. Edwd. Buckley.	Joseph Bowley	John Wadley and his weekly Tenants.
<i>Lower Crown Street.</i>					
18	13	Dwelling House and Yard.	- . . . .	Richard Whatley, Elizabeth Wilmet Whatley, Geo. Lucas.	George Lucas and his weekly Tenants.
19	14	Dwelling House and Yard.	The Dean and Chapter of Saint Peter, Westminster.	- . . . .	Geo. Lucas and his weekly Tenants.
20	15	Dwelling House and Yard.	- . . . .	Wm. Thos. Mackrell.	Mary Ann Thompson and her weekly Tenants.
21	16	Dwelling House and Yard.	- . . . .	- . . . .	Samuel Pettifer and his weekly Tenants.
22	17	Dwelling House and Yard.	- . . . .	- . . . .	Geo. Selman and his weekly Tenants.
23	18	Dwelling House and Yard.	- . . . .	Lewis Glenton.	Geo. Bowater and his weekly Tenants.
24	19	Dwelling House, Shop, and Yard.	Wm. Thos. Mackrell.	- . . . .	Mary Ann King and her weekly Tenants.
25	20	Part of Public House and Yard called "The Anchor and Crown."	- . . . .	- . . . .	- . . . .
26	21	Other Part of Public House and Yard.	- . . . .	Joseph Carter Wood.	Thomas Bourke.
27	22	Dwelling House and Yard.	The Dean and Chapter of St. Peter, Westminster.	- . . . .	Edwd. Langley and his weekly Tenants.
28	23	Part of Dwelling House and Shop.	Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.	John Chrstr. Cockerell.	John Christopher Cockerell.

## Public Offices Extension.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>King Street.</i>					
29	16	Other Part of Dwelling House and Shop.	The Dean and Chapter of St. Peter, Westm.	- - -	John Christopher Cockerell.
30	16A	Dwelling House and Shop.	Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.	John Chrstr. Cockerell.	Thos. Brockington.
<i>Charles Street.</i>					
31	1	Dwelling House and Shop.	- - -	Thos. White	Thos. White, Thos. John White.
32	2	Public House called "The Northumberland Arms."	Lotitia Rawlings.	John Lettson Elliot, James Watney.	James Bishop.
33	3	Dwelling House and Shop.	- - -	- - -	Edwd. Lee and his weekly Tenants.
34	4	Dwelling House and Shop.	- - -	- - -	Martha Colebrook and her weekly Tenants.
35	5	Dwelling House and Shop.	Wm. Hy. Lewer.	- - -	Josh. Bowley and his weekly Tenants.
36	6	Dwelling House and Shop.	- - -	- - -	John Catton and his weekly Tenants.
37	7	Dwelling House, Shop, and Yard.	- - -	Jas. Fredk. Garrard.	Jas. Fredk. Garrard.
38	8	Dwelling House, Shop, and Yard.	Ann Gardner.	- - -	Ann Gardner and her weekly Tenants.
39	9	Dwelling House, Shop, and Yard.	- - -	Wm. Wright Larken.	Wm. Wright Larken.
40	10	Dwelling House, Shop, and Yard.	- - -	- - -	Jas. Puttick and his weekly Tenants.
41	11	Dwelling House, Shop, and Yard.	Major - Genl. Edwd. Pery Buckley.	Geo. Jas. Yonge, Chas. Crighton, Rt. John Townseud	Geo. Jas. Yonge, Chas. Crighton, Robt. John Townsend.
42	12	Dwelling House, Shop, and Yard.	- - -	- - -	- - -
43	13	Dwelling House and Yard.	Arthur Hyde Dendy, Saml. Fredk. Dendy (Exors of Saml. Dendy deed.), Henry Clutton, Receiver under the Court of Chancery.	- - -	Arthur Hyde Dendy, Amelia Assig and her weekly Tenants.
44	14	Dwelling House, Shop, and Yard.	Major-Genl. Edwd. Pery Buckley.	Martin Steele, Jno. Cracklen.	John Cracklen and his weekly Tenants.
45	15	Dwelling House and Yard.	John Edmd. Gardner.	- - -	Rebecca Lloyd and her weekly Tenants.
46	16	Dwelling House, Shop, and Yard.	- - -	Martin Steele, John Cracklen.	John Cracklen and his weekly Tenants.
47	17	Dwelling House, Shop, and Yard.	Major - General Edward Pery Buckley.	Martin Steele, John Cracklen.	Martin Steele, John Cracklen and his weekly Tenants.
48	18	Dwelling House, Shop, and Yard.	- - -	Chas. Adkins	Chas. Adkins and his weekly Tenants, Alex. Stewart.
49	19	Dwelling House and Yard.	- - -	Robt. Franklin	Robt. Franklin.
50	20	Dwelling House and Yard.	- - -	Henry Thomas	Henry Thomas and his weekly Tenants.
51	21	Dwelling House and Yard.	Wm. Octavius Garstin, Exor. of Richd. Brealey, deed.	Jas. Jackson	Jas. Jackson and his weekly Tenants.
52	22	Dwelling House and Yard.	- - -	Robt. Tyler	Robt. Tyler and his weekly Tenants.
53	23	Dwelling House and Yard.	- - -	Peter Ballennie	Peter Ballennie and his weekly Tenants.
54	24	Dwelling House and Yard.	- - -	Robt. Beckerson	Robt. Beckerson and his weekly Tenants.
55	25	Dwelling House and Yard.	- - -	- - -	Wm. Gregory and his weekly Tenants.
56	26	Dwelling House and Yard.	Major - Genl. Edwd. Pery Buckley.	- - -	Thos. Brockington and his weekly Tenants.
57	27	Dwelling House and Yard.	- - -	Martin Steele	Richard Powell and his weekly Tenants.
58	28	Dwelling House and Yard.	- - -	Chas. Jones	Chas. Jones, London Association in aid of the Moravian Missions, Robt. Webb, Secretary.

*Public Offices Extension.*

*Evidence by Commission.*

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
<i>Duke Street.</i>						
59	6	Dwelling House and Offices.	Caroline Moleworth, Rev. Ralph Colley Smith, Richd. Hunter, Fredk. Gwatkin.	Wm. Barron, Thos. Smith.	Wm. Barron, Thos. Smith.	
60	7	Dwelling House, Offices, and Yard.		Wm. Lee - -	Wm. Lee.	
61	8	Dwelling House, Offices, and Yard.		Emily Morrison -	Emily Morrison.	
62	9	Dwelling House, Offices, and Yard.		Wm. Yates Freebody.	Wm. Yates Freebody, Robinson Wright, Alexr. Comrie, Chas. Owen Adkinson, Wm. Phillips.	
<i>Public Streets and Ways.</i>						
63	-	Public Street, called Upper Crown Street.	-	-	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.	
64	-	Public Street, called Lower Crown Street.	-	-		
65	-	Public Way, called Crown Court.	-	-		
66	-	Public Street, called Charles Street.	-	-		
67	-	Public Street, called Duke Street.	-	-		
68	-	Public Street, called King Street.	-	-		The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, the Electric and International Telegraph Company, and the Public.
<i>St. James's Park.</i>						
69	-	Steps or Way -	The Crown -	-	The Crown.	
70	-	Gravel Road -	The Crown -	-	The Crown.	
71	-	Enclosed Lawn	The Crown	-	The Crown.	

C A P. XX.

An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals. [19th April 1859.]

WHEREAS it is expedient that Facilities be afforded for taking Evidence in or in relation to Actions, Suits, and Proceedings pending before Tribunals in Her Majesty's Dominions in Places in such Dominions out of the Jurisdiction of such Tribunals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Where upon an Application for this Purpose it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in Her Majesty's Dominions has duly authorized, by Commission, Order, or other Process, the obtaining the Testimony in or in relation to any Action, Suit, or Proceeding pending in or before such Court or Tribunal of any Witness or Witnesses out of the Jurisdiction

Order for Examination of Witnesses out of the Jurisdiction in relation to any Suit pending before any Tribunal in

*Evidence by Commission.*

Majesty's  
Possessions.

of such Court or Tribunal, and within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination before the Person or Persons appointed, and in Manner and Form directed by such Commission, Order, or other Process as aforesaid, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge by the same Order, or for such Court or Judge, or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just, and any such Order may be enforced, and any Disobedience thereof punished, in like Manner as in case of an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Penalty on  
Persons giving  
false Evidence.

II. Every Person examined as a Witness under any such Commission, Order, or other Process as aforesaid, who shall upon such Examination wilfully and corruptly give any false Evidence, shall be deemed and taken to be guilty of Perjury.

Payment of  
Expenses.

III. Provided always, That every Person whose Attendance shall be so ordered shall be entitled to the like Conduct Money, and Payment for Expenses and Loss of Time, as upon Attendance at a Trial.

Power to Per-  
son to refuse to  
answer Questions  
to crimi-  
nate himself,  
or to produce  
Documents.

IV. Provided also, That every Person examined under any such Commission, Order, or other Process as aforesaid, shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions which a Witness in any Cause pending in the Court by which, or by a Judge whereof, or before the Judge by whom the Order for Examination was made, would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

Certain Courts  
and Judges to  
have Authority  
under this Act.

V. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who, by any Order of Her Majesty in Council, may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act.

Power to  
Judges to  
frame Rules,  
&c. for giving  
effect to Pro-  
visions of this  
Act.

VI. It shall be lawful for the Lord Chancellor of *Great Britain*, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, so far as relates to *England*, and for the Lord Chancellor of *Ireland*, with the Assistance of Two of the Judges of the Courts of Common Law at *Dublin*, so far as relates to *Ireland*, and for Two of the Judges of the Court of Session, so far as relates to *Scotland*, and for the Chief or only Judge

*Evidence by Commission. Medical Act (1858) Amendment.*

Judge of the Supreme Court in any of Her Majesty's Colonies or Possessions abroad, so far as relates to such Colony or Possession, to frame such Rules and Orders as shall be necessary or proper for giving effect to the Provisions of this Act, and regulating the Procedure under the same.

## C A P. XXI.

## An Act to amend the Medical Act (1858).

[19th April 1859.]

WHEREAS by an Act passed in the last Session of Parliament, Chapter Ninety, "The Medical Act," Provision made for the Registration of Members of the Medical Profession, and certain Disabilities are imposed, after the First Day of *January* One thousand eight hundred and fifty-nine, on Members of that Profession who are not then registered: And whereas, by reason of the Time required for the Collection and Examination of the proper Evidence on the first Formation of "The Medical Register," it is expedient to amend the said Act as herein-after mentioned: And whereas it is expedient that Schedule D. of the aforesaid Act should be amended: And whereas in Sections Thirty-one and Forty-seven of the Medical Act (1858) the Terms "Fellow" and "Member" of the Royal Colleges of Physicians of *London* and *Edinburgh* are made use of, whilst in Schedule A. in the same Act "Fellows," "Licentiates," and "Extra Licentiates" of the said Colleges are alone entitled to be registered: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The First Day of *July* One thousand eight hundred and fifty-nine shall be substituted, in Sections Thirty-two, Thirty-four, Thirty-six, and Thirty-seven respectively of the said Act, for the First Day of *January* One thousand eight hundred and fifty-nine; and the said several Sections, and all Provisions of the said Act having reference thereto, shall be construed and take effect as if the Word *July* had been originally inserted in each of the said Sections instead of the Word *January*.

II. Section Thirty-three of the said Act shall be repealed, and no Person shall by reason of the said Act be or be deemed to have been disqualified to hold such Office as mentioned in the said Section Thirty-three, or any Appointment mentioned in the said Section Thirty-six, unless he shall have failed to be registered on or before the First Day of *July* One thousand eight hundred and fifty-nine.

III. The Fourth Column of Schedule D. of the said Act with its Heading shall be repealed and omitted.

IV. The Term "Member" shall be added after the Term "Fellow" to the Qualifications described in the First and Second Heads of Schedule A.

G 4

V. 'And

21 & 22 Vict.  
c. 90.1st July 1859  
to be substituted  
in recited  
Act for 1st Jan.  
1859.Section 33 of  
recited Act  
repealed.Part of Sched.  
D. repealed.Amendment  
to Heads of  
Sched. A.

*Medical Act (1858) Amendment.*

"Forty-six" to be substituted for "Forty-five" in Sch. A.

V. ' And whereas in Schedule A. of the said Act there is a Reference to Section "Forty-five," but the Word "Five" is there inserted by Mistake : ' Now it is hereby enacted, That the Words "Forty-six" shall be deemed to be substituted in this Schedule in the Place of the Words "Forty-five."

Any Person not a British Subject having Degree may act as Resident Physician, &c. of Hospital for Foreigners.

VI. Nothing in the said Act contained shall prevent any Person not a *British* Subject who shall have obtained from any Foreign University a Degree or Diploma of Doctor in Medicine, and who shall have passed the regular Examinations entitling him to practise Medicine in his own Country, from being and acting as the Resident Physician or Medical Officer of any Hospital established exclusively for the Relief of Foreigners in Sickness : Provided always, that such Person is engaged in no Medical Practice except as such Resident Physician or Medical Officer.

## C A P. XXII.

An Act for raising the Sum of Thirteen million two hundred and seventy-seven thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-nine. [19th April 1859.]

## C A P. XXIII.

An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.

[19th April 1859.]

- § I. There shall be applied for the Service of the Year 1859 the Sum of £10,813,708 out of the Consolidated Fund.
- II. The Treasury may cause £10,813,708 of Exchequer Bills to be made out in manner prescribed by 48 Geo. 3. c. 1., 4 & 5 Will. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
- V. Bank of England may advance £10,813,708 on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.
- VII. Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. Appropriation of Ways and Means to Services hereafter expressed.

—22 Vict. cc. 6, 7, 22.



*Consolidated Fund (Appropriation).*

§ X. There shall be issued,			
£172,383	8	9	For Excess of Naval Expenditure beyond the Grants for 1857-8 and 1858-9; viz.
133,383	8	9	For Excess of Naval Expenditure for 1857-8.
12,000	0	0	For additional Shipwrights, &c., 1858-9.
27,000	0	0	For Purchase of Property in the Great Harbour of Malta, 1858-9.
XI.			
6,311,723	0	0	For Navy Services; viz.
2,487,062	0	0	For Wages to 62,400 Seamen and Marines -
995,647	0	0	For Victuals, &c. in the Navy -
142,957	0	0	For Salaries, &c. of the Admiralty Office -
186,057	0	0	For Coast Guard Service and Royal Naval Coast Volunteers -
20,000	0	0	For the Navy Scientific Departments -
50,000	0	0	For Naval Establishments at home -
8,000	0	0	For Naval Establishments abroad -
450,000	0	0	For Wages of Artificers, &c. at home -
15,000	0	0	For Wages of Artificers, &c. abroad -
700,000	0	0	For Naval Stores, &c. -
180,000	0	0	For new Works in Naval Establishments -
15,000	0	0	For Medicines, &c. -
22,000	0	0	For Naval Miscellaneous Services -
350,000	0	0	For Naval Half Pay, &c. -
240,000	0	0	For Military Pensions -
80,000	0	0	For Civil Pensions -
70,000	0	0	For Freight of Ships, Conveyance of Troops, &c. -
300,000	0	0	For Packet Service -
XII. 1,050,000 0 0 For Army Services, 1857-8.			
XIII. 3,862,546 0 0 For Army Services; viz.			
626,153	0	0	For Wages of Artificers, &c. -
150,000	0	0	For Clothing and Necessaries -

For the Year ending  
31st March 1860.

From  
1st April 1859  
to  
31st March 1860.

For the Year ending  
31st March 1860.

*Consolidated Fund (Appropriation).*

£1,003,604	0	0	For Provisions, Barrack Furniture, &c.	} From 1st April 1859 to 31st March 1860.	
718,088	0	0	For Stores for Land and Sea Service - - -		
325,072	0	0	For Fortifications - - -		
242,507	0	0	For Works, Buildings, &c. - - -		
797,122	0	0	For Barracks - - -		
6,358,009	0	0	For other Army Services; viz.		
3,724,474	0	0	For Forces in United Kingdom and Stations abroad (except East Indies) - - -		
562,369	0	0	For Miscellaneous Charges at home and abroad (except India)-		
150,000	0	0	For Embodied Militia -		
88,000	0	0	For Volunteer Corps -		
185,594	0	0	For Salaries, &c. of War Departments - - -		
359,040	0	0	For Manufacturing Departments, Military Storekeepers, Barrack Masters, &c. - - -		
268,532	0	0	For Educational and Scientific Branches -		
12,000	0	0	For Rewards for Military Service - - -		
35,000	0	0	For Pay of General Officers - - -		
240,000	0	0	For Reduced and Retired Officers - - -		
90,000	0	0	For Pensions to Widows, and Compassionate List, &c.		
20,000	0	0	For Pensions, Gratuities, &c. to wounded Officers - - -		} For the Year ending 31st March 1860.
13,000	0	0	For In-Pensioners of Chelsea and Kilmainham Hospitals -		
550,000	0	0	For Out-Pensioners of Chelsea Hospital, &c.		
60,000	0	0	For Superannuation and Retired Allowances -		
§ XIV.	2,000,000	0	0		To pay off Exchequer Bonds of 1854.
XV.	13,277,400	0	0		To pay off Exchequer Bills unprovided for.
XVI.	1,125,000	0	0		For the Revenue Departments; viz.
	200,000	0	0		For Salaries, &c. of the } For the Year ending Customs Departments } 31st March 1860.

*Consolidated Fund (Appropriation).*

£300,000	0	0	For Salaries, &c. of the Inland Revenue De- partment - - -	} For the Year ending 31st March 1860.
500,000	0	0	For Salaries, &c. of the Post Office - - -	
125,000	0	0	For Superannuations, &c. of the Three Depart- ments - - -	

§ XVII. 1,854,000 0 0 For Civil Services ; viz.

CLASS I.

*Public Works and Buildings.*

20,000	0	0	For Royal Palaces -
40,000	0	0	For Public Buildings -
10,000	0	0	For Furniture of Public Offices - - -
30,000	0	0	For Royal Parks, Plea- sure Gardens, &c. -
10,000	0	0	For Probate Court and Registries - - -
20,000	0	0	For Public Buildings (Ireland) - - -
10,000	0	0	For Kingstown Harbour

CLASS II.

*Salaries and Expenses of Public Departments.*

20,000	0	0	For Two Houses of Par- liament, Offices -
20,000	0	0	For Treasury - - -
8,000	0	0	For Secretary of State, Home Department -
40,000	0	0	For ditto, Foreign ditto -
9,000	0	0	For ditto, Colonial ditto -
5,000	0	0	For Privy Council Office -
20,000	0	0	For Board of Trade -
1,000	0	0	For Lord Privy Seal -
2,000	0	0	For Civil Service Com- mission - - -
4,000	0	0	For Paymaster General -
2,000	0	0	For Exchequer (London) -
10,000	0	0	For Commissioners of Works and Public Buildings - - -
10,000	0	0	For Commissioners of Woods, Forests, and Land Revenues -
10,000	0	0	For Public Records and State Paper Office -
10,000	0	0	For Mint, including Coinage - - -

To  
31st March 1860.

*Consolidated Fund (Appropriation).*

£8,000	0	0	For Inspectors of Factories, &c.	-	-
3,000	0	0	For Exchequer (Scotland) and Offices in Scotland	-	-
2,000	0	0	For Household Lord Lieutenant, Ireland	-	-
2,000	0	0	For Paymaster of Civil Services, Ireland	-	-
1,000	0	0	For Inspectors of Lunatic Asylums, Ireland	-	-
7,000	0	0	For Commissioners of Public Works, Ireland	-	-
10,000	0	0	For Audit Office	-	-
6,000	0	0	For Copyhold, Tithe, and Inclosure Commissioners	-	-
4,000	0	0	For Copyhold, Tithe, and Inclosure Commissioners, Imprest Expenses	-	-
10,000	0	0	For Registrar General, England	-	-
1,000	0	0	For ditto, Ireland	-	-
2,000	0	0	For ditto, Scotland	-	-
4,000	0	0	For National Debt Office	-	-
1,500	0	0	For Public Works Loan Commissioners	-	-
1,000	0	0	For West India Relief Commissioners	-	-
4,000	0	0	For Lunacy Commissioners	-	-
500	0	0	For Superintendent of Roads, South Wales	-	-
1,000	0	0	For Registrars of Friendly Societies	-	-
10,000	0	0	For Secret Service	-	-
100,000	0	0	For Printing and Stationery	-	-
30,000	0	0	For Postage of Public Departments	-	-

To  
31st March 1860.

## CLASS III.

*Law and Justice.*

## ENGLAND.

50,000	0	0	For Police, Counties and Boroughs, Great Britain	-	-
2,000	0	0	For Registrar of High Court of Admiralty	-	-

*Consolidated Fund (Appropriation).*

£10,000	0	0	For Probate Court, Salaries and Expenses
80,000	0	0	For County Courts, Salaries and Expenses
8,000	0	0	For Police Courts (Metropolis), Salaries and Expenses - -
40,000	0	0	For Metropolitan Police, Salaries and Expenses
1,000	0	0	For Queen's Prison, Salaries and Expenses
SCOTLAND.			
1,000	0	0	For Lord Advocate and Solicitor General, Salaries - -
6,000	0	0	For Court of Session, Salaries and Expenses
4,000	0	0	For Court of Justiciary, Salaries and Expenses
1,000	0	0	For Exchequer, Queen's, and Lord Treasurer's Remembrancer, Legal Branch, Salaries and Expenses - -
4,000	0	0	For Procurators Fiscal, Salaries - -
3,000	0	0	For Sheriffs Clerks, Salaries - -
4,000	0	0	For General Register House, Edinburgh, Salaries and Expenses of sundry Departments
500	0	0	For Commissary Clerk, Edinburgh, Salaries and Expenses -
500	0	0	For Accountant in Bankruptcy - -
IRELAND.			
2,000	0	0	For Court of Chancery, Salaries and Expenses
1,000	0	0	For Court of Queen's Bench, Salaries and Expenses - -
1,500	0	0	For Court of Common Pleas, Salaries and Expenses - -
2,000	0	0	For Court of Exchequer, Salaries and Expenses
2,000	0	0	For Registrars to the Judges, Salaries

To  
31st March 1860.

*Consolidated Fund (Appropriation).*

£1,000	0	0	For Registrar of Judgments, Salaries and Expenses - -
3,000	0	0	For Court of Bankruptcy and Insolvency -
3,000	0	0	For Court of Probate, Salaries, &c. -
500	0	0	For Police Justices, Dublin, Salaries - -
12,000	0	0	For Dublin Metropolitan Police, Grant in Aid -
250,000	0	0	For Constabulary of Ireland, Pay and Allowances - -
1,000	0	0	For Four Courts Marshalsea Prison, Salaries and Expenses -
7,000	0	0	For Landed Estates Court (Encumbered Estates, &c. in 1858) -

## CONVICT SERVICES.

5,000	0	0	For Inspection and General Superintendence
50,000	0	0	For Convict Establishments at home -
20,000	0	0	For Maintenance of Prisoners in County Gaols, &c. - -
5,000	0	0	For Expenses of Transportation - -
50,000	0	0	For Convict Establishments in the Colonies

To  
31st March 1860.

## CLASS IV.

*Education, Science, and Art.*

250,000	0	0	For Public Education, Great Britain -
30,000	0	0	For Science and Art Department - -
80,000	0	0	For Public Education, Ireland - -
1,000	0	0	For Queen's University in Ireland - -
2,000	0	0	For Queen's Colleges, Ireland - -
1,000	0	0	For Belfast Theological Professors, &c. -
30,000	0	0	For British Museum (Establishment) -
10,000	0	0	For ditto, (Buildings) -
3,000	0	0	For ditto, (Purchases) -

*Consolidated Fund (Appropriation).*

## CLASS V.

*Colonial, Consular, and other Foreign Services.*

£2,000	0	0	For Falkland Islands	-
2,000	0	0	For Labuan	-
80,000	0	0	For Consuls abroad, including China and Siam	-
20,000	0	0	For Ministers at Foreign Courts, Extraordinary Expenses	-

## CLASS VI.

*Superannuation and Retired Allowances and Gratuities for Charitable and other Purposes.*

45,600	0	0	For Superannuations and Retired Allowances	-
1,000	0	0	For Vaccine Establishment	-
1,000	0	0	For Public Infirmaries (Ireland)	-
200	0	0	For Rotunda Lying-in Hospital	-
100	0	0	For Coombe Lying-in Hospital	-
2,000	0	0	For House of Industry Hospitals	-
1,000	0	0	For Cork Street Fever Hospital	-
200	0	0	For the Meath Hospital	-
50	0	0	For St. Mark's Ophthalmic Hospital	-
350	0	0	For Dr. Steevens' Hospital	-
100	0	0	For Expenses of Board of Superintendence	-
3,000	0	0	For Concordatum Fund, and other Charities and Allowances, Ireland	-
10,000	0	0	For Nonconforming and other Ministers, Ireland	-

To  
31st March 1860.

## CLASS VII.

*Miscellaneous, Special and Temporary Objects.*

2,000	0	0	For Local Government Board (formerly Board of Health)	-
5,000	0	0	For Charity Commissioners (England)	-

*Consolidated Fund (Appropriation).*

£7,000	0	0	For sundry Commissions (temporary) - -	} To 31st March 1860.
8,000	0	0	For Patent Office (Salaries, &c.) - -	
4,000	0	0	For Fishery Board (Scotland) - -	
1,000	0	0	For Trustees of Manufactures (Scotland) -	
1,000	0	0	For Joint Stock Companies Registration -	
1,000	0	0	For Designs Registration -	
20,000	0	0	For Local Dues under Treaties of Reciprocity	
5,000	0	0	For Relief of distressed British Seamen and others - -	
1,000	0	0	For Quarantine Expenses - -	
6,000	0	0	For Revising Barristers (England and Wales)	
2,000	0	0	For Police at the Camps (Aldershott and Shorncliffe) - -	
10,000	0	0	For Treasury Chests Abroad, Freight of Specie, &c. - -	
500	0	0	For Boundary Survey (Ireland) Expenses -	
1,000	0	0	For Agricultural Statistics (Ireland) -	
4,500	0	0	For British Consulate, Constantinople -	
50,000	0	0	For Civil Contingencies	

§ XVIII. Supplies to be applied only for the Purposes aforesaid.

XIX. 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.

XX. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXI. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXII. Widows, &c. claiming Pensions to make required Declaration.

XXIII. Declarations to be made as specified in 5 & 6 W. 4. c. 62.



*Saint James Baldersby Marriages Validity.*

## C A P. XXIV.

An Act to render valid certain Marriages in the Church of *Saint James Baldersby* in the County of *York*.

[19th April 1859.]

‘ WHEREAS the Church called *Saint James Baldersby* in the Parish of *Topcliffe* in the County and Diocese of *York* was erected in or before the Year One thousand eight hundred and fifty-seven, and was duly consecrated in that Year for the Performance of Divine Service therein : And whereas divers Marriages have been solemnized in the said Church under the Opinion that according to the Terms of the Sentence of Consecration of the said Church, or otherwise, Marriages might be lawfully solemnized therein, and Entries of the said Marriages so solemnized have been from Time to Time made in the Register Books kept at the said Church, in compliance with the Provisions concerning Registry of Marriages : And whereas it is expedient, under the Circumstances aforesaid, to confirm the Marriages so solemnized :’ 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 :

I. All Marriages heretofore solemnized in the said Church, and the Publication of Banns in such Church previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of *Topcliffe*.

Marriages solemnized in *St. James Baldersby* declared valid.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so solemnized the same respectively.

Ministers indemnified.

III. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parishes Churches, or Copies thereof, are by Law receivable in Evidence.

Registers to be Evidence.

## C A P. XXV.

An Act for the Government of the Convict Prisons in Her Majesty’s Dominions Abroad.

[19th April 1859.]

‘ WHEREAS it is expedient to consolidate and amend the Provisions of the Acts now in force relating to the Control and Management of Offenders sent to be kept to Hard Labour in Parts of Her Majesty’s Dominions out of *England* :’ 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 :

22 VICT.

H

I. Such

*Convict Prisons Abroad.*

Acts and Parts  
of Acts re-  
pealed, viz. :  
5 G. 4 c. 84.

11 G. 4. &  
1 W. 4. c. 39.

9 & 10 Vict.  
c. 26.

Extent of  
the Act.

Powers of  
Directors of  
Convict Pri-  
sons vested in  
Governor of  
the Colony, &c.

Principal  
Officers.

Subordinate  
Officers.

Power of  
Comptroller.

I. Such Parts of an Act of the Fifth Year of King *George* the Fourth, Chapter Eighty-four, "for the Transportation of Offenders from *Great Britain*," as relate to the Control and Management of Offenders sent to be kept to Hard Labour at Places out of *England* duly appointed for the Purpose, and such Parts of an Act passed in the Session holden in the Eleventh Year of King *George* the Fourth and First Year of King *William* the Fourth, Chapter Thirty-nine, "to amend an Act passed in the Fifth Year of His present Majesty for the Transportation of Offenders from *Great Britain*, and for punishing Offences committed by Transports kept to Hard Labour in the Colonies," and of an Act passed in the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Twenty-six, "for abolishing the Office of Superintendent of Convicts under Sentence of Transportation," as relate to the Appointments of Superintendent, Deputy Superintendent, and Overseer respectively, in the aforesaid Places out of *England*, are hereby repealed.

II. This Act shall apply to the Convict Prisons or Establishments at *Bermuda* and *Gibraltar*, and in or at any other Colony or Place in Her Majesty's Dominions abroad which may hereafter be appointed by Her Majesty for the Confinement of Offenders and keeping of them to Hard Labour.

III. The Governor of the Colony in which any such Convict Prison or Establishment is situated shall by virtue of his Office have, in respect of such Prison and Establishment, all the Powers of the Visiting Justices of a County Gaol in *England*, or of a Director of Convict Prisons in *England*: The same Powers may also be exercised by any Officer or Officers who may be appointed Visitors by the Governor of the Colony, with the Sanction of One of Her Majesty's Principal Secretaries of State.

IV. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint, and at his Pleasure to remove, a Chief Officer of the Convict Prison or Establishment by the Title of Comptroller or of Superintendent of the Convict Prison or Establishment, and also a Deputy Comptroller or Superintendent, a Chaplain, a Surgeon, and One or more Assistant Chaplains or Assistant Surgeons; and it shall be lawful for the Governor of the Colony, in case he shall think it necessary so to do, to suspend any of the Officers so appointed by the Secretary of State until the Pleasure of the Secretary of State shall be known.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint, and at Pleasure to remove, any or all of such subordinate Officers as may be necessary for the Service and Discipline of the Prison or Establishment, or to authorize the Governor of the Colony to appoint any or all of such Officers; and it shall be lawful for the Governor of the Colony to dismiss any of these subordinate Officers, whether appointed by himself or by the Secretary of State.

VI. The Comptroller shall have the same Powers over the Convicts as are incident to the Office of Sheriff or Gaoler in *England*, and shall be liable to the same Punishment for Abuse  
of

*Convict Prisons Abroad.*

of those Powers or other Misbehaviour or Negligence in the Discharge of his Office.

VII. The Secretary of State shall have Power to establish Regulations for the Government of the Convict Prison or Establishment, and for the Conduct and Duties of the Comptroller and all other Officers, and for the Diet, Clothing, Maintenance, Employment, Discipline, and Punishment of the Convicts; and all such Regulations shall be binding both upon the Officers of the Convict Prison or Establishment and upon the Convicts.

VIII. Every Convict lawfully committed to the Custody of the Comptroller of the Convict Prison or Establishment shall continue there until he shall become entitled to his Freedom, or shall be absolutely or conditionally pardoned, or shall, by Order of One of Her Majesty's Principal Secretaries of State, be either transported to some other Colony, or removed to some other Prison, or discharged with Licence to be at large on such Conditions as in the said Order may be expressed.

IX. No Convict who is labouring under any acute or dangerous Distemper shall be discharged unless at his own Desire.

X. If any Officer or other Person, except for a lawful Purpose and with the written Authority or Licence of the Comptroller, bring into the Convict Prison or Establishment, or convey to any of the Convicts on their Way to or from the Public Works, or whilst employed on those Works, or attempt so to bring or convey, any spirituous or fermented Liquor, he shall for any such Offence be liable to a Penalty not exceeding Twenty Pounds, or to be imprisoned, with or without Hard Labour, for a Period not exceeding Three Months, and any such Offender may be apprehended and carried before a Justice of the Peace, and the Case be heard and determined by such Justice in a summary Way.

XI. If any Officer or other Person, except for a lawful Purpose and with the Authority or Licence of the Comptroller, bring into the Convict Prison or Establishment, or throw into it, or convey or attempt to convey to any of the Convicts on their Way to or from the Public Works, or whilst employed on those Works, any Tobacco, Money, Clothing, Provisions, Letters, Papers, Books, or other Articles not expressly allowed by the Rules of such Prison or Establishment to be in the Possession of a Convict, or (by Desire of any Convict) carry any such Articles out of such Prison or Establishment, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Months; and every such Offender may be apprehended and taken before a Justice of the Peace, and the Case be heard and determined by such Justice in a summary Way.

XII. If any Person assault or violently resist any Officer of the Prison in the Execution of his Duty, or aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable, on summary Conviction before a Justice of the Peace as aforesaid, to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Months; or, if the Offender be One of the

Power to Secretary of State to make Regulations.

As to Detention, Removal, and Discharge of the Prisoners.

Discharge of sick Convicts.

Penalties for Introduction of Spirits and fermented Liquors into Prisons.

Penalties for the Introduction of prohibited Articles into Prisons.

Punishment for Assaults upon Officers of the Prison;

*Convict Prisons Abroad.*

Convicts, he shall for every such Offence be liable, on Conviction before such Court as is herein-after mentioned, to be kept in Penal Servitude for any Term not exceeding Two Years.

for Escape or  
Attempt to  
escape ;

XIII. Every Convict who breaks Prison, or escapes during the Time of his Conveyance to or from the Convict Prison or Establishment, or whilst on his Way to or from the Public Works, or during the Time of his Employment on those Works, shall be liable, on Conviction, to be kept in Penal Servitude for any Term not exceeding Two Years, and upon any Second or subsequent Conviction for a like Offence shall be liable to be kept in Penal Servitude for any Term not exceeding Five Years ; and any Convict who attempts to break Prison or escape as aforesaid, or who forcibly breaks out of the Cell or other Place in which he is confined, or makes any Breach therein with Intent to escape, shall, on Conviction thereof, be liable to be kept in Penal Servitude for any Term not exceeding One Year.

for Rescue or  
Promotion of  
Rescue ;

XIV. Every Person who rescues or attempts to rescue a Convict during the Continuance of his Sentence to be imprisoned, and every Person who aids in such Rescue or Attempt to rescue, shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

for supplying  
Means of  
Escape ;

XV. Every Person who supplies any Arms, Tools, or Instruments, or any Means of Disguise, to facilitate the Escape of a Convict, or who in any other Manner assists any Convict to escape or attempt to escape, whether an Escape be actually made or not, shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

for wilfully  
permitting  
Escape ;

XVI. Every Person having the Custody of a Convict who shall knowingly and wilfully allow him to escape shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

and for negli-  
gently permit-  
ting Escape.

XVII. Every Person having the Custody of a Convict who, through Negligence and Carelessness, allows any such Convict to escape, shall be liable, on Conviction, to Fine and Imprisonment, at the Discretion of the Court.

Commence-  
ment of Term  
of Penal Ser-  
vitude.

XVIII. Every Term of Penal Servitude to which any Convict is made liable under this Act shall be a Term to commence from the Expiration of any unexpired Term of Transportation or Penal Servitude to which such Convict may have been sentenced, or if there be more than One such Term, then from the Expiration of the last such Term.

Offences how  
to be tried.

XIX. Every Offence under this Act (not expressly made punishable on summary Conviction) shall be inquired of, heard, and adjudged by the Court which, by the Law of the Colony or Place where the Offence is committed, has or may have Jurisdiction in Cases of Felony, or of Crimes which, if committed in *England*, would be deemed Felonies.

Annual Report  
to be made.

XX. The Comptroller, Chaplain, and Surgeon respectively of the Convict Prison or Establishment shall, within the First Three Weeks after the Commencement of each successive Calendar Year, submit to the Governor of the Colony a General Report on such Matters relating to such Convict Prison or Establishment

and

*Convict Prisons Abroad.**Superannuation.*

and the Convicts therein as One of Her Majesty's Principal Secretaries of State or the Governor of the Colony may from Time to Time direct; and such Reports shall be forwarded by the Governor of the Colony to the Secretary of State within Three Weeks next following, so that the Reports shall always be despatched within Six Weeks from the Commencement of the Year at latest, and earlier if possible.

XXI. The Comptroller of the Convict Prison or Establishment shall make Returns specifying the Name of every Person in Custody in such Prison or Establishment, the Offence of which he was found guilty, the Court before which he was convicted, and the Sentence of such Court, together with his Age and bodily State, and his Behaviour whilst in Custody; and also the Names of such Offenders as have died whilst in such Custody, or have escaped, or have been lawfully discharged from the same; which Returns shall be made to One of Her Majesty's Principal Secretaries of State on the First Day of *January* and First Day of *July* in every Year, or oftener, if directed by the Secretary of State, and shall be attested by the Oath of the said Comptroller before a Justice of the Peace.

Half-yearly Returns.

XXII. This Act may for all Purposes be cited as "The Convict Prisons Abroad Act, 1859."

Short Title.

## C A P. XXVI.

An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.

[19th April 1859.]

WHEREAS an Act was passed in the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, "to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:" And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Thirty-seven, Section Twenty-seven of the first-recited Act, by which an Abatement was directed to be made from the Salaries of Civil Servants entitled to Superannuation Allowance, was repealed: And whereas it is desirable further to amend the said Act as 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:

4 & 5 W. 4.  
c. 24.20 & 21 Vict.  
c. 37.

I. Sections Ten, Eleven, Thirteen, Fourteen, Fifteen, Seventeen, Nineteen, and Twenty-four of the said Act of the Fourth and Fifth Years of King *William* the Fourth are hereby repealed, but such Repeal shall not affect any Pension, Compensation, or Superannuation Allowance granted or Act done before the passing of this Act.

Sections 10,  
11, 13, 14, 15,  
17, 19, and 24  
of 4 & 5 W. 4.  
c. 24. repealed.

II. Subject to the Exceptions and Provisions herein-after contained, the Superannuation Allowance to be granted after the

Ordinary Rate  
of Superannuation Allow

*Superannuation.*

Commencement of this Act to Persons who shall have served in an established Capacity in the permanent Civil Service of the State, whether their Remuneration be computed by Day Pay, weekly Wages, or annual Salary, and for whom Provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the Authority of Parliament, shall be as follows ; (that is to say,)

To any Person who shall have served Ten Years and upwards, and under Eleven Years, an annual Allowance of Ten Sixtieths of the annual Salary and Emoluments of his Office :

For Eleven Years, and under Twelve Years, an annual Allowance of Eleven Sixtieths of such Salary and Emoluments :

And in like Manner a further Addition to the annual Allowance of One Sixtieth in respect of each additional Year of such Service, until the Completion of a Period of Service of Forty Years, when the annual Allowance of Forty Sixtieths may be granted ; and no Addition shall be made in respect of any Service beyond Forty Years :

Provided always, that if any Question should arise in any Department of the Public Service as to the Claim of any Person or Class of Persons for Superannuation under this Clause, it shall be referred to the Commissioners of the Treasury, whose Decision shall be final.

This Act to apply to Persons already in the Civil Service, but without Prejudice to existing Rights.

III. Nothing herein contained shall interfere with the Grant, to the Officers and Clerks who entered the Public Service prior to the Fifth Day of *August* One thousand eight hundred and twenty-nine, of such Superannuation Allowances as might hereafter have been granted to them under Section Nine of the said Act of the Fourth and Fifth Years of King *William* the Fourth, or shall prevent, restrict, or diminish any other Superannuation Allowance, Pension, Gratuity, or Compensation which, if this Act had not been passed, might hereafter have been granted to any Person who shall have entered the Public Service before the passing of this Act, but, except as aforesaid, the Provisions herein-after contained shall apply as well to Persons who have already entered the Public Service, whether before or after the said Fifth Day of *August* One thousand eight hundred and twenty-nine, as to those who may hereafter enter the Public Service.

Provision for computing Amount of Superannuation to Persons holding professional and other special Offices.

IV. It shall be lawful for the Commissioners of the Treasury from Time to Time, by any Order or Warrant, to declare that for the due and efficient Discharge of the Duties of any Office or Class of Offices to be specified in such Order or Warrant, professional or other peculiar Qualifications, not ordinarily to be acquired in the Public Service, are required, and that it is for the Interest of the Public that Persons should be appointed thereto at an Age exceeding that at which Public Service ordinarily begins ; and by the same or any other Order or Warrant to direct that when any Person now holding or who may hereafter be appointed to such Office or any of such Class of Offices shall retire from the Public Service, a Number of Years not exceeding Twenty, to be specified in the said Order or Warrant, shall, in computing

*Superannuation.*

computing the Amount of Superannuation Allowance which may be granted to him under the foregoing Section of this Act, be added to the Number of Years during which he may have actually served, and also to direct that in respect of such Office or Class of Offices the Period of Service required to entitle the Holders to Superannuation may be a Period less than Ten Years, to be specified in the Order or Warrant; and also to direct that, in respect of such Office or Class of Offices, the Holder may be entitled to Superannuation, though he may not hold his Appointment directly from the Crown, and may not have entered the Service with a Certificate from the Civil Service Commissioners: Provided always, that every Order or Warrant made under this Enactment shall be laid before Parliament.

V. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted, but not having completed the Period which would have entitled him to a Superannuation Allowance, is compelled to quit the Public Service by reason of severe bodily Injury, occasioned, without his own Default, in the Discharge of his public Duty, a Gratuity not exceeding Three Months Pay for every Two Years of Service, or a Superannuation Allowance not exceeding Ten Sixtieths of the annual Salary and Emoluments of his Office.

Allowances in Cases of bodily Injury.

VI. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted, is constrained, from Infirmary of Mind or Body, to leave the Public Service before the Completion of the Period which would entitle him to a Superannuation Allowance, such Sum of Money by way of Gratuity as the said Commissioners may think proper, but so as that no such Gratuity shall exceed the Amount of One Month's Pay for each Year of Service.

Power to Treasury to grant Gratuities in case of short Service.

VII. It shall be lawful for the Commissioners of the Treasury to grant to any Person retiring or removed from the Public Service in consequence of the Abolition of his Office, or for the Purpose of facilitating Improvements in the Organization of the Department to which he belongs, by which greater Efficiency and Economy can be effected, such special annual Allowance by way of Compensation as on a full Consideration of the Circumstances of the Case may seem to the said Commissioners to be a reasonable and just Compensation for the Loss of Office; and if the Compensation shall exceed the Amount to which such Person would have been entitled under the Scale of Superannuation provided by this Act if Ten Years were added to the Number of Years which he may have actually served, such Allowance shall be granted by special Minute, stating the special Grounds for granting such Allowance, which Minute shall be laid before Parliament, and no such Allowance shall exceed Two Thirds of the Salary and Emoluments of the Office.

Power to Treasury to grant Allowances on Abolition of Offices.

VIII. It shall not be lawful for the Commissioners of the Treasury to grant the full Amount of Superannuation Allowance which can be granted under this Act to any Person not being

Condition of Grant of full Superannuations to public

*Superannuation.*

Servants not  
Heads of De-  
partments.

the Head Officer or One of the Head Officers of a Department, unless upon Production of a Certificate (signed by the Head Officer of the Department, or by Two Head Officers, if there be more than One) that he has served with Diligence and Fidelity to the Satisfaction of such Head Officer or Officers; and in every Case in which any Superannuation Allowance is granted, after the Refusal of such Certificate, the Minute granting it shall state such Refusal and the Grounds on which the Allowance is granted.

Power to Treas-  
ury to grant  
Allowances for  
special Ser-  
vices,

IX. Provided, That it shall be lawful for the Commissioners of the Treasury to grant to any Person any Superannuation, Compensation, Gratuity, or other Allowance of greater Amount than the Amount which might be awarded to him under the foregoing Provisions, when special Services rendered by such Person, and requiring special Reward, shall appear to them to justify such Increase, but so that such Allowance shall in no Case exceed the Salary and Emoluments enjoyed by the Grantee at the Time of Retirement, and the Grounds of every such Increase shall be stated in a Minute of the Treasury, which shall be laid before Parliament; and it shall be lawful for the said Commissioners to grant to any Person any such Allowance of less Amount than otherwise would have been awarded to him where his Defaults or Demerit in relation to the Public Service appear to them to justify such Diminution.

and for De-  
merits in in-  
dividual Cases.

Evidence of  
Infirmity of  
Persons under  
Sixty.

X. It shall not be lawful to grant any Superannuation Allowance under the Provisions of this Act to any Person who shall be under Sixty Years, unless upon Medical Certificate to the Satisfaction of the Commissioners of the Treasury that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation, and that such Infirmity is likely to be permanent.

Persons super-  
annuated under  
Sixty may be  
required to  
serve again.

XI. Every Person to whom a Superannuation or Compensation Allowance shall have been granted before he shall have attained the Age of Sixty Years shall, until he has attained that Age, be liable to be called upon to fill, in any Part of Her Majesty's Dominions in which he shall before have served, any Public Office or Situation under the Crown for which his previous public Services may render him eligible; and if he shall decline, when called upon to do so, to take upon him such Office or Situation, or shall decline or neglect to execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to the Compensation or Superannuation Allowance which had been granted to him.

Persons to re-  
tain Right to  
Superannua-  
tion on Trans-  
fer to other  
Employment  
under the  
Crown.

XII. 'And whereas it will be for the Advantage of the Public Service that Officers holding Employments entitling them to Superannuation Allowances under this or other Acts shall be eligible for other Public Employments at home and abroad, without forfeiting their Claims to such Allowances.'

Every Officer already or hereafter to be transferred from Employment entitling him to Superannuation Allowance to Public Employment under the Crown not so entitling him shall be entitled, on his ultimate Retirement from the Public Service, to the same Allowance as if he had continued to hold the vacated Appointment and at the same Rate of Salary as when the same



*Superannuation.*

was vacated, subject nevertheless to the Conditions which would in that Case have been applicable with respect to the Grant of such Allowance; provided that it shall be lawful for the Commissioners of the Treasury, in the Case of Officers transferred to Governorships and Lieutenant-Governorships of Colonies, and other high Offices abroad, conferred for a limited Period, to grant such Superannuation Allowance to such Officers on the Expiration of such Term of Service without a Renewal of Public Employment; but any Officer to whom such Grant is made while under the Age of Sixty Years shall be subject to the same Liability to be called upon to fill Office under the Crown, as herein provided concerning other Persons under that Age to whom like Allowances are granted.

XIII. All Orders, Warrants, and Minutes by this Act directed to be laid before Parliament shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within Fourteen Days after the next Meeting thereof.

Orders, &c.,  
when to be  
laid before  
Parliament.

XIV. No Pension shall be granted under the Provisions of Section Six of the Act of the Fifty-seventh Year of King *George* the Third, Chapter Sixty-five, to any Person who shall not have had a Seat in One of the Houses of Parliament during the Period or One Half of the Period for which he has held Office, as in the said Section is mentioned.

To whom  
57 G. 3. c. 65.  
s. 6. shall apply.

XV. The several Sections mentioned in the Schedule hereto of the several Acts of Parliament, also therein mentioned, shall be construed as if this Act, instead of the said Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, had been referred to in the said Sections; and such other Enactments as refer to the Scale of Superannuation Allowance established by the Provisions hereby repealed of the said Act of King *William* the Fourth shall be construed as if the Scale established by this Act had been referred to.

Acts in Sched-  
ule to be con-  
strued as re-  
ferring to this  
Act.

XVI. All Superannuations, Compensations, Gratuities, and other Allowances granted or hereafter under this Act to be granted shall be paid to the Persons entitled to receive the same without any Abatement or Deduction in respect of any Taxes or Duties whatever at present existing, except the Tax upon Property or Income.

Allowances to  
be paid free  
from Taxes.

XVII. For the Purposes of this Act, no Person hereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such Person holds his Appointment directly from the Crown, or has been admitted into the Civil Service with a Certificate from the Civil Service Commissioners; nor shall any Person, already appointed to any Office, be held to have served in the permanent Civil Service as aforesaid, unless such Person belong to a Class which is already entitled to Superannuation Allowance, or to a Class in which, if he had been appointed thereto subsequently to the passing of this Act, he would, as holding his Appointment directly from the Crown, or as having been admitted into the Civil Service with such Certificate as aforesaid, have become entitled to such Allowance; and no

Who to be  
deemed Civil  
Servants.

Person

*Superannuation.**Recreation Grounds.*

Person shall be entitled to any Superannuation Allowance under this Act, unless his Salary or Remuneration has been provided out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of Monies voted by Parliament

4 & 5 W.4. c.24.  
and this Act to  
be as One.

XVIII. So much of the said Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, as is now in force and not hereby repealed, and this Act, shall be construed together as One Act.

Short Title.

XIX. It shall be sufficient, in citing this Act, to use the Expression "The Superannuation Act, 1859."

## SCHEDULE A.

5 & 6 W. 4. c. 42. s. 1.	15 & 16 Vict. c. 73. s. 15.
7 W. 4. & 1 Vict. c. 30. s. 21.	15 & 16 Vict. c. 87. s. 46.
8 & 9 Vict. c. 100. ss. 5. 10.	17 & 18 Vict. c. 78. s. 22.
13 & 14 Vict. c. 89. s. 39.	19 & 20 Vict. c. 110. s. 9.

## C A P. XXVII.

An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Playgrounds for Children. [19th April 1859.]

WHEREAS the Want of open public Grounds for the Resort and Recreation of Adults, and of Playgrounds for Children and Youth, is much felt in the Metropolis and other populous Places within this Realm, and by reason of the great and continuous Increase of the Population and Extension of Towns such Evil is seriously increasing, and it is desirable to provide a Remedy for the same: 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 :

Lands may be  
conveyed to  
Trustees to be  
held by them  
as public  
Grounds, &c.

I. Any Lands may be lawfully conveyed to Trustees, to be held by them as open public Grounds for the Resort and Recreation of Adults, and as Playgrounds for Children and Youth, or either of such Purposes, and for any Estate, and subject to any Reservation, Restrictions, and Conditions which the Donor or Grantor may think fit: But this Enactment shall not extend to authorize any Lands to be so conveyed for any greater Estate or Interest than the Donor or Grantor would, independently of this Act, have Power to dispose of.

Form of Con-  
veyance.

II. Any such Conveyance of Land to Trustees may be in the following Form, subject to any Modification thereof which the Case may require :

I *A.B.* do hereby convey and grant to \_\_\_\_\_, as  
Trustees for public Ground for the Parish [*or Parishes*]  
of \_\_\_\_\_ [*here describe the Lands conveyed or granted*],  
to be held by them as public Ground for the Purposes of "The  
"Recreation Grounds Act, 1859."

And

*Recreation Grounds.*

And it is hereby enacted, That the Grant or Conveyance of such Lands shall not require Enrolment, nor to be by Indenture, and shall be valid, although the Donor or Grantor shall die within Twelve Calendar Months after the making of such Grant, any of the Provisions of the Act passed in the Ninth Year of the Reign of King *George* the Second, Chapter Thirty-six, to the contrary notwithstanding.

III. With respect to Lands belonging to any Municipal Corporation, such Grant may be lawfully made by the Body Corporate, with the Consent of the Commissioners of Her Majesty's Treasury, signified by their executing the Deed of Conveyance.

As to Grants by Municipal Corporations.

IV. With respect to Lands belonging to any Parish, such Grant may and shall be made by the Trustees or Feoffees (if there shall be such), or otherwise by the Churchwardens and Overseers of the Parish, in pursuance of a Resolution for that Purpose of the Vestry or other Body having the Management of the Affairs of such Parish, passed in Meeting duly assembled for the Purpose, and with the Approbation of the Poor Law Board, to be testified by their Seal being affixed to the Deed of Conveyance.

How Grants of Lands belonging to Parishes may be made.

V. With respect to the Appointment of Trustees for holding any such Grounds for the Purpose aforesaid, the Lord of any Manor, or the Churchwardens of any Parish, or the Overseers of the Poor of any Parish or Township, or all or any of such Persons to whom Lands shall have been conveyed as aforesaid, shall be a Body Corporate for taking, holding, and disposing of such Grounds, and instituting, maintaining, and defending any Proceedings relating thereto; but the Management and Direction of the same shall be and remain in such Persons as may be named in the Deed of Conveyance thereof; and in case no such Persons shall be so named, or there shall be a Failure of such Managers and Directors, the Charity Commissioners for *England* and *Wales* shall have Power to settle a Scheme for the Appointment of the Managers and Directors.

Appointment of Trustees.

VI. The Managers and Directors may from Time to Time make and enforce any such Byelaws, Orders, and Regulations for the Management, Preservation, Disposition, and Care of the said Grounds, and the Government of all Persons using or frequenting the same, as shall be approved by the said Commissioners and in accordance with the Conditions of the Grant; and no Byelaws, Orders, or Regulations in any Manner restricting the public Use or Enjoyment of the said Grounds shall be valid unless sanctioned with such Approbation.

Managers may make Byelaws, &c., subject to Approval of said Commissioners.

VII. It shall be lawful for any Person to bequeath any Personal Property, not exceeding One thousand Pounds in Amount, for the Purpose of defraying the Expenses of purchasing, preparing, maintaining, and preserving such Grounds for the Purposes aforesaid, and ornamenting the same.

Personal Property may be bequeathed.

VIII. This Act shall extend to *England* and *Ireland* only, and may be cited for all Purposes by the Title of "The Recreation Grounds Act, 1859."

Extent of Act and Short Title.

*Pauper Maintenance Act Continuance.*

## C A P. XXVIII.

An Act to continue the Act for the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. [19th April 1859.]

[11 & 12 Vict. c. 58. continued for Ten Years from passing of this Act, and from thence until the End of the next Session of Parliament.]

## C A P. XXIX.

An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.

[19th April 1859.]

‘ **W**HEREAS by the Act of the Twentieth Year of Her Majesty, Chapter Eighteen, certain Provisions made by the several Acts therein referred to for charging upon the Common Fund of the Union the Costs of the Relief and of the Burial of certain poor Persons, in those several Acts described, and the Costs of removing and maintaining certain Lunatic Paupers, were continued until the Thirtieth Day of September in last Year, and to the End of the then ensuing Session of Parliament; and it is expedient that such Provisions 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 :

I. That all the said temporary Provisions continued by the said Act of the Twentieth Year of Her Majesty, Chapter Eighteen, shall further continue in full Force until the Thirtieth Day of September One thousand eight hundred and sixty, and to the End of the then next Session of Parliament.

## C A P. XXX.

An Act to amend the “Confirmation and Probate Act, 1858.” [19th April 1859.]

**B**E it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. All Persons and Corporations who, in reliance upon any Instrument purporting to be a Confirmation granted under the “Confirmation and Probate Act, 1858,” and all Persons and Corporations who, in reliance upon any such Instrument which may be sealed under the Authority of the said Act with the Seal of the Principal Court of Probate in *England* or of the Court of Probate in *Dublin*, and all Persons or Corporations who, in reliance upon any Instrument purporting to be a Probate or Letters of Administration granted by the Court of Probate in

*England*

Temporary Provisions of recited Act further continued.

Persons, &c. making Payments upon Confirmations and Probates under Act, 1858, to be indemnified.

*Confirmation and Probate Act (1858) Amendment.*

England or Court of Probate in *Dublin*, and having endorsed or written thereon a Certificate by the Commissary Clerk of *Edinburgh*, in the Form in the said Confirmation and Probate Act prescribed, shall have made or permitted to be made, or shall make or permit to be made, any Payment or Transfer *bonâ fide* upon any such Confirmation, Probate, or Letters of Administration, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Confirmation, Probate, or Letters of Administration.

II. This Act may be cited as the "Confirmation and Probate Amendment Act, 1859." Short Title.

C A P. XXXI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858). [19th April 1859.]

‘ WHEREAS 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 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 :

I. The Provisional Orders contained in the Schedule hereunto 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 confirmed.

II. The detached Portion of the Township of *Newton Heath* in the County Palatine of *Lancaster* known as *Kirkmanshulme* shall, for all Purposes whatever relating to the Highways within the Limits thereof, be considered and treated as not forming Part of *Newton Heath* aforesaid, but be considered and treated as a separate and distinct Township within the Parish of *Manchester* for all such Purposes, and be liable to repair its own Highways accordingly.

Separation of Kirkmanshulme from Newton Heath District.

III. 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.

Act incorporated with 21 & 22 Vict. c.98.

IV. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1859."

Short Title.

*Local Government Supplemental.*

## SCHEDULE.

*Provisional Order authorizing the borrowing of 8,500*l.* by the Worthing Local Board of Health, and the reborrowing of so much of their present Debt of 15,000*l.* as is still owing by the said Board.—Local Government Act, 1858, Sec. 78.*

Whereas the Local Board of Health in and for the District of Worthing in the County of Sussex, to which the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Seventeenth day of January 1852, and confirmed by the First Public Health Supplemental Act, 1852, have, under the powers of the Public Health Act, 1848, executed Works of Sewerage and Water Supply, and the cost of such Works has exceeded one year's assessable value of the premises assessable within the said District, to wit, the sum of 16,585*l.* 3*s.* 4*d.*

And whereas, under the powers of the Public Health Act, 1848, and of the First Public Health Supplemental Act, 1852, the said Local Board have borrowed of the Provident Life Office the sum of 8,500*l.*, and of the Globe Insurance Company the sum of 6,500*l.*, on the credit of the Special District Rates authorized to be made or collected under the said first-mentioned Act, and have since paid off and discharged portions of the principal of the said monies.

And whereas it may be desirable and expedient for the said Local Board to consolidate the two debts now remaining due to the said Provident Life Office and Globe Insurance Company; and in case either of the said Companies shall advance the sum of money hereby authorized to be raised under the powers of the "Local Government Act, 1858," to consolidate such new loan with the subsisting debts owing to the said Provident Life Office and Globe Insurance Company, or either of them.

And whereas the said Local Board have, in pursuance of the Local Government Act, 1858, presented a Petition, bearing date the Second day of November 1858, to the Right Honourable Spencer Horatio Walpole, as one of Her Majesty's then Principal Secretaries of State, praying for power to borrow, under the provisions of the said Local Government Act, for the purpose of the said works, the sum of 8,500*l.*, and to reborrow, under the powers of the same Act, so much of the sum of 15,000*l.* already borrowed by the said Board as is still due and owing by the said Board.

And whereas the whole amount so sought to be borrowed and reborrowed does not exceed two years assessable value of the premises assessable under the said Public Health Act and Local Government Act within the said District.

And whereas inquiry has been directed by the said Secretary into the subject of the said Petition, in the manner directed by the said Local Government Act.

And whereas it appears expedient that the powers sought by the said Petition should be granted, but this cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the power vested in me by the said Local Government Act, as one of Her Majesty's Principal Secretaries

*Local Government Supplemental.*

Secretaries of State, I 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 Board may reborrow, and take up at interest, on the credit of the General District Rates authorized to be made and collected under "The Local Government Act, 1858," all or any part of the principal sum and sums of money which at the time of such re-borrowing shall be due and owing to the said Provident Life Office and Globe Insurance Company, or either of them, for the purpose of redeeming the securities existing for the said original loans, and of consolidating the principal monies remaining due to the said Provident Life Office and Globe Insurance Company, or of consolidating such principal monies, or either of them, with the new loan authorized by this Provisional Order to be borrowed, and may mortgage and assign to the person or persons by or on behalf of whom such sums are advanced the said General District Rates for securing the repayment of any sum or sums so to be reborrowed and borrowed as aforesaid, together with such interest as aforesaid. And the respective Mortgagees shall be entitled to a proportion of the Rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance or the date of his mortgage. The money authorized by this Section to be reborrowed may be borrowed for such period, not exceeding fifty years, as the said Local Board and the person or persons lending the same shall mutually agree and determine upon. And, subject as aforesaid, the said Local Board may either pay off the monies so reborrowed or borrowed, with the interest thereon, by equal annual instalments, or they may, in every year, set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so reborrowed or borrowed, or a part thereof, as the said Local Board may determine.
 

Power to re-borrow the Amount already owing by the Local Board of Health.
- 2.—The Local Board may, from time to time, or at any one time, borrow and take up at interest on the credit of the General District Rates authorized to be made or collected under "The Local Government Act, 1858," any sum or sums of money not exceeding in the whole the sum of 8,500*l.*, for the purpose of defraying any costs, charges, and expenses incurred, or to be incurred by them in the execution of the said Public Health Act, 1848, or of the First Supplemental Act, 1852, or of the said Local Government Act, 1858, or any Provisional
 

Power to borrow 8,500*l.*

*Local Government Supplemental.*

visional Order under the said Acts, or any of them. And for the purpose of securing the repayment of any sum or sums of money so borrowed, together with such interest as aforesaid, the said Local Board may mortgage and assign over to the persons by or on behalf of whom such sum or sums are advanced, the said General District Rates. And the respective Mortgagees shall be entitled to a proportion of the Rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance, or the date of his mortgage. The said money may be borrowed for such time, not exceeding Fifty years, as the said Local Board and the persons lending such money shall mutually agree and determine upon. And, subject as aforesaid, the said Local Board may either pay off the monies so borrowed, with the interest thereon, by equal annual instalments; or they may, in every year, set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, as the said Local Board may determine.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

*Provisional Order for extending the Borrowing Powers of the Nantwich Local Board of Health.*

LOCAL GOVERNMENT ACT, 1858.

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-fourth day of September 1850, the Public Health Act, 1848, was duly applied to the Township of Nantwich, in the County of Chester, and the said Township was thereby constituted a District under that Act.

And whereas the said Local Board have borrowed under that Act, and with the authority of the General Board of Health, sums, amounting in the whole to Eleven thousand six hundred and seventeen Pounds One Shilling and Sixpence, to defray the expense of a portion of the works for the drainage of and supply of water to the said District, which said sums equalled, at the time they were sanctioned to be borrowed, the assessable value for one year of the premises assessable under that Act within such District, but were not sufficient to defray the remainder of the cost of the aforesaid works.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, being one of Her Majesty's then Principal Secretaries of State, for powers to borrow a further sum or sums, not exceeding in the whole one-quarter of the

the



*Local Government Supplemental.*

the yearly assessable value of the premises assessable within such District; the said further sum or sums to be repaid within a period of thirty years.

And whereas the said Secretary of State, after due inquiry and report by William Ranger, Esquire, the Inspector appointed for the purpose, and after the assent of the ratepayers of the aforesaid District in public meeting assembled, is 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, 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 Nantwich, in the County of Chester, shall have power and authority to borrow, for the execution and completion of works of sewage and water supply within such District, and on mortgage of the rates leviable by them under the Local Government Act, 1858, a further amount not exceeding a quarter of one year's assessable value of the premises assessable under such Act within the aforesaid District, to be repaid with interest thereon, within a period of thirty years from the date of the borrowing thereof.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

*Provisional Order repealing and altering Parts of a Local Act in force within the District of the Worthing Local Board of Health.—Local Government Act, 1858, Sec. 77.*

Whereas the Local Board of Health in and for the District of Worthing, in the County of Sussex, to which the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Seventeenth day of January 1852, and confirmed by the First Public Health Supplemental Act, 1852, have, in pursuance of the Local Government Act, 1858, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for alteration of the said Provisional Order, and also for the alteration and partial repeal of a certain Local Act of Parliament in force within the said District 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 Second year of the reign of King George the Fourth, intituled "An Act to repeal two Acts made in the forty-third and forty-ninth years of His late Majesty for paving the Town of Worthing, in the County of Sussex, and establishing a Market therein, and for making other provisions in lieu thereof, for erecting groyns, for laying a duty on coals imported

*Local Government Supplemental.*

“ into the said Town, and for other purposes relating to the improvement of the said Town.”

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

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

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

Repeal of Sections in Local Act.  
Byelaws as to Boats, &c.

1.—The parts of the said Local Act specified in the Schedule hereunto annexed shall be repealed.

2.—The said Local Board, from and after the day aforesaid, may, in addition to the Byelaws already made under the provisions of the said Act, make Byelaws for the licensing, regulation, and management of boats or vessels let to hire for the purpose of sailing or rowing for pleasure, and the persons attending the same, and the fares and prices to be received and taken by the watermen or sailors attending and conducting such boats, and for the situation of capstans on the beach, in the same way and subject to the same conditions as if such Byelaws were framed under the powers and for the purposes of the Local Government Act, 1858.

As to Offences under the Towns Police Clauses Act, 1847.

3.—Any constable or other officer appointed by virtue of the Act of the 19th and 20th Victoria, chapter 69, shall within the District of Worthing have all the powers conferred by the Towns Police Clauses Act, 1847, upon the constables referred to in that Act.

Byelaws as to Esplanade, &c.

4.—From and after the day aforesaid it shall be lawful for the said Local Board, and they are hereby empowered to extend, enlarge, alter, and protect from the sea the existing public walk or esplanade in front of the sea, and the public lawns and walks adjoining thereto, as they may think fit, and to make Byelaws for the use, order, and management of the same, and of the beach adjoining the same. Provided always, that nothing herein, or in any Byelaw to be made in pursuance of this Provisional Order, shall affect or impair any public, private, or prescriptive right to dig, remove, or take away any sea-weed, stones, boulders, flints, marl, sand, or gravel, within the limits of the said District, or any prescriptive right of the fishermen to mend and dry their nets on the beach within the same District.

Consolidation and Repayment of old Commissioners Debt.

5.—The said Local Board may from time to time borrow and take up at interest, on the credit of the General District Rates authorized to be made and collected under the “Local Government Act, 1858,” all or any part of the sum of 9,022*l.* now due and owing by the said Local Board

Board

*Local Government Supplemental.*

Board as Commissioners acting in execution of the said Local Act, and for the purpose of redeeming the existing securities for the same, upon due notice given to the present Mortgagees or their legal representatives, and may mortgage and assign over to the persons or person by or on behalf of whom such sums are advanced the said General District Rate for securing the repayment of any sum or sums so to be borrowed as last aforesaid, together with such Interest as aforesaid; and the respective Mortgagees shall be entitled to a proportion of the rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance or the date of his mortgage, and the said money may be borrowed for such time not exceeding fifty years as the said Local Board and the persons lending such money shall mutually agree and determine upon; and, subject as aforesaid, the said Local Board may either pay off the monies so borrowed, with the interest thereon, by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, as the said Local Board may determine.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

*Schedule to which this Order refers.*

The parts of the Local Act referred to in this Order to be repealed are as follows; that is to say,

The sections numbered respectively in the copies of the said Act printed by the King's Printers, 30, 61, 62, 63, 124, 125, 137, 138, 139, and 140.

*Provisional Order for altering the Boundaries of the District of Newton Heath, in the County Palatine of Lancaster, as constituted for the purposes of the Public Health Act, 1848.*

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-ninth Day of December 1853, the Public Health Act, 1848, was duly applied to the Township of Newton, commonly called Newton Heath, in the County Palatine of Lancaster.

And whereas it appeared to the General Board of Health appointed for the purposes of the Public Health Act, 1848, that the boundaries of the said District, as determined by the said

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*Local Government Supplemental.*

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Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board, in pursuance of the provisions of the said Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries, not being the boundaries of the said Township, which might be most advantageously adopted for the purposes of the said Act; and the said Superintending Inspector having previously given the requisite notices, proceeded upon the said inquiry as directed by such Act and reported thereon in writing, and copies of that Report have been published and deposited, but the proposed alteration of the boundaries for the said District cannot be effected without the authority of Parliament.

And whereas the proceedings and things mentioned in the last two paragraphs were begun or made before the coming into operation of the Local Government Act, 1858.

And whereas it is enacted by the Local Government Act, 1858, that all proceedings, contracts, matters, and things respectively begun or made under any section of the Public Health Act, 1848, repealed by the aforesaid Act, may respectively be proceeded with and enforced as if no such repeal had taken place.

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

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

- 1.—The provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, shall apply to and be in force within the Township of Newton, commonly called Newton Heath, in the County Palatine of Lancaster, except the detached portion of such Township, known as Kirkmanshulme, (which is shown by a dotted line on the map accompanying Mr. Rawlinson's first Report on Newton Heath, addressed to the General Board of Health in February 1852, and described on such map as "the detached part not to be included under the powers of the Act;") and the aforesaid detached portion of such Township, called Kirkmanshulme, shall thenceforward be excluded from the area of the District of the Newton Heath Local Board of Health.
- 2.—The present Local Board of Health for the time being for the said District, as originally constituted by the hereinbefore recited Order in Council, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District as constituted by this Order and the Act of Parliament confirming the same.

3.—At

*Remission of Penalties.**Manslaughter.*

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District as constituted by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the District so constituted; and any person residing therein, or within seven miles thereof, may be elected a Member of the said Local Board; but the number and qualification of such members and the day of such election shall remain as fixed by the herein-before recited Order in Council, bearing date the Twenty-ninth of December 1853.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

## C A P. XXXII.

An Act to amend the Law concerning the Remission of Penalties. [19th April 1859.]

‘WHEREAS Penalties which under Penal Statutes are made payable to Parties other than the Crown cannot be remitted or pardoned by the Crown where no express Provision has been made by the Statute for that Purpose, and it is expedient that the Law as to the Remission of such Penalties should be amended and made uniform:’ 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; that is to say,

I. It shall be lawful for Her Majesty (or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*) to remit in whole or in part any Sum of Money which under any Act now in force or hereafter to be passed may be imposed as a Penalty or Forfeiture on a convicted Offender, although such Money may be in whole or in part payable to some Party other than the Crown, and to extend the Royal Mercy to any Person who may be imprisoned for Nonpayment of any Sum of Money so imposed, although the same may be in whole or part payable to some Party other than the Crown.

Penalties for Offences may be remitted by the Crown although payable to Parties other than the Crown.

## C A P. XXXIII.

An Act to enable Coroners in *England* to admit to Bail Persons charged with Manslaughter. [19th April 1859.]

‘WHEREAS in many Cases Inconvenience and Expense have been occasioned by the Inability of Coroners in *England* to admit to Bail Persons charged by the Verdict of a Coroner’s Jury with the Offence of Manslaughter:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,



*Manslaughter.**Combination of Workmen.*

therefore the said *A.B.* shall appear at the next Court of Oyer and Terminer and General Gaol Delivery to be holden in and for the [County] of \_\_\_\_\_, and there surrender himself into the Custody of the Keeper of the Gaol there, and plead to such Inquisition, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance shall be void, or else the same shall stand in full force and virtue.

## C A P. XXXIV.

An Act to amend and explain an Act of the Sixth Year of the Reign of King *George* the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof. [19th April 1859.]

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof*: And whereas different Decisions have been given on the Construction of the said Act: Be it therefore declared and 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 G. 4. c. 129.

I. That no Workman or other Person, whether actually in Employment or not, shall, by reason merely of his entering into an Agreement with any Workman or Workmen, or other Person or Persons, for the Purpose of fixing or endeavouring to fix the Rate of Wages or Remuneration at which they or any of them shall work, or by reason merely of his endeavouring peaceably, and in a reasonable Manner, and without Threat or Intimidation, direct or indirect, to persuade others to cease or abstain from Work, in order to obtain the Rate of Wages or the altered Hours of Labour so fixed or agreed upon or to be agreed upon, shall be deemed or taken to be guilty of “Molestation” or “Obstruction,” within the Meaning of the said Act, and shall not therefore be subject or liable to any Prosecution or Indictment for Conspiracy: Provided always, that nothing herein contained shall authorize any Workman to break or depart from any Contract or authorize any Attempt to induce any Workman to break or depart from any Contract.

Agreements in certain Cases not to be deemed “Molestation” or “Obstruction,” within the Meaning of the recited Act.

## C A P. XXXV.

An Act to amend the Law relating to Municipal Elections. [19th April 1859.]

‘ WHEREAS it is expedient that the Law relating to Municipal Elections in *England* and *Wales* should be amended: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

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*Municipal Elections.*


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

*Division of Boroughs into Wards.*

The Division of Boroughs into Wards may be altered.

I. If Two Thirds in Number of the Council of any Borough shall agree to petition and the Council shall thereupon petition Her Majesty for the Division of such Borough into Wards, or for the Alteration of the Number and Boundaries of the Wards into which any Borough is or from Time to Time shall be divided, it shall be lawful for Her Majesty from Time to Time, if She shall think fit, by Advice of Her Privy Council, to fix the Number of Wards into which such Boroughs shall be divided ; and every Borough shall be divided into the Number of Wards mentioned in the Order in Council made on such Petition : Provided nevertheless, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into Consideration by Her Privy Council, shall be published in the *London Gazette* One Month at least before such Petition shall be so considered.

Barrister may be appointed to set out Boundaries of Wards.

II. The senior Judge, or, in case of his Absence from the Kingdom, the next Judge in the Commission of Assize for the Summer Circuit next after any such Order in Council shall have been made, shall appoint a Barrister for the Purpose of determining the Boundaries of such Wards, and apportioning the Number of Councillors of the Borough among such Wards as herein-after mentioned.

Power to set out Boundaries of Wards.

III. The Provisions of Sections Thirty-nine, Forty, and Forty-two, and so much of Section Forty-three as remains unrepealed, of the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-six, shall extend to any such Division of a Borough into Wards, or to any such Alteration of the Number and Boundaries of the Wards into which any Borough is or may be from Time to Time divided, and the same Sections, and also the Provisions of the Tenth Section of the Act of the Seventh Year of the Reign of His late Majesty King *William* the Fourth and First of Her Majesty Queen *Victoria*, Chapter Seventy-eight, and of the Tenth Section of the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Seventy-nine, shall apply to every Election after such Division or Alteration ; and the Barrister so to be appointed as aforesaid shall have all the Powers, Rights, and Privileges mentioned in Sections Thirty-nine, Forty, and Forty-two of the said Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six ; and the Costs and Expenses thereby occasioned shall be paid and discharged, and such Barrister shall be remunerated at the Rate of Five Guineas for every Day he shall be so employed, over and above his travelling and other Expenses, out of the Borough Fund.

Provision for First Election

IV. After the Declaration of the First *November* Election of Councillors after such Division or Alteration, all the Councillors for



### *Municipal Elections.*

for the Borough so divided, or for the Wards so altered, as the Case may be, shall go out of Office, and their whole Powers and Duties shall cease; provided nevertheless, that any of the Persons so going out of Office shall be eligible to be re-elected; and in the First Year after such Election of Councillors for the Borough so divided, or for the Wards so altered, as the Case may be, those who shall go out of Office shall be the Councillors who were elected by the smallest Number of Votes at such Election, and in the next Year those who shall go out of Office shall be the Councillors who were elected by the next smallest Number of Votes at such Election, the Majority of the whole Council always determining, where the Votes for any such Persons shall have been equal, or when there was no Poll, who shall be the Persons so to go out of Office.

after Division,  
&c.

#### *Notice of Election.*

V. Seven Days at least before the Day fixed for the Election of any Councillor or Councillors, the Town Clerk shall prepare, sign, and publish a Notice in the Form contained in Schedule (B.) to this Act annexed, or to the like Effect, by causing the same to be placed on the Door of the Town Hall and in some other conspicuous Parts of the Borough or Ward for which any such Election is to be held.

Town Clerk to  
publish Notice.

#### *Election of Councillors.*

VI. At any Election of Councillors to be held for any Borough or Ward any Person entitled to vote may nominate for the Office of Councillor himself (if duly qualified), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected for the Borough or Ward, as the Case may be), and every such Nomination shall be in Writing, and shall state the Christian Names and Surnames of the Persons nominated, with their respective Places of Abode and Descriptions, and shall be signed by the Party nominating, and sent to the Town Clerk at least Two whole Days (*Sunday* excluded) before the Day of Election; and the Town Clerk shall at least One whole Day (*Sunday* excluded) before the said Day of Election cause the Christian Names and Surnames of the Persons so nominated, with such Statement of their respective Places of Abode and Descriptions, and with the Names of the Party nominating them, respectively to be printed and placed on the Door of the Town Hall, and in some other conspicuous Parts of the Borough or Ward for which such Election is to be held.

Nomination of  
Candidates.

VII. Any Nomination Paper may be in the Form contained in the Schedule to this Act annexed, or to the like Effect; and the Town Clerk shall provide so many Nomination Papers as may be required, and, at the Request of any Person entitled to nominate, shall fill up a Nomination Paper in due Form: Provided nevertheless, that such Paper shall be signed by the Person nominating.

Nomination  
Papers.

VIII. At

*Municipal Elections.*

**Election of  
Councillors:**

VIII. At any Election of Councillors to be held for any Borough or Ward :

1. If the Number of Persons so nominated shall exceed the Number to be elected,

The Councillors to be elected shall be elected from the Persons so nominated, and from them only :

2. If the Number of Persons so nominated shall be the same as the Number to be elected,

Such Persons shall be deemed to be elected ; and the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of the Persons so elected, not later than Eleven of the Clock in the Morning of the said Day of Election :

3. If the Number of Persons so nominated shall be less than the Number to be elected,

Such Persons shall be deemed to be elected : Such of the retiring Councillors highest on the Poll at their Election, or, if the Poll were equal, or there were no Poll, such as shall be nominated by the Mayor, shall be deemed to be re-elected to make up the Number required to be elected : And the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of all the Persons so elected respectively, not later than Eleven of the Clock in the Morning of the said Day of Election :

4. If no Persons be so nominated,

The retiring Councillors shall be deemed to be re-elected, and the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of all the Persons so elected, not later than Eleven of the Clock in the Morning of the said Day of Election.

**Penalty for  
Personation  
of Voters.**

IX. If, pending or after any Election of Councillors, Auditors, or Assessors, any Person shall personate or induce any other Person to personate any Person entitled to vote at such Election or whose Name is on the Burgess Roll then in force, or falsely assume to act in the Name or on behalf of any Person so entitled to vote, or wilfully make a false Answer to any of the Questions mentioned in Section Eighteen of this Act, he shall for every such Offence be liable, on Conviction before Two Justices in Petty Sessions, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

**Penalty for  
forging No-  
mination or  
Voting Papers.**

X. If, before, pending, or after any Election of Councillors, Auditors, or Assessors, any Person shall wilfully fabricate, in whole or in part, alter, deface, destroy, abstract, or purloin, any Nomination or Voting Paper after the same shall have been duly filled up, he shall for every such Offence be liable, on Conviction before Two Justices in Petty Sessions, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

XL. If

*Municipal Elections.*

XI. If any Person at any Election of Mayor, Councillors, Auditors, or Assessors for any Borough shall be guilty of Bribery, he shall for every such Offence forfeit the Sum of Forty Shillings to any Person who shall sue for the same in the County Court, with full Costs of Suit; and any Person offending in any Case in which, under the Act or Acts for the Time being in force with respect to the Election of Members to serve in Parliament for Boroughs in *England* and *Wales*, the Name of the Offender may be expunged from the List of Voters, being lawfully convicted thereof, shall for the Term of Six Years be disabled to vote in any Election in such Borough, or in any Municipal or Parliamentary Election whatever, in any Part of the United Kingdom, and shall for such Term be disabled to hold, exercise, or enjoy any Office or Franchise to which he then shall or at any Time afterwards may be entitled as a Burgess of such Borough, as if such Person were naturally dead.

Penalty on Persons guilty of Bribery at Elections.

XII. The Word "Bribery" shall include anything committed or done before, at, after, or with respect to the Election of any Mayor, Councillors, Auditors, or Assessors, which, if committed or done before, at, after, or with respect to any Election of any Member to serve in Parliament, would render the Person committing or doing the same liable to any Pains, Penalties, Forfeitures, or Conviction for Bribery, Treating, undue Influence, corrupt Practices, or other Offence, under any Act or Acts for the Time being in force with respect to the Election of Members to serve in Parliament for Boroughs in *England* and *Wales*.

Definition of Bribery.

XIII. If any Person shall think himself aggrieved by any Conviction under this Act, he may appeal therefrom to the next Quarter Sessions of the Peace in and for the County within which is situate the City or Borough in which such Conviction took place, first giving reasonable Notice to the Mayor and Justice or Justices of the Peace, as the Case may be, of his Intention so to do, and entering into Recognizance to pay such Costs as may be awarded against him.

Apper'.

XIV. All Proceedings for enforcing any Pains, Penalties, Forfeitures, or Convictions under this Act shall be commenced within Six Calendar Months from the Time when the Matter of such Proceedings arose.

Time limited for Proceedings.

*Title and Extent of Act.*

XV. This Act may be cited for any Purpose as "The Municipal Corporation Act, 1859."

Short Title.

XVI. This Act shall apply to every City, Borough, and Town Corporate specified in the Schedules to the said first-mentioned Act, and to every Municipal Corporation in *England* and *Wales* erected after the passing of that Act, and whether erected by Charter under that Act or otherwise, and shall be construed and executed as if its Provisions formed Part of that Act, and the Acts from Time to Time in force amending or extending that Act.

Extent of Act.

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**Municipal Elections.**


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**SCHEDULES.**
**SCHEDULE A.**

ELECTION of Councillors for the [Ward of \_\_\_\_\_] in the  
 Borough of \_\_\_\_\_ to be held on the \_\_\_\_\_ Day  
 of \_\_\_\_\_ A.D.

**Nomination Paper.**

Christian Name and Surname of Person nominated.	Place of Abode of Person nominated.	Description of Person nominated.	Christian Name and Surname of Nominator.	Address of Nominator.

Dated the

Day of

A.D.

(Signed)

**SCHEDULE B.**

Borough of \_\_\_\_\_ } to wit.  
 in the County of \_\_\_\_\_ }  
 Election of Councillors for the [Ward of \_\_\_\_\_] in the }  
 Borough of \_\_\_\_\_ in the County of \_\_\_\_\_ } in the }

Take notice.

1. That an Election of [ *Three* ] Councillors will be held for the said Ward [ *or Borough* ] on \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. in the said Ward [ *or Borough* ].

2. That any Person entitled to vote may nominate for the said Office himself (if duly qualified), or any other Person or Persons so qualified, not exceeding [ *Three* ] in Number.

3. That every such Nomination must be in Writing, and must state the Christian Names and Surnames of the Persons nominated, with their respective Places of Abode and Descriptions.

4. That any Nomination Paper must be signed by the Party nominating, and may be in the following Form or to the like Effect [ *set out Form as given in Schedule* ].

5. That all Nomination Papers must be delivered to the Town Clerk on or before the \_\_\_\_\_ Day of \_\_\_\_\_ next.

Dated this

Day of

, A.D.

(Signed)

A.B., Town Clerk.



## LOCAL ACTS.

[For the full Titles, see Table of Titles at the Commencement of the Volume.]

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Cap. i.

“*Shepton Mallet Waterworks Act, 1859.*”

Incorporates Companies, Lands, and Waterworks Clauses Acts, § 2.

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Cap. ii.

“*Swansea Vale Railway Act, 1859.*”

Recites Incorporation by 18 & 19 Vict. c. lx., with a Capital of 147,000*l.* in 35*l.* Shares, and Power to borrow 49,000*l.*; and Power by 19 & 20 Vict. c. xcv. to accept Surrenders of Shares and to issue new Shares ; that they have raised 88,396*l.* on their Shares and 43,252*l.* by borrowing ; that they have no Preference Shares, nor have any Shares been forfeited.

Power to raise additional Capital of 33,000*l.* by Shares, with or without a Preference not exceeding 6*l.* per Cent., §§ 4 to 12.

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Cap. iii.

“*The Wimbledon and Dorking and Epsom and Leatherhead Railways (Epsom Joint Station) Act, 1859.*”

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Incorporates Parts of Lands Clauses Act, § 2.

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“The *Kirkwall Harbour Act, 1859.*”

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*Cap. v.*

“*Weymouth and Melcombe Regis Markets and Pier Amendment Act, 1859.*”

Recites Act of 1854; that the Corporation have raised and expended 10,000*l.* upon the general Market House and Fish Market; that it is expedient to alter the latter; that they are constructing the Pier, but have not yet raised any of the authorized Sum of 12,000*l.* on Credit of the Pier Rates; proposes to raise further Moneys for all the Purposes of the Act, and to extend Time for Completion of Pier.  
 Power to alter Fish and general Market Houses, §§ 4 to 7.  
 Provision for Fish Market until Removal, § 8.  
 Application of Moneys arising from Sale of Fish Market, § 9.  
 Time for Completion of Pier extended for Two Years, § 11.  
 Power to borrow further Sum of 1,500*l.* on Security of Market Tolls, § 12.  
 Power to borrow further Sum of 5,000*l.* on Security of Pier Rates, § 13.  
 Provisions of Act of 1854 applied to borrowing Powers, § 14.  
 Clerical Error in Act of 1854 corrected, § 15.  
 Saving Rights of Corporation, § 17.

## Cap. vi.

"The *Sunderland and South Shields Waterworks Amendment Act, 1859.*"

Recites their Act of 1852, and the Arrangement of Share Capital (since amalgamated) under it; a Power to borrow 17,500*l.* and also 10,000*l.* for the Purchase of the South Shields Waterworks, to be paid in Seven Years; that all their Share Capital of 109,000*l.* is paid up except 6,870*l.*; and the Two Sums of 17,500*l.* and 10,000*l.* have been borrowed; proposes to extend Works and to raise further Sums of Money, and alter Scale of Rates.

Incorporates Lands and Waterworks (except Sect. 70) Clauses Acts, § 1.

Waterworks; saving Lands of Rev. G. T. Fox, §§ 4, 5.

Five Years for Completion of Works, § 6.

Power to raise 141,000*l.* in Shares; 10,000*l.* to be applied in paying off Mortgages to that Amount, §§ 7 to 13.

Power to borrow further Sum of 32,500*l.*, §§ 14 to 17.

Certain Provisions of Companies Clauses Act incorporated, § 16.

Regulations as to Supply and preventing Waste of Water, §§ 18 to 22.

Water Rate on Houses exceeding 50*l.* annual Value, § 23.

## Cap. vii.

"The *Londonderry Bridge Act, 1859.*"

Recites Acts of 1852 and 1854; proposes to repeal them and to construct other Works; and to authorize Agreements between the Commissioners, the Londonderry Port and Harbour Commissioners, the Londonderry and Enniskillen and the Londonderry and Coleraine Railway Companies.

Repeal of Acts; Saving of Rights and Liabilities, §§ 3 to 12.

Incorporates Lands and Railways Clauses and Railways (Ireland) Acts, and Parts of Commissioners Clauses Act, §§ 13, 14.

Commissioners; Meetings; Auditors, §§ 15 to 28.

Temporary Maintenance of existing Bridge, § 29.

Power to borrow 90,000*l.*, and Application of Moneys, §§ 30, 31.

New Bridge and Works, §§ 32 to 37, to be completed in Seven Years, § 39.

Three Years for compulsory Purchases, § 38.

Communications; laying of Water and Gas Pipes, §§ 40, 41.

Admiralty Provisions as to Height, Span, Lights, passing Vessels, and Survey, §§ 42 to 48.

Protecting Londonderry and Enniskillen Railway, §§ 50 to 53.

Lighting of Bridge, §§ 54, 55.

Sale or Lease of superfluous Lands, § 56.

New Roads to become public Streets, § 58.

Repeals Sect. 21 of Londonderry and Enniskillen Railway Act, 1854, respecting the Access from Foyle Street to the River Foyle, § 59.

Penalties ; Toll Houses ; Tolls ; Leasing of Tolls ; Weighing, §§ 60 to 78.

Power to receive Money to rebuild Bridge, or to free the same from Toll ; Accounts ; Application of Money, §§ 79 to 81.

Reduction of Tolls, § 82.

Saving Rights of Irish Society and of the Crown, §§ 83, 84.

*Cap. viii.*

“ *The Findhorn Railway Act, 1859.* ”

Incorporates Companies, Lands, and Railways Clauses (Scotland) Acts, § 1.

Incorporation of Company, § 4.

Capital 9,000*l.* in 10*l.* Shares, §§ 5, 6.

Power to borrow 3,000*l.*, §§ 10, 11.

Meetings ; Directors, §§ 12 to 20.

Railway, §§ 21, 22, to be completed in Three Years, §§ 37, 60.

Board of Trade and Admiralty Provisions, §§ 23 to 30.

Power to purchase on Feu Duties, §§ 32 to 35.

Compulsory Powers to be exercised within Two Years, § 36.

Communications with Inverness and Aberdeen Junction Railway, §§ 38 to 41.

Agreements with Inverness and Aberdeen Junction Railway, §§ 51 to 59.

Tolls, §§ 42 to 50.

Reclaimed Lands not to be taken without Consent of Commissioners of Woods and Forests, § 61.

Saving Rights of Crown, § 62.

*Cap. ix.*

“ *The Glasgow Corporation Waterworks Amendment Act, 1859.* ”

Recites Act of 1855, proposes to raise further Moneys and to amend Act.

Incorporates Part of Commissioners Clauses Act, § 3.

Power to borrow 200,000*l.* on Mortgage or on Cash Account, and to fund Debt, §§ 4 to 9.

Transmission of Mortgages, §§ 10 to 13.

Balancing of Water Account ; Auditor, §§ 14, 15.

Recovery of Charges for Supplies of Water for Purposes not domestic, § 16.

Supply and Repair of Apparatus, Pipes, &c. &c., §§ 17, 18.

*Cap. x.*

“ *The Tralee and Killarney Railway Act, 1859.* ”

Recites the Acts relating to the Company, and extends the Time for Completion of Railway until 15th August 1860, subject to a Penalty of 20*l.* for every Day during which the Railway is unopened after that Date.



*Cap. xi.*

“The *Aberdeen and Turriff* Railway Amendment Act, 1859.”

Recites Incorporation in 1855, with a Capital of 120,000*l.* in 10*l.* Shares and Power to borrow 40,000*l.*; that 3,778 Shares are paid up only to the Extent of 3,799*l.*, and are liable to be forfeited, and that the Company have incurred other Liabilities; proposes to issue Preference Shares in lieu of those to be forfeited, to convert Debt into Debenture Stock, and to change the Name of the Company.

Power to cancel forfeited Shares, § 1.

Power to issue new Shares in lieu of forfeited Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 2 to 5.

Power for Great North of Scotland Railway Company to subscribe, § 6.

Power to create Debenture Stock in lieu of Debt at not exceeding 5*l.* per Cent. Interest, §§ 7 to 11.

Repeals Provision respecting balancing of Books, § 12.

Change of Corporate Name, § 13, and of Title of Act, § 20.

Saving of Rights and Liabilities, §§ 14, 15.

*Cap. xii.*

“The *Formartins and Buchan* Railway (Deviation) Act, 1859.”

Recites Act of 1858, and proposes to make a Deviation and abandon Branch.

Incorporates Lands and Railways Clauses (Scotland) Acts, § 1.

Railway, §§ 4 to 6, to be completed in Four Years, § 11.

Abandonment and Compensation, §§ 7, 8.

Admiralty Provision, § 9.

Two Years for compulsory Purchases, § 10.

Tolls, §§ 12, 13.

Repeals Provision respecting the balancing of Books, § 15.

*Cap. xiii.*

“The *Great Western and Brentford* Railway Leasing Act, 1859.”

Recites Incorporation of Great Western and Brentford Company in 1855, with Power to raise 90,000*l.* and to borrow 30,000*l.*, and by an Act of 1857 to raise a further Sum of 45,000*l.* and to borrow 15,000*l.*; that their Share Capital is nearly all paid up, and their Works nearly completed, but their Funds are insufficient; proposes to confirm Agreement for Lease to Great Western Railway Company, and to raise further Moneys.

Incorporates Parts of Companies, Railways, and Harbours Clauses Acts, §§ 2, 3.

Limits of Harbour Master, § 4.

Confirmation of Byelaws by, and Saving Rights of Conservators of Thames, §§ 5, 6.

Agreement confirmed ; Leasing Provisions, §§ 7 to 13.  
 Power for Great Western Railway to contribute not exceeding  
 20,000*l.*, §§ 14, 15.  
 Power to raise 45,000*l.* by Shares, with or without a Preference  
 not exceeding 6*l.* per Cent., §§ 16 to 21.  
 Power to borrow 15,000*l.*, §§ 22, 23.  
 Schedule (Agreement).

*Cap. xiv.*

“ The *Whitehaven* Town and Harbour Act, 1859.”

Proposes to repeal certain Provisions of the Acts contained in  
 the Schedule, to alter the Mode of electing Trustees, and of  
 levying Rates and Assessments.  
 Acts in Schedule continued in force, § 1.  
 Trustees ; Qualification, §§ 2 to 7.  
 Division of Town into Wards, § 8.  
 Mode of Election of Trustees, §§ 9 to 28.  
 Incorporates Parts of Commissioners Clauses Act, §§ 29, 30.  
 Chairman of Trustees, §§ 31, 32.  
 Owners of Soil within the new Limits may transfer their  
 Rights to Trustees, § 34.  
 Certain Works to be completed previous to opening of new  
 Dock, § 35.  
 Launching Places to be provided at new Dock, §§ 36, 37.  
 New Rates upon Merchandise, § 38.  
 Incorporates Parts of Harbours, Docks, and Piers Clauses  
 Act, § 39.  
 Power to levy Rates for paving Streets, &c., §§ 40, 43, 44.  
 Power to include new Limits within the Wards, § 41.  
 Incorporates Parts of Towns Improvement Clauses Act, § 42.  
 Application of Rates levied for paving, § 43.  
 Saving Rights of Lord of Manor of St. Bees, and of Mort-  
 gagees, §§ 46, 47.  
 Schedules.—A. Acts relating to Port, Harbour, and Town of  
 Whitehaven.  
 B. Description of Wards.  
 C. Harbour Duties on Imports.  
 D. Harbour Duties on Exports.

*Cap. xv.*

“ City of *Norwich* Waterworks Act, 1859.”

Recites Incorporation in 1850, with Power to raise 60,000*l.*  
 and to borrow 20,000*l.*, and by an Act of 1853 to raise  
 a further Sum of 30,000*l.* and to borrow 8,000*l.* ; that they  
 have exercised their Powers and incurred further Liabilities  
 to the Amount of 5,000*l.* ; proposes to raise further Moneys,  
 and to regulate Capital and Borrowing Powers.  
 Incorporates Parts of Companies Clauses Act, §§ 2, 3.  
 Capital and Borrowing Powers extinguished, § 4.  
 Definition of Capital, § 6.  
 Power to raise 35,990*l.* by new Shares, with or without a  
 Preference not exceeding 6*l.* per Cent., §§ 7 to 25.

- Power to borrow 40,000*l.* inclusive of present Debt, §§ 26 to 28.  
 Share and Loan Capital not to exceed 160,000*l.* inclusive of  
 Debenture Stock, §§ 29.  
 Power to issue Debenture Stock at not exceeding 5*l.* per Cent.,  
 §§ 30 to 37.  
 Disposal of Shares or Stock by Auction, §§ 38 to 40.  
 Repeal of Sect. 6 of 16 & 17 Vict. c. xxxviii.,—§ 41.  
 Reduction of Number of Directors, §§ 43, 44.  
 Regulations for Supply of Water, §§ 45 to 47. Penalties,  
 §§ 48, 51, 54, 55.  
 Repeals Sect. 47 of 13 & 14 Vict. c. liii.,—§ 49. Supply of  
 Water to Local Board, § 50.  
 Power to let Meters, § 52.

*Cap. xvi.*

## “The Falmouth Docks Act, 1859.”

- Incorporates Companies, Lands, and Harbours Clauses Acts,  
 §§ 1, 2.  
 Company incorporated; Capital 200,000*l.* in 25*l.* Shares,  
 §§ 4 to 7.  
 Power to borrow 30,000*l.*, and eventually 36,665*l.* more,  
 §§ 8, 9.  
 Directors; Meetings; Votes, §§ 10 to 18.  
 Works; Admiralty Provisions, §§ 19 to 26.  
 Consent of Secretary for War to User of Crown Lands, §§ 27,  
 28.  
 Harbour and Dock Rates, §§ 29 to 33.  
 Rates on Goods, Passengers, &c., §§ 34 to 38.  
 Limits of Dock Master's Authority, § 39.  
 Free Access to Officers of Customs, § 40.  
 Engines and Machinery; Meters and Weighers, §§ 41, 42.  
 Saving Rights of Duchy of Cornwall and of Ecclesiastical  
 Commissioners, §§ 43, 44.  
 Schedule (Rates, &c.)

*Cap. xvii.*

## “The Glasgow Public Parks Act, 1859.”

- Power to levy Assessments, §§ 3, 4.  
 Power to borrow 30,000*l.* §§ 5, 6.  
 Incorporates Parts of Commissioners Clauses Act, § 7.  
 Auditor; Accounts, §§ 8 to 11.  
 Power to sell, lease, or feu Portions of the Parks, § 12.  
 Park Keepers; Byelaws, §§ 13 to 23.  
 Power to dispose of Part of St. Mungo's Burial Ground, § 24.

*Cap. xviii.*

## “The Kingstown Waterworks Act, 1859.”

- Incorporates Companies, Lands, and Waterworks Clauses, and  
 the Railways Act (Ireland) 1851, §§ 3, 4.  
 Company incorporated, with a Capital of 32,000*l.* in 5*l.* Shares,  
 and Power to borrow 8,000*l.*, §§ 5 to 9.  
 Meetings; Directors, §§ 10 to 15.

Lands and Works, § 16, to be completed in Four Years, § 19.  
 Supply of Water to Dublin and Wicklow Railway Company,  
 § 17.  
 Three Years for compulsory Purchases, § 18.  
 Supply of Water ; Rates ; Penalties, §§ 20 to 38.  
 Reservoir Provisions, §§ 39 to 47.

*Cap. xix.*

“ The *York Improvement (Foss Abandonment) Act*,  
 1859.”

Recites 33 Geo. 3. c. xcix., incorporating the Foss Navigation  
 Company ; 41 Geo. 3. c. cxv. ; the Transfer of the Under-  
 taking to the Corporation of York under 16 & 17 Vict.  
 c. lvi. ; proposes to abandon Part of the Navigation, and to  
 alter recited Acts.  
 Execution of Act by Town Council, § 4.  
 Incorporates Lands and Parts of Commissioners Clauses Acts,  
 §§ 5, 6.  
 Discontinuance of Navigation above Union Workhouse,  
 §§ 7 to 9.  
 Purchase and Exchange of Lands ; Compensation, §§ 10 to 12.  
 Stopping up of public Footpaths, §§ 13 to 16, 20.  
 Sale of Parts of Navigation not required, §§ 17, 18.  
 Drains, §§ 19, 21.  
 Power to apply Moneys raised under York Improvement Act  
 of 1853, § 22.  
 Application of Moneys arising from Sale of superfluous Lands,  
 § 23.  
 Recited Acts not to apply to abandoned Portions of Navi-  
 gation, § 24.  
 Notices ; Penalties, §§ 25 to 27.

*Cap. xx.*

“ The *Mersey Docks (Money) Act*, 1859.”

Recites that by the Mersey Docks and Harbour Act, 1857,  
 being an Act for consolidating the Docks at Liverpool and  
 Birkenhead into One Estate, and for vesting the Control  
 and Management of them in One Public Trust, and for other  
 Purposes, the Mersey Docks and Harbour Board were incor-  
 porated for the Purposes therein mentioned ; and by the  
 22d Section of “ The Mersey Dock Acts Consolidation  
 Act, 1858,” being an Act passed for consolidating and  
 amending the Provisions of the several Acts relating to  
 the Liverpool and Birkenhead Docks and the Port and  
 Harbour of Liverpool, it was provided that, subject to the  
 Provisions of such Act, the Board might purchase such  
 Lands, and might construct, complete, and erect and main-  
 tain all such Docks, Piers, and other Works of every  
 Nature authorized to be purchased, constructed, or erected  
 by any of the Acts thereby repealed, as had not then been  
 purchased, constructed, erected, or completed (save only as  
 was otherwise directed by an Act of the same Session of

Parliament relating to Works at Birkenhead); and by Section 281 of the same Act it was provided that the Board might borrow at Interest, on the Security of the Rates, (exclusive of any Sum or Sums required for the Completion of the Birkenhead Docks and Works, or for the Purposes specially provided for by "The Mersey Docks and Harbour Act, 1857,") a further Sum not exceeding 266,000*l.*, which Sum of 266,000*l.*, with the Sum of 6,134,000*l.*, borrowed under the Authority of the Acts therein referred to previously to the 1st Day of January 1858, would amount to the Sum of 6,400,000*l.*, and such Sum of 6,400,000*l.*, exclusive of the Moneys which the Board was authorized to borrow by "The Mersey Docks and Harbour Act, 1857," should be the Extent of the Debt authorized to be due and owing at any one and the same Period of Time on the Security of the Rates, and that the said Sum of 266,000*l.* should be applied exclusively towards certain Objects therein particularly mentioned in connexion with the Liverpool Docks; that, owing to the rapidly increasing Trade of the Port of Liverpool, and the very urgent Requirements of Traders resorting thereto for further Dock Accommodation at Liverpool, it is expedient that the Board should be authorized to take up at Interest a further Sum of Money, not exceeding the Sum of 300,000*l.*, for the Purpose of enabling them to construct and complete some of the Docks and other Works which by the aforesaid 22d Section of "The Mersey Dock Acts Consolidation Act, 1858," they are authorized to construct and complete on the East or Liverpool Side of the River Mersey, and not being any of the Objects or Works referred to in or contemplated by the aforesaid 281st Section of the same Act.

III. The Board may borrow at Interest, on the Security of the Rates, (exclusive of any Sum or Sums of Money required for the Completion of the Birkenhead Docks and Works, and for the Purposes specially provided for by the "Mersey Docks and Harbour Act, 1857,") a further Sum not exceeding Three hundred thousand Pounds, which Sum of Three hundred thousand Pounds, with the Sum of Six million four hundred thousand Pounds, the Amount of Debt authorized by "The Mersey Dock Acts Consolidation Act, 1858," will amount to the Sum of Six million seven hundred thousand Pounds, and such Sum of Six million seven hundred thousand Pounds (exclusive of such other Moneys as aforesaid) shall be the Extent of the Debt authorized to be due and owing at any one and the same Period of Time on the Security of the Rates, and such Sum of Three hundred thousand Pounds shall be applied exclusively in or towards the Construction and Completion, upon Land now vested in the Board, of some or all of the following Objects in connexion with the Liverpool Docks, that is to say, a Branch Dock from and out of and being an Enlargement of the Huskisson Dock, at the South-east Corner thereof, a Half-tide Basin at the North End of and communicating with the existing Canada Dock and Canada Basin, Two narrow or

Power to borrow 300,000*l.* on Security of Rates.

Canal-shaped Docks, running eastwardly from the Half-tide Basin, and a Lock on the North Side of such last-mentioned Basin, together with such Jetties, Cranes, and other Works as may be necessary for the Transport, Loading, and Discharge of Timber to, from, into, and in the Space proposed to be used as a Timber Pond or Ponds to the Northward of the said Half-tide Basin, and generally for increasing the Public Accommodation in connexion with the existing Docks and Works at Liverpool.

After the Year 1860 100,000*l.* per Annum to be applied as a Sinking Fund if surplus Income amounts to that Sum.

IV. In order to make Provision for the Repayment of the Principal Moneys which have already been borrowed or which may hereafter be borrowed by the Board, under the Authority of Parliament, be it enacted, That after Payment in each Year of all Charges and Expenses attending the Collection of Rates, or incidental thereto or to the Recovery thereof, and after Payment of all Interest accruing due on Moneys for the Time being forming a Charge upon such Rates, and of the Dock Annuities authorized to be granted by the Board, and after Payment of all Charges and Expenses of supporting, maintaining, and repairing the Works authorized to be erected, established, and maintained by the Board, and of the general Management of the Mersey Dock Estate, and of all reasonable Expenses necessary for conducting, securing, preserving, improving, amending, maintaining, and protecting the same, the Board shall, yearly and every Year subsequent to the Twenty-fourth Day of June One thousand eight hundred and sixty, apply the Surplus, if any, of the Rates which shall remain in their Hands after such Payments as aforesaid, to the Extent of One hundred thousand Pounds, or such less Amount as the said Surplus shall be equal to, in or towards the Repayment of some or any of the Principal Moneys which shall then be due and owing on the Security of the Rates, and which shall then have become due and payable, and in the purchasing up and extinguishing of the Mersey Dock Annuities which may be then existing, according to the respective Priorities of such Moneys and Annuities, until all Principal Moneys due on the Security of the Rates shall have been repaid, and all Mersey Dock Annuities shall have been purchased up and extinguished; and, subject to the Provisions herein contained, all Rates and other Moneys which shall be collected, levied, borrowed, and raised, or received, under or by virtue of the said recited Acts or either of them, or of this Act, the Application of which may not be otherwise expressly directed, shall and may be applied by the Board according to the Provisions for that Purpose contained in Section Two hundred and eighty-four of the "Mersey Dock Acts Consolidation Act, 1858."

The Board may use Moneys directed to be set aside as above, in lieu of borrowing an equivalent Amount.

V. In case the Board shall at any Time possess any such Surplus as aforesaid applicable towards paying off borrowed Moneys, or redeeming or extinguishing Mersey Dock Annuities, it shall be lawful for them to apply all or so much of the Surplus applicable as aforesaid as they shall deem expedient in or towards any Purposes for which they have Power to borrow Moneys on the Security of the Rates under this or any previous Act.

VI. When

VI. When and as often as any of the surplus Moneys shall have been applied by the Board under the above Provisions in Repayment of any Moneys borrowed on the Security of the Rates or in the Purchase or Extinguishment of any Dock Annuity, or in or towards any Purposes for which Moneys might otherwise have been borrowed on the Security of the Rates, the Borrowing Powers of the Board to the Extent of the Moneys so applied shall be extinguished.

The Borrowing Powers of the Board to be extinguished to the Extent of the Moneys so applied.

*Cap. xxi.*

“The Poole Waterworks Act, 1859.”

Incorporates Companies, Lands, and Waterworks Clauses Acts, §§ 3, 4.

Company incorporated, with a Capital of 12,000*l.* in 10*l.* Shares, and Power to borrow 3,000*l.*, §§ 5 to 10.

Meetings; Directors, §§ 11 to 19.

Works and Reservoir Provisions, §§ 20 to 24.

Five Years for Completion of Works, § 25.

Rates; Water Supply; Penalties, §§ 27 to 42.

*Cap. xxii.*

“The Accidental Death Insurance Company’s Act, 1859.”

Recites the Formation in 1849 of “The Accidental Death Insurance Company,” and of the “Railway Assurance Company” in 1850; their Amalgamation by 15 & 16 Vict. c. lvi.; the Formation in 1854 of the “Travellers and Marine Insurance Company;” proposes to dissolve the amalgamated Companies, and to transfer their Business to the Travellers and Marine Insurance Company, to be henceforth called “The Accidental Death Insurance Company.”

Change of Name, § 4.

Dissolution of amalgamated Companies, § 5.

Company to represent dissolved Companies, § 6.

Saving of Rights and Liabilities, §§ 7 to 10.

Company to continue under Deed of Settlement, §§ 11, 12.

Assurance Tickets, &c., &c. of Company to be deemed Policies of Assurance, § 13.

Children under Twelve not to be assured, § 14.

Saving Rights under 9 & 10 Vict. c. 93.,—§ 15.

*Cap. xxiii.*

“Cork and Kinsale Junction Railway Act, 1859.”

Incorporates Companies and Railways Clauses Acts, and Railways Acts (Ireland), § 1.

Company incorporated, with Capital of 45,000*l.* in 10*l.* Shares, and Power to borrow 15,000*l.*, §§ 3 to 9.

Meetings; Directors, §§ 10 to 15.

Railway and Works, §§ 16 to 18, to be completed in Five Years, §§ 30, 31.

Locomotives not to be used upon Branch Railway or Tramway, § 19.

Board of Trade Provisions as to level Crossings, §§ 20 to 22.

Communications with Cork and Bandon Railway, §§ 24 to 26.

Three Years for compulsory Purchases, § 28.

Consent of Secretary for War to User of Crown Lands, § 29.

Tolls, §§ 32 to 39.

Traffic Arrangements with Cork and Bandon Railway Company, §§ 40 to 46.

*Cap. xxiv.*

“ *The Fishguard Harbour Act, 1859.* ”

Incorporates Companies, Lands, and Harbours, &c. Clauses Acts, with certain Exceptions, § 3.

Limits of Harbour, § 4.

Company incorporated, with Capital of 3,000*l.*, and Power to borrow 1,000*l.*, §§ 5 to 10.

Meetings ; Directors, §§ 11 to 15.

Limitation of Dividends, § 17.

Harbour and Works, § 18.

Reclaimed Land not to be taken without Consent of Commissioners of Woods and Forests, § 19.

Admiralty Provisions, §§ 20 to 22.

Rates and Leasing of Rates, §§ 23 to 26.

Saving Rights of Crown and of Lord of the Manor, §§ 27, 28. Schedules.

*Cap. xxv.*

“ *The European Assurance Society's Act, 1859.* ”

Recites that the People's Provident Assurance Society are established and regulated by a Deed of Settlement, dated 2d September 1854, with a Capital of 200,000*l.*, with Power to increase the same to any Amount, and the Objects for which they are established comprise, in addition to Life Assurance, Endowment, Annuity, Fire Insurance, and other Business, the guaranteeing and becoming Security or Surety to such Extent or within such Limits as the Directors for the Time being of the Society deem expedient, for the Integrity, Honesty, and Fidelity, and the Absence of Negligence, Defaults, and Irregularities in the Conduct of Persons holding or about to enter into Offices or Situations of pecuniary Trust or Confidence, and the guaranteeing against Loss of Persons bound as Sureties, or otherwise responsible for others holding such Offices or Situations, and generally the transacting of every Description of Business ordinarily transacted or capable of being transacted by an Assurance or Guarantee Company or Society, or appertaining or incidental thereto, and the uniting and combining together of those several Objects or Purposes, and to that Intent the making or granting of Assurances, of any Kind or Description, respectively dependent or contingent or conditional upon the Integrity, Honesty, or Fidelity, or the Absence of Negligence, Defaults, or Irregularities in the Conduct of Persons in or about to enter into Offices or Situations of pecuniary Trust or Confidence, and for whose Honesty, Fidelity, or Integrity or the Absence of Negligence, Defaults, or Irregularities in whose Conduct the Society might be, or be about to become directly or indirectly responsible; that the



Society obtained a Certificate of complete Registration under the Act for the Registration, Incorporation, and Regulation of Joint Stock Companies, and became and are incorporated thereunder accordingly; that the Society have acquired the Business and Goodwill of the European Life Insurance and Annuity Company; that by a Resolution of the Shareholders of the Society, dated the 12th November 1855, the Capital of the Society was authorized to be increased, and the subscribed Capital of the Society now amounts to 221,860*l.*, whereof 58,152*l.* are paid up, and the Assets of the Society, irrespective of their unpaid Capital, exceed 250,000*l.*, and their yearly Income exceeds 110,000*l.*, and the Number of their Shareholders exceeds 650; that the Society are desirous, and it is expedient that Provision be made for their Guarantee being taken instead of other Security required to be given by Persons in Public Offices and Employments; and to change their Name.

Name of Society changed to "The European Assurance Society," § 3.

Society to continue under their Deed of Settlement, § 4.

Saving of Rights notwithstanding Change of Name, §§ 5 to 8.

Society to be liable for Policies, &c. issued by the Society and the European Company, § 9.

Guarantee of Society may be taken instead of other Security required from Persons in Public Offices and Employments, § 10.

Bonds or Policies for such Guarantee, § 11.

Evidence in case of Forfeiture of Bond or Policy, § 12.

Guarantee of Society may be taken instead of Security required from Persons administering the Poor Laws, §§ 13, 14.

Public Officers not personally liable for anything done under the Act, § 15.

Guarantee of Society may be taken instead of Security required from Officers of Savings Banks, &c., § 17.

Reserved Fund to meet Guarantees under Act to be formed by Society, § 18.

Investment of Reserved Fund, § 19.

Application of Reserved Fund, § 20.

Limit of Amount of Guarantee by Society, § 21.

In a certain Event Treasury may suspend Powers of Act for effecting Guarantees, § 22.

List of Shareholders and Balance Sheet, &c., to be sent annually to the Lords of the Treasury, § 23.

Treasury may appoint an Inspector to inspect the Accounts of the Society, § 24.

Act not to discharge Society from Liability, § 25.

Society to make Returns to Registrar of Joint Stock Companies, § 26.

*Cap. xxvi.*

"The Scarborough Gas Act, 1859."

Recites Incorporation by 14 & 15 Vict. c. xiv., that their Share Capital is 20,000*l.* fully paid up, and that they have borrowed 3,330*l.*; proposes to increase Capital and amend recited Act.

- Incorporates Parts of Companies Clauses Act, § 1.  
 Power to issue new Shares, to be disposed of by Auction or otherwise, to the Amount of 30,000*l.*, with or without a Preference not exceeding 6*l.* per Cent., §§ 2 to 13.  
 Limitation of Dividend, § 14.  
 Power to borrow to the Amount of One Fourth of new Capital, §§ 16 to 20.  
 Price and Quality of Gas, §§ 21, 22.  
 Mode of testing Quality of Gas, §§ 22 to 25.

*Cap. xxvii.*

*"Standard Life Assurance Company's Act, 1859."*

- Recites 2 Will. 4. c. lxxxi., and 8 & 9 Vict. c. lxxv., and proposes to repeal Portions of those Acts.  
 Repeal of Parts of Act of 2 Will. 4.,—§ 2.  
 Time for Annual General Meeting, § 4.  
 Regulations as to Directors, §§ 5 to 8.  
 Company not bound by Trusts affecting Shares, § 9.  
 Company may pay on Receipt of Trustee of Policy or Annuity, § 10.  
 Arrestment of Shares, &c. to be loosed, &c. within Twelve Months, or Share to be sold by Directors, § 11.  
 Bankrupt Shareholder to cease to exercise Rights of Shareholder, § 12.  
 Executors, &c. of deceased Shareholders, and Assignees, &c. of bankrupt, &c. Shareholders, to sell Shares within Two Years, § 13.  
 Executors, &c. not to be Shareholders till registered, and Assignees, &c. not to be Shareholders, § 14.  
 Directors may sell under first-recited Act Shares not transferred or claimed within Two Years, § 15.  
 Transfers of Shares, &c., §§ 16 to 22.  
 Form of Certificate of Share, § 24.  
 Period for closing Transfer Books, § 25.  
 Extent of Business of Company, § 26.  
 Power for Directors to allow Time for Payment of Premiums, § 27.  
 Power to undertake Business of other Companies, &c., § 28.  
 Local Boards and Local Agents, §§ 29, 30.  
 Powers of Attorney for acting abroad on behalf of Company, § 31.  
 Act not to incorporate the Company, § 32.

*Cap. xxviii.*

*"East Suffolk Railway Act, 1859."*

- Recites that by "The East Suffolk Railway Companies Amalgamation Act, 1858," their Capital is 620,000*l.*, with Power to borrow to Extent of One Third; that by the "East Suffolk Railway (Branch and Capital) Act, 1858," they have Power to raise 360,000*l.* by new Shares and 120,000*l.* by borrowing; proposes to construct another Branch Railway, to raise further Moneys, and to amend Acts.

Incorporates Lands and Railways Clauses Acts, §§ 2, 3.  
 Extension Railway; Board of Trade Provisions, §§ 4 to 10.  
 Two Years for compulsory Purchases, § 11.  
 Three Years for Completion of Works, §§ 12, 13.  
 Power to raise 40,000*l.* by new Shares, §§ 14 to 17.  
 Power to borrow not exceeding 340,000*l.* in all, § 18.  
 Borrowing Provisions of Companies Clauses Act and Sections  
 26 to 35 of the first-recited Amalgamation Act, applied to  
 Moneys borrowed, §§ 19 to 21.  
 Tolls, §§ 23, 24.  
 Saving Rights of Crown, § 28.

*Cap. xxix.**"Victoria (London) Docks Act, 1859."*

Recites the Works authorized by Company's Acts of 1850,  
 1853, and 1857; proposes to extend Time, and to obtain  
 Protection against Claims or Liens for Freight.  
 Extension of Time till 4th August 1862, § 2.  
 Company not to be responsible for Validity of Claims made for  
 Freight, § 3.  
 Publication of Rates, § 4.

*Cap. xxx.**"The Commercial Docks Acts Amendment Act, 1859."*

Power to detain Goods for Freight, § 1.  
 Deposit to be considered as made in Payment of Claims for  
 Freight, § 2.  
 Declaration by Owner or Consignee of Goods as to Amount in  
 dispute, § 3.  
 Notice to retain Deposit to be void, unless Proceedings instituted  
 within Thirty Days, § 4.  
 Notice to detain for Freight not to be available against War-  
 rants issued by Company unless given within Seven Days  
 after landing of Goods, § 5.  
 If no Deposit within Ninety Days after Notice to detain,  
 Goods may be sold by Company, § 6.  
 Ten Days Notice by Post or Advertisement before Sale, § 7.  
 Company not to be affected by Excess or Invalidity of Claim,  
 § 8.

*Cap. xxxi.**"The Ballymena and Portrush (Coleraine Junction)  
 Railway Act, 1859."*

Recites 16 & 17 Vict. c. lxxx. ; proposes to make a Junction  
 with the Londonderry and Coleraine Railway.  
 Incorporates Lands and Railways Clauses Acts, and the  
 Railways (Ireland) Acts, § 2.  
 Railway and Works, §§ 3 to 6, to be completed in Three Years,  
 §§ 8, 9.  
 Two Years for compulsory Purchases, § 7.  
 Communication with Londonderry and Coleraine Railway,  
 §§ 10 to 13.

Admiralty Provisions as to crossing River Bann, §§ 14 to 21.  
Tolls, §§ 22, 23.

Power to raise 15,000*l.* by new Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 24 to 28.

Power to borrow 2,000*l.*, §§ 29, 30.

Saving Rights of the Irish Society, § 35.

*Cap. xxxii.*

“*King’s Lynn Waterworks and Borough Improvement Act, 1859.*”

Recites 10 Geo. 4. c. v. (Waterworks Act), 43 Geo. 3. c. xxxvii., and 46 Geo. 3. c. xxi. (Paving Acts); that by the Waterworks Act the Corporation of the Borough of King’s Lynn were authorized to borrow Money on Mortgage of their Waterworks and Water Rents, and they borrowed Moneys accordingly; but the whole of the Money so borrowed has been paid off, and there is not now any Sum charged on their Waterworks and Water Rents; that the existing Waterworks are insufficient for affording a proper Supply of Water to the Inhabitants of the Borough and adjacent Districts, and it is expedient that Provision be made for the Extension of such Supply and for the cleansing of the Aqueducts called respectively the “Gaywood River,” which belongs to the Corporation, and the Grimstone River respectively, by which Aqueducts Water is brought to the Waterworks, and for authorizing the Corporation to supply Water within the Parish of Gaywood (which adjoins the Borough) and other adjacent Districts, and to levy Water Rates, and to borrow Money for the Purposes of the Waterworks and the Markets respectively, and that the Powers of the Corporation and the Provisions of the Waterworks Act be in other respects amended, and in order thereto that the Waterworks Act, so far as it relates to Supply of Water and Regulation of Markets, and Part of the Second Paving Act, be repealed and Parts thereof be re-enacted; that it is expedient that the Corporation be authorized to purchase Land (within the Borough) for the Purposes of the present Cattle Market, and that further Provision be made for the Regulation of the Markets and Fairs, and of Buildings within the Borough, and for the Amendment and Extension of recited Acts.

Limits of Act for Corporation and for Paving Commissioners, §§ 3, 4.

Execution of Act by Corporation and by Paving Commissioners, §§ 5, 6.

Repeal of Part of Waterworks Act and Second Paving Act, § 7.  
Corporation to remain entitled to their Waterworks, Markets, and other Property, § 8.

Gaywood River to remain vested in the Corporation, § 9.

Corporation to continue entitled to Powers under other Acts, § 10.

General Saving of Rights under Waterworks Act and Second Paving Act, §§ 11 to 20.

- Incorporation of Lands Clauses Act, § 22.  
Power for Corporation to purchase, &c. by Agreement, Lands, &c., § 23.  
Lands, &c. of Corporation under Act to be Part of their Corporate Estate, § 24.  
Incorporation of Waterworks Clauses Act, 1847, § 26.  
Waterworks Committee of Corporation, § 27.  
Waterworks Committee to execute Acts as to Waterworks, §§ 28 to 30.  
Corporation may maintain their present Waterworks, § 31.  
Corporation may take Water from Gaywood and Grimstone Rivers, &c., § 32.  
For Protection of the Grimstone River, § 33.  
Drains not to be made in Gaywood River without Consent of Corporation, § 34.  
Arrangements for Drainage into Grimstone River, § 35.  
Depth for laying Water Pipes, § 36.  
Relaying Water Pipes, § 37.  
Communication Pipes, § 38.  
Ground to be opened where Water escapes, § 39.  
Power for Corporation to collect and supply Water, § 40.  
Regulations as to Water Supply, §§ 41 to 50.  
For preventing fouling of Water, § 51.  
Provision as to laying Gas Pipes, § 52.  
Power for Corporation to levy Water Rate within the Borough for Supply for domestic Purposes, § 54.  
Provision for Reduction and Increase of Water Rates, § 55.  
Provision as to Supply for other Purposes not domestic, § 56.  
Limit of Rates for Supply by Meter, and for certain Engines, § 57.  
Provision for Supply of Meters and Fittings, §§ 58 to 60.  
Penalty for Non-supply, § 61.  
Power to lease Water Rates, § 63.  
Byelaws of Corporation as to Waterworks, § 64.  
Incorporation of Parts of Markets and Fairs Clauses Act, 1847, § 65.  
Markets Committee of the Corporation, § 66.  
Markets Committee to execute Act as to Markets and Fairs, §§ 67 to 69.  
Market and Fair Days, § 70.  
Regulation of Markets, § 71.  
Regulations as to Fairs, § 72.  
For maintaining present Markets, &c., § 73.  
Corporation to provide Places for Cattle Market, § 74.  
Corporation may provide Market Houses, § 75.  
Discontinuance of Market Houses, &c. when others provided, § 76.  
Power to stop up, &c. Streets, § 77.  
Corporation may provide Weighing and Measuring Houses, § 78.  
Prohibiting Sales elsewhere than in Market, § 79.  
Penalty for Nuisances in Market Places, § 80.  
Power to lease Stalls, &c., § 81.  
Stallages and Tolls for Markets and Fairs, § 82.

- Tolls for Cattle Market, § 83.  
 Stallages and Tolls, &c., §§ 84 to 86.  
 Corporation may lease Markets, § 87.  
 Incorporation of Commissioners Clauses Act, 1847, for Purposes of Waterworks and Markets, § 88.  
 Power for Corporation to borrow 12,000*l.* for Waterworks, § 89., 5,000*l.* for Markets, § 90.  
 Sinking Fund, § 91.  
 Receiver for Mortgagees, § 93.  
 Corporation or Paving Commissioners not bound by Trusts affecting Mortgagees, § 94.  
 Publication of Waterworks Accounts, § 95.  
 Waterworks Fund, §§ 96, 97.  
 Markets Fund, §§ 98, 99.  
 Repeal of Sections of Paving Acts, § 101.  
 Notice of Meetings, § 102.  
 Term of Contracts with Paving Commissioners, § 103.  
 Security for Contracts with Paving Commissioners, § 104.  
 Purchase by Paving Commissioners of Lands for Sewers, § 105.  
 Powers of Paving Commissioners as to Streets, &c., extended to Courts, &c., not Thoroughfares, § 106.  
 Interpretation of the Word "Pavement" in Paving Acts, § 107.  
 Provisions of Paving Acts as to Buildings to apply to all but specified Buildings, § 108.  
 Extension of Provision of First Paving Act as to carrying Nightsoil, § 109.  
 Penalty for Offences against Paving Acts, § 110.  
 Proceedings by Paving Commissioners under Paving Acts, § 111.  
 Incorporation of Parts of Towns Improvement Clauses Act, 1847, § 112.  
 Incorporation of Parts of Towns Police Clauses Act, 1847, § 113.  
 Construction of Privies and Drains, § 114.  
 Penalties for Offences in Borough, §§ 115 to 120.  
 Saving Rights of the Crown, of the Duchy of Cornwall, of Mayor and Corporation as to Markets, &c., and of the Corporation and Paving Commissioners, §§ 123 to 126.  
 Schedules of Rates and Tolls.

*Cap. xxxiii.*

"The Tavistock Markets Act, 1859."

- Recites that the Duke of Bedford is Owner of the greatest Part of the Property in the Town, and is entitled to hold the Markets and Fairs, and to receive the Rents and Tolls, and that the present Market Accommodation is insufficient, and that the Duke is willing to provide improved Market Houses and Slaughter-houses, &c.  
 Incorporates Lands, and Markets (except Sect. 50) Clauses Acts, § 1.  
 Limits of Act, § 4.

Power to make Market Places, to stop up old and make new Streets, and to purchase Lands, §§ 5 to 7.  
 Holding of Markets, §§ 8, 9.  
 Slaughter-houses, §§ 10, 11.  
 Tolls, §§ 12 to 20.  
 Lands not required vested in Duke of Bedford, § 21.  
 Repair of new Streets by Tavistock Turnpike Trustees, § 22.  
 Penalties, §§ 23, 24.  
 Three Years for compulsory Purchases, § 25.  
 Five Years for Completion of Works, § 26.  
 Schedules. (Tolls.)

*Cap. xxxiv.*

*"The Leominster and Kington Railway Amendment Act, 1859."*

Recites Incorporation under 17 & 18 Vict. c. cxliv., and Power to raise 80,000*l.* in 8,000 Shares; that only 5,889 have been issued, representing 58,890*l.*; proposes to issue remaining Shares with a Preference, to obtain further Powers with respect to forfeited Shares, and to confirm certain level Crossings.  
 Power to maintain level Crossings, §§ 1, 2.  
 Power to issue unissued Shares at a Preference not exceeding 5*l.* per Cent., §§ 3, 4.  
 Cancelling of forfeited Shares, and Reissue, § 5.  
 Quorum of Meetings, § 6.

*Cap. xxxv.*

*"The Great Northern Railway Act, 1859."*

Preamble recites that it is expedient to enable the Great Northern Railway Company to improve the Means of Communication between their Railway and the North London Railway, and also to enable them to purchase certain Lands in the Parishes of Saint Mary, Islington, and of Saint Pancras, in Middlesex, in order to improve Access to their Station, and, for the Purposes aforesaid, to alter the Level of a Portion of York Road, formerly Maiden Lane, in the same Parishes; that by "The Great Northern Railway Act (No. 1), 1851," Power was given to the Company to raise 750,000*l.* by Shares, and to attach to the Shares a preferential Dividend, upon such Terms as a Meeting of the Company might prescribe; and in pursuance of the said Powers the Company have created and issued Stock and have received Capital to the Amount of 745,850*l.*, upon condition that the same Stock shall be entitled to a preferential Dividend at the Rate of 5*l.* per Centum per Annum, and that the same Stock may be redeemable by the Company upon giving Six Months Notice in Writing to the Proprietors thereof, and upon Repayment to the said Proprietors of the Amounts paid by them severally, together with a Premium of 10*l.* per Centum on the Amounts so paid; and by a subsequent Act of the same Year, which Act is

called "The Great Northern Railway (Communication with "the Manchester, Sheffield, and Lincolnshire Railway) Act, 1851," the Company was authorized to raise 60,000*l.* by Shares, and in like Manner to attach to the same Shares a preferential Dividend; and "The Great Northern Railway Company (Increase of Capital) Act, 1853," contains Powers to the Company to raise a Preference Stock, bearing a Dividend not exceeding 4*l.* per Centum per Annum, for the Purpose of paying off the Preference Shares authorized to be created under the Powers of the said Two recited Acts of 1851, but the Powers contained in the said Act of 1853 have not been acted on, and are insufficient; that by the same Act of 1853 the Company were authorized to raise another and additional Sum of 750,000*l.*; and it was enacted that the Capital so to be raised should "receive Dividends at the Rate of 4*l.* 10*s.* per Centum per Annum, in preference to the Payment of Dividends on the ordinary Shares of the Company, subject to a Power in the Company to redeem the same upon Six Months Notice at a Premium of 10*l.* per Centum;" and in pursuance of the Powers contained in the said Act, and of the secondly-recited Act of 1851 (14 & 15 Vict. c. cxiv.), the Company has created Stock and received Capital to the Amount of 804,950*l.*, bearing a preferential Dividend of 4*l.* 10*s.* per Centum per Annum, subject to the same Conditions for the Redemption thereof as are herein-before mentioned with relation to the said Capital Sum of 745,850*l.*; that by "The Great Northern Railway Act, 1855," Power was given to the Company to raise in Shares a further Sum not exceeding 1,000,000*l.*; and it was enacted that "the Holders of the said Shares shall be entitled to the Payment of fixed Dividends thereon, or on so much thereof as may from Time to Time be paid up at the Rate of 5*l.* per Centum per Annum, in preference to the Payment of Dividends on the ordinary Shares of the Company;" and it is provided "that it shall be lawful for the Company at any Time, after giving to the Holders thereof Six Months Notice of the Intention to redeem the same, so to redeem the said Shares by repaying to the Holders thereof the Amount paid thereon, together with a Sum by way of Premium of 5*l.* per Centum on the Amount so paid;" and in pursuance of the same Powers the Company have created Stock to the Amount of 1,000,000*l.*, and have received Payments thereon to the Amount of 600,000*l.*; but they have not called up any Part of the remaining Sum of 400,000*l.*; that it is expedient that further Provision should be made for redeeming the Stocks created under the Powers of the Two first-recited Acts, and that the Provision herein-after contained should be made for redeeming the Stocks created under the Acts of 1853 and 1855; and it is also expedient to extend to the Debt due by the East Lincolnshire Railway Company, on Mortgage or Bond (for which Debt the Great Northern Railway Company are liable during the Subsistence of the Lease to them for 1,000 Years of the East Lincolnshire Railway),



the Provisions contained in the said Act of 1853 for the Conversion of Mortgage Debt into Debenture Stock; that by "The Great Northern Railway Act, 1846," it is enacted that the Number of Directors should be Thirty-six, and that it should be lawful for the Company to reduce that Number, provided that the reduced Number should be not less than Sixteen, and that the Quorum should not be less than Six; and the Number of Directors has been reduced to Sixteen accordingly; and it is expedient that Power should be given to the Company still further to reduce the Number of their Directors, and in that Case to reduce the Number forming a Quorum of the Board.

Incorporates 8 & 9 Vict. cc. 18 & 19,—§ 1.

Interpretation, § 2.

Power to construct new Works according to deposited Plans, § 3.

Describing Works, § 4.

For preventing Stoppages or Obstruction to the Traffic in Maiden Lane, § 5.

Power also to take Lands for Station, § 6.

Reserving certain Powers for North London Railway Company, § 7.

For Preservation of Sewers, § 8.

Saving Rights of Metropolitan Board of Works and Vestry of Islington, § 9.

Two Years for Purchase of Lands and for the Completion of the Works, § 10, 11.

If Railway not opened for public Traffic within Two Years, Payment of Dividends on ordinary Shares to be suspended, § 12.

Tolls upon new Line of Railway, 13 & 14 Vict. c. lxi.,— §§ 13, 14.

Company may apply their Funds towards Purposes of Act, § 15.

Providing Means for redeeming Preference Stocks, § 16.

Stocks to be redeemed accordingly, § 17.

Extent of preferential Dividends, § 18.

As to Payment of half-yearly Dividend on ordinary Stock, § 19.

Conversion of Debt into Debenture Stock, § 20.

Saving Mortgages and Bonds; Debenture Stock to extinguish Debt, § 21.

Votes of Holders of Debenture Stock, and Transfer and Registry of Stock, § 22.

Arrears of Dividend may be enforced by Appointment of a Receiver, §§ 23, 24.

Power to reduce Number of Directors, § 25.

Previous Notice to be given by Candidates for Office of Director, § 26.

## PRIVATE ACT,

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N.B.—*To this Act is annexed a Clause in the Form 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 Kingdom, 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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*Cap. 1.*

An Act to authorize *Charles Frederick Clifton* Esquire and the *Lady Edith Maud* his Wife, and their Issue, to assume and bear the Surnames of “*Abney Hastings*” in lieu of the Surname of *Clifton*, and to bear the Arms of “*Abney*” and “*Hastings*,” in compliance with the Condition contained in a Settlement made by Sir *Charles Abney Hastings* Baronet, deceased, of certain Estates in the Counties of *Derby* and *Leicester*.

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# TABLES

SHOWING

THE EFFECT OF THE LEGISLATION OF SESSION 1, 1859.

**TABLE I.**  
[IN ORDER OF CAP.]

22 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
-	Amends -	{ 20 & 21 Vict. c. 81. s. 23. - - }	Act to amend the Burial Acts.
I.	Repeals -	3 Jac. 1. c. 1. -	Observance of 5th Day of November.
	” -	12 Car. 2. c. 14. -	Observance of 29th Day of May.
	Partly re-peals -	12 Car. 2. c. 30. -	Act of Attainder of Persons guilty of the Murder of King Charles I.
	” -	13 Car. 2. c. 7. -	An Act for confirming Public Acts.
	” -	13 Car. 2. c. 11. -	An Act for confirming Three Acts therein mentioned.
	” -	24 Geo. 2. c. 23. -	Act for regulating the Commencement of the Year and for correcting the Calendar.
	Repeals -	{ 14 & 15 Car. 2. Sess. 4. c. 1. (Ireland)	Observance of 29th Day of May.
	” -	” ” c. 23. }	Observance of 23d Day of October.
VIII.	Repeals -	{ 9 & 10 Vict. c. 95. s. 32. - - }	County Courts.
X.	Amends -	21 & 22 Vict. c. 48. -	Oaths.
XI. s. 9.	Applies -	{ 5 & 6 Will. 4. c. 64. s. 4. - - }	Stamps and Assessed Taxes.
		17 & 18 Vict. c. 67. }	An Act to facilitate the Purchase of Common and other Rights by Principal Officers of Her Majesty's Ordnance.
XII. s. 1.	Extends -	{ 18 & 19 Vict. c. 117. }	An Act for transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

\* See Schedule to the Act for the Extent of these Repeals.

22 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
XII. s. 2. -	Saves -	5 & 6 Vict. c. 94. s. 8.	Act to consolidate and amend the Laws relating to the Services of the Ordnance Department.
s. 4. -	Amends -		
r. 5. -	Applies -	1 & 2 Vict. c. 74.	Act to facilitate the Recovery of Possession of Tenements on due Determination of Tenancy.
		19 & 20 Vict. c. 108.	County Courts Act Amendment.
s. 6. -	Applies -	14 & 15 Vict. c. 57.	Civil Bills and Courts of Quarter Sessions in Ireland.
		14 & 15 Vict. c. 92. s. 15. - -	Summary Jurisdiction of Justices in Ireland.
XIII. -	Amends -	15 & 16 Vict. c. 83.	Patent Law Amendment Act, 1852.
XIV. s. 5. -	Extends and applies -	14 & 15 Vict. c. 92.	Summary Jurisdiction (Ireland).
s. 7. -		14 & 15 Vict. c. 57.	Civil Bills (Ireland).
s. 8. -	Applies -	21 & 22 Vict. c. 100.	Petty Sessions (Ireland) Clerk Act, 1858.
	Applies -	The Stamp Acts.	
XVI. -	Amends and extends -	29 Car. 2. c. 5.	Act for taking Affidavits in the Country.
		4 Will. & Mary, c. 4.	Act for taking special Bails in the Country.
XVII. -	Further continues*	11 & 12 Vict. c. 133.	Savings Banks in Ireland.
XIX. s. 3 -	Applies -	15 Vict. c. 28.	Supreme Courts of Justice in Edinburgh.
XXI. -	Amends† -	21 & 22 Vict. c. 90.	The Medical Act, 1858.
XXV. s. 1. -	Partly repeals -	5 Geo. 4. c. 84.	Transportation of Offenders.
		11 Geo. 4. & 1 Will. 4. c. 39.	Act to amend 5 Geo. 4. c. 84.
		9 & 10 Vict. c. 26.	Superintendent of Convicts under Sentence.

\* i.e. Until the 1st Jan. 1861, and until the End of the then next Session of Parliament.

† i.e. Repeals s. 33, extends Time for Registration to 1st July 1859, and amends Schedule.

22 Vict	Effect.	Act affected.	Subject of Act affected.
Cap.			
XXVI. s. 1.	Repeals -	{ 4 & 5 Will. 4. c. 24. ss. 10, 11, 13, 14, 15, 17, 19, and 24. }	Pensions and Allowances for Civil Service.
s. 14.	Amends -	57 Geo. 3. c. 65. s. 6.	Pensions for Civil Offices.
s. 15.	Amends* -	{ Acts enumerated in Schedule. }	
XXVII. s. 2.	Excepts -	9 Geo. 2. c. 36. -	Mortmain Act.
XXVIII. -	Continues†	11 & 12 Vict. c. 58. {	Naval Medical Supple- mental Fund Society.
XXIX. -	{ Further continues † }	{ Provisions of several Acts referred to in 20 Vict. c. 18. - }	Charges upon the Com- mon Fund of Poor Law Unions.
XXX. -	Amends -	21 & 22 Vict. c. 56. {	Confirmation and Probate Act, 1858.
XXXIV. -	{ Amends and ex- plains - }	6 Geo. 4. c. 129. - }	Combinations of Work- men.
XXXV. s. 3.	Applies -	{ 5 & 6 Will. 4. c. 76. ss. 39, 40, 42, & 43. 7 Will. 4. & 1 Vict. c. 78. s. 10. - 16 & 17 Vict. c. 79. s. 10. - - }	Municipal Corporations Regulation Act. Municipal Corporations Act Amendment. Municipal Corporations. Further Provisions.
s. 12.	Applies -	{ Acts relating to Bri- bery and corrupt Practices at Parlia- mentary Elections. }	

\* *i.e.* This Act is to be taken as referred to by the Scheduled Acts *vide* 4 & 5 Will. 4. c. 24.

† *i.e.* for Ten Years, and thence to the End of the then next Session of Parliament.

‡ *i.e.* to 30th Sept. 1860, and to the End of the then next Session of Parliament.

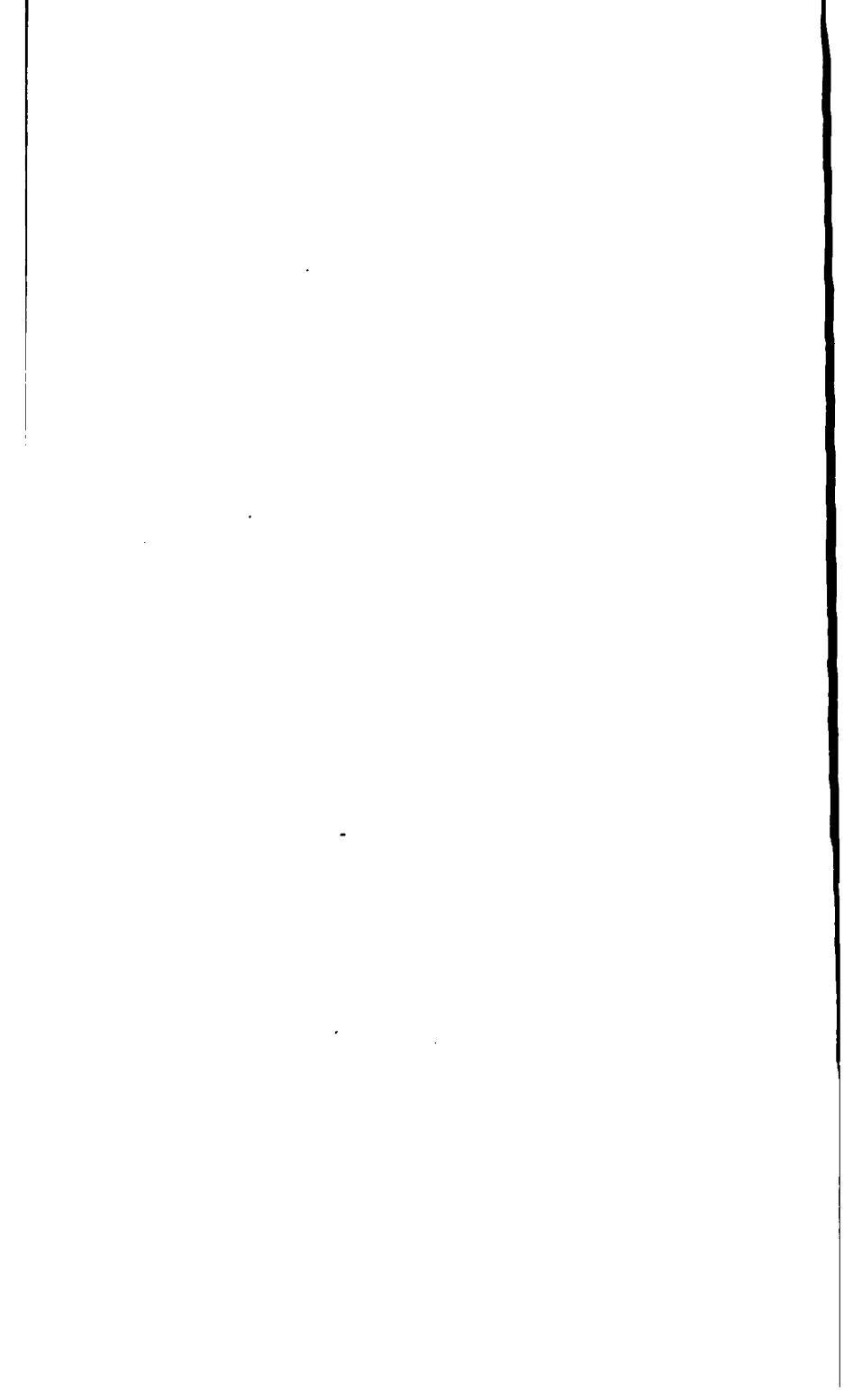
## TABLE II.

## CHRONOLOGICAL.

[For Details, see TABLE I.]

Act affected.	Subject of Act affected.	How affected.	Act affecting.
3 Jac. 1. c. 1. - -	Observance of 5th Day of November.	Repealed -	22 Vict. Cap. II
12 Car. 2. c. 14. -	Observance of 29th Day of May.	Repealed -	II
12 Car. 2. c. 30. -	Act of Attainder of Persons guilty of the Murder of Car. 1.	Partly repealed.	II
13 Car. 2. c. 7. -	An Act for confirming Public Acts.	Partly repealed.	II
13 Car. 2. c. 11. -	An Act for confirming Three Acts therein mentioned.	Partly repealed.	II
14 & 15 Car. 2. Sess. 4. c. 1. [Ireland.]	Observance of 29th Day of May.	Repealed -	II
14 & 15 Car. 2. Sess. 4. c. 23. [Ireland.]	Observance of 23d Day of October.	Repealed -	II
29 Car. 2. c. 5. - -	Act for taking Affidavits in the Country.	Amended -	XVI
4 Will. & Mary, c. 4. -	Act for taking Special Bails in the Country.	Amended -	XVI
9 Geo. 2. c. 36. -	Mortmain Act - -	Excepted -	XXVII.
24 Geo. 2. c. 23. -	Act for regulating the Commencement of the Year, and for correcting the Calendar.	Partly repealed.	II.
57 Geo. 3. c. 65. s. 6. -	Pensions for Civil Offices	Amended -	XXVI.
5 Geo. 4. c. 84. -	Transportation of Offenders.	Partly repealed.	XXV.
6 Geo. 4. c. 129. -	Combinations of Workmen.	Amended and explained.	XXXIV.
11 Geo. 4. & 1 Will. 4. c. 39.	Act to amend 5 Geo. 4. c. 84.	Partly repealed.	XXV.
4 & 5 Will. 4. c. 24. -	Pensions and Allowances for Civil Services.	Partly repealed.	XXVI.
5 & 6 Will. 4. c. 64. s. 4.	Stamps and Assessed Taxes.	Applied -	XL
5 & 6 Will. 4. c. 76. ss. 39, 40, 42, and 43.	Municipal Corporations Regulation Act.	Applied -	XXXV.
7 Will. 4. & 1 Vict. c. 78. s. 10.	Municipal Corporations Act Amendment.	Applied -	XXXV.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
& 2 Vict. c. 74. -	Recovery of Possession of Tenements on Determination of Tenancy.	Applied -	22 Vict. Cap. XII.
& 6 Vict. c. 94. s. 8.	Consolidation, &c. of Laws relating to the Ordnance.	Saved -	XII.
s. 19. & 10 Vict. c. 26. -	" " " Superintendent of Convicts under Sentence.	Amended - Partly re- pealed.	XII. XXV.
& 10 Vict. c. 95. s. 32.	County Courts - -	Repealed -	VIII.
1 & 12 Vict. c. 58. -	Naval Medical Supplemental Fund Society.	Continued -	XXVIII.
1 & 12 Vict. c. 133. -	Savings Banks in Ireland	Further con- tinued.	XVII.
4 & 15 Vict. c. 57. -	Civil Bills and Courts of Quarter Sessions in Ireland.	Applied -	XII. and XIV.
4 & 15 Vict. c. 92. s. 15.	Summary Jurisdiction of Justices in Ireland.	Applied -	XII. and XIV.
15 Vict. c. 28. - -	Supreme Courts of Justice in Edinburgh.	Applied -	XIX.
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*Indemnity.*

## I.

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22 Vict. c. 15.—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. Page 52

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Provisional Order for extending the Borrowing Powers of the Nantwich Local Board of Health.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Worthing Local Board of Health.

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6. Forms of Process as those in Schedule.
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22 Vict. c. 18.—An Act for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's Charity, and the Free Grammar School in the Town of Nottingham. Page 54

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§ 1. Confirming Scheme for the Application and Management of the Charities in the Town of Nottingham, called Sir Thomas White's Charity (so far as relates to the Nottingham Branch thereof), and the Free Grammar School of the Foundation of Agnes Mellers.



## O.

### Oaths :

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22 Vict. c. 16.—An Act to enable the Judges to appoint Commissioners within Ten Miles of London and in the Isle of Man and the Channel Islands to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer. Page 52

Recital of 29 Car. 2. c. 5. :

- § 1. Power to Judges to appoint Commissioners to administer Oaths within Ten Miles of London.
2. Style of Commissioners. Power to take Fees.
3. Power to Judges to appoint Commissioners for the Isle of Man and the Channel Islands.
4. Affidavits, &c. to be read and made use of as other Affidavits.
5. Extending Provisions of 4 W. & M. c. 4. as to Bail in Error, and to Recognizances on the Revenue Side of the Exchequer.

#### 2.—*Oaths Act Amendment.*

22 Vict. c. 10.—An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath. Page 37

- § 1. New Form of Affirmation to be made by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath as in 21 & 22 Vict. c. 48.
2. The Name of the Sovereign for the Time being to be used in such Affirmation.

*Observance of Anniversary Days. See Anniversary Days Observance.*

*Officers in the Civil Service. See Civil Service Superannuation.*

*Offices, Qualifications for. See Indemnity.*

*Offices for the Public Service. See Public Offices Extension.*

*Patents**Pauper.*

## P.

*Patents for Inventions (Munitions of War).*

22 Vict. c. 13.—An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War. Page 44

- § 1. Improvements in Instruments or Munitions of War may be assigned by the Inventors to the Secretary of State for War.
2. The foregoing Enactment to extend to Assignments already made.
3. Where such Assignment has been made, the Secretary of State for War may certify to Commissioners of Patents that the Invention should be kept secret.
4. Where the Secretary of State for War has so certified, Petition for Letters Patent, &c. to be left with the Clerk of the Patents in a Packet under Seal of Secretary of State.
- 5, 6. Such Packet to be kept so sealed, or under the Seal of the Commissioners of Patents, and to be delivered, on Demand, to Secretary of State, or by Order of Lord Chancellor.
7. At the Expiration of the Letters Patent such sealed Packet to be delivered to Secretary of State.
8. Where Secretary of State certifies as aforesaid after filing of Petition, Documents already filed to be put into a Packet, sealed with the Seal of the Commissioners.
9. No Copy of Specification, &c. by this Act required to be kept under Seal, to be sent to Scotland or Ireland, or published; but otherwise Provisions of Patent Acts to apply.
10. No Scire facias to be brought in relation to such Letters Patent.
11. Secretary of State may waive the Benefit of this Act as respects any Invention.
12. Communication of Invention to Secretary of State, &c. not to prejudice Letters Patent.
13. Construction of "Secretary of State."

*Patronage, Ecclesiastical.* See *Ecton and Welton Exchange.*

*Pauper Maintenance.* See *Poor.*

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*Penalties*     -     -     -     -     *Public.*

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*Penalties, Remission of.*

22 Vict. c. 32.—An Act to amend the Law concerning the Remission of Penalties. Page 117

§ 1. Penalties for Offences may be remitted by the Crown, although payable to Parties other than the Crown.

*Places of Burial.*    See *Burial Places.*

*Playgrounds.*    See *Recreation Grounds.*

*Poor.*

22 Vict. c. 29.—An Act to continue the Act 20 Vict. c. 18., for charging the Maintenance of certain Paupers upon the Union Funds. Page 108

§ 1. Temporary Provisions of recited Act further continued until 30th September 1860.

*Prayer, Forms of.*    See *Anniversary Days*  
*Observance.*

*Premiums.*    See *Naval Medical Supplemental*  
*Fund Society.*

*Prisons abroad.*    See *Convict Prisons abroad.*

*Probates and Administrations.*

22 Vict. c. 30.—An Act to amend the Confirmation and Probate Act, 1858. (21 & 22 Vict. c. 56.) Page 108

§ 1. Persons, &c. making Payments upon Confirmations and Probates under the Act of 1858 indemnified.

*Provisional Orders.*    See *Local Government.*

*Public Health.*    See *Burial Places.*

*Public Offices Extension.*

22 Vict. c. 19.—An Act to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service

*Public Offices Extension.*

near Whitehall and Her Majesty's Palace at Westminster. Page 56

Recital of 18 & 19 Vict. c. 95. (Downing Street Public Offices Extension Act, 1855.)

- § 1. Commissioners of Works and Public Buildings incorporated for the Purposes of this Act.
2. Commissioners to purchase Land and carry this Act into execution.
3. Land purchased to be vested in Commissioners for the Public Service.
4. Plan to be deposited in the Office of Works, &c., and be open for Inspection.
5. Power to stop up Streets and Ways.
6. Streets may be raised or lowered.
7. Power to take Land after Notice to Owners.
8. No Land to be taken without Consent, except such as mentioned in Schedule.
9. Premises may be taken notwithstanding Errors in the Schedule.
10. Power to Commissioners, their Surveyors, &c., to enter upon Land for surveying or valuing.
11. Power to Commissioners to treat for Purchases.
12. Land purchased to be conveyed to the Commissioners, or as they shall direct.
13. Limitation of Time for compulsory Purchase.
14. Bodies Politic, Trustees, and other Persons empowered to sell and convey.
15. Satisfaction to be made and may be accepted.
16. Parties to deliver a Statement of their Claims.
17. If Parties refuse to treat or shall not agree, a Jury to be summoned.
18. Where Part of an Estate is taken, the Remainder to be valued.
19. Notice to be given of the Compensation claimed.
20. Penalty on High Bailiff, Jury, and Witnesses for Neglect of Duty.
21. Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.
22. Value of Land to be ascertained distinct from Goodwill or other Damages.
23. Provision relating to Expenses of Juries.
24. Verdicts to be recorded.
25. Commissioners empowered to purchase the whole of the Land if Owners are unwilling to sell a Part.
26. Persons holding under Leases to produce the same.
27. For settling Disputes as to Damages of small Amount.
28. Commissioners not to take possession until the Purchase Monies are tendered or paid.
29. Commissioners empowered to take possession on Payment of Purchase Money into the Bank of England.
30. Application of Purchase Money when amounting to 200*l.*

*Public Offices. Extension.*

- § 31. When less than 200*l.* and amounting to 20*l.*
32. When less than 20*l.*
33. In case of not making out Titles.
34. Where any Question shall arise touching the Title, the Person in possession shall be deemed entitled until the contrary be shown.
35. Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.
36. Where the Title is defective by reason of a Rent payable out of other Land, as well as Land required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Land which shall be subject to Rent in the same Manner.
37. Power to purchase the Release of Land wanted from Rents charged thereon.
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40. As to Cases where the Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.
41. Tenants at Will or from Year to Year to quit after Notice given.
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44. Purchases to be made under the Authority of the Treasury.
45. Materials, &c. vested in the Commissioners.
46. Commissioners may cause Actions to be brought for Breach of Contract.
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48. Commissioners to make good Deficiencies in Rates to Parishes of St. Margaret and St. John the Evangelist, Westminster.
49. When First Payment to be made.
50. Deeds, &c. not liable to Stamp Duty.
51. Persons giving false Evidence guilty of Perjury.
52. Plaintiff not to recover without Notice, or after Tender of Amends.
53. Limitation of Actions.
54. For protecting the Rights of the Metropolitan Board of Works.
55. Commissioners not to be personally liable.
56. Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.
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59. Short Title of Act.
- SCHEDULE of Property to be taken.

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*Recreation.***Q.***Quakers.*

22 Vict. c. 10.—An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath. Page 37

- § 1. New Form of Affirmation to be made by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath as in 21 & 22 Vict. c. 48.
2. The Name of the Sovereign for the Time being to be used in such Affirmation.

*Qualifications for Offices and Employments.*  
See *Indemnity.*

*Queen, The.* See *Ecton and Welton Exchange.*

**R.**

*Recognizances.* See *Bail for Manslaughter.*  
*Bail in Error.*

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22 Vict. c. 27.—An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Playgrounds for Children. Page 106

- § 1. Lands may be conveyed to Trustees to be held by them as public Grounds, &c.
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*Registration*                    -                    -                    -                    *Rights.*

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*Registration.* · See *Medical Practitioners.*

*Remission of Penalties.*

22 Vict. c. 32.—An Act to amend the Law concerning the Remission of Penalties.                    Page 117

§ 1. Penalties for Offences may be remitted by the Crown although payable to Parties other than the Crown.

*Revenue, Public (Supply, Appropriation, &c.)*

1.—*Consolidated Fund—Application of Aids and Appropriation of Supplies.*

22 Vict. c. 6.—An Act to apply the Sum of One million two hundred twenty-two thousand three hundred and eighty-three Pounds Eight Shillings and Ninepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.                    Page 34

22 Vict. c. 7.—An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.

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22 Vict. c. 23.—An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.

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2.—*Exchequer Bills.*

22 Vict. c. 22.—An Act for raising the Sum of Thirteen million two hundred and seventy-seven thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-nine.

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*Rights of Common.* · See *Common Rights, &c. (War Department).*

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*Small.**Royal Marines.*

22 Vict. c. 5.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. Page 21

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*General Principles of the Act, §§ 1-6.—Courts-martial (Constitution, Powers, and Proceedings), §§ 7-20.—Crimes and Punishments, §§ 21-41, 80-88.—Goals, Prisons, &c., §§ 42-46, 52.—Musters, §§ 47, 48.—Desertion, §§ 38, 49-54, 82.—Furlough, § 55.—Enlistment, and Offences connected therewith, §§ 59-68, 83.—Billets, Carriages, Routes, Tolls, §§ 70-77, 80, 81.—Penalties, §§ 80-88.—Miscellaneous Provisions, §§ 56-58, 69, 78, 79, 86, 89-94.—Schedules.]*

**S.***Saint James Baldersby Marriages Validity.*

22 Vict. c. 24.—An Act to render valid certain Marriages in the Church of Saint James Baldersby in the County of York. Page 97

- § 1. Marriages heretofore solemnized in St. James Baldersby declared valid.
2. Ministers having solemnized Marriages indemnified.
3. Registers to be Evidence.

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22 Vict. c. 17.—An Act to continue the Act 11 & 12 Vict. c. 133., for amending the Laws relating to Savings Banks in Ireland. Page 54

- § 1. Recited Act continued until 1st January 1861.

*Scheme of the Charity Commissioners.* See *Nottingham Charities.*

*Secretary of State for War.* See *Common Rights, &c. Patents for Inventions.*

*Small Debts.* See *County Courts. Manor Courts (Ireland).*



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*Southwark*     -     -     -     *Superannuation.*

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*Southwark, High Bailiff of.* See *County Courts.*

*Stamps.* See *Manor Courts (Ireland).*

### *Superannuation.*

22 Vict. c. 26.—An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.     Page 101

Recital of 4 & 5 Will. 4. c. 24. and 20 & 21 Vict. c. 37.

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12. Superannuation may be retained on Transfer to other Employment under the Crown.
13. Orders, &c., within what Time to be laid before Parliament.
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*Supplies.* See *Revenue, Public, &c.*

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22 Vict. c. 29.—An Act to continue the Act 20 Vict. c. 18., for charging the Maintenance of certain Paupers upon the Union Funds. Page 108

- § 1. Temporary Provisions of recited Act further continued until 30th September 1860.

## V.

### *Validity of Marriages (Saint James Baldersby).*

22 Vict. c. 24.—An Act to render valid certain Marriages in the Church of Saint James Baldersby in the County of York. Page 97

- § 1. Marriages heretofore solemnized in St. James Baldersby declared valid.  
 2. Ministers having solemnized Marriages indemnified.  
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22 Vict. c. 18.—An Act for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's Charity, and the Free Grammar School in the Town of Nottingham. Page 54

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22 Vict. c. 34.—An Act to amend and explain the Act 6 Geo. 4. c. 129., to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof. Page 119

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# A LIST

OF

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PASSED DURING THE

SESSION 22 VICT. (1859).

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THE

**S T A T U T E S**

OF

**THE UNITED KINGDOM**

OF

**GREAT BRITAIN AND IRELAND,**

**22 & 23 VICTORIA, 1859.**

WITH TABLES SHOWING THE EFFECT OF THE LEGISLATION OF  
SESSION 2, 1859, AND A COPIOUS INDEX.

BY **GEORGE KETTLBY RICKARDS, Esq.,**

OF THE INNER TEMPLE,

COUNSEL TO THE SPEAKER OF THE HOUSE OF COMMONS.



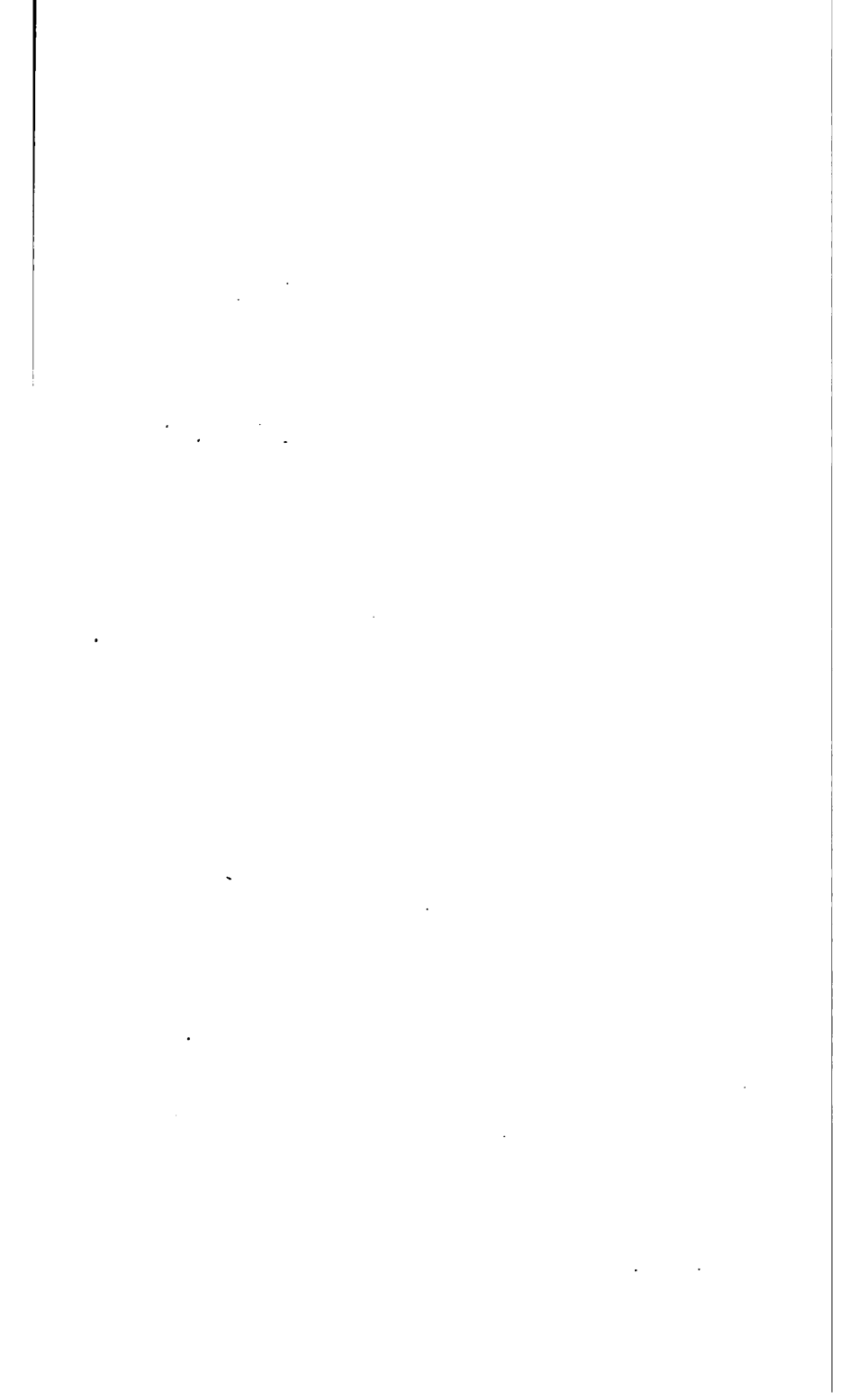
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1859.

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A

# TABLE

Containing the TITLES of all

## THE STATUTES

Passed in the FIRST Session of the EIGHTEENTH  
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OF

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22° & 23° VICTORIÆ.

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## PRIVATE ACTS,

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IN EVIDENCE.

1. **A**N Act to authorize the Exchange of certain detached Portions situate in the County of *Forfar* of the entailed Estate of *Haulkertoun* for the Lands of *Balbithan* and *Wester Fintray* in the County of *Aberdeen*, to be entailed in lieu thereof ; and for other Purposes. Page 351
  2. An Act for authorizing the Trustees of the Settled Estates in *Wales* of Earl *Vane* and Countess *Vane* to raise Five thousand Pounds by Mortgage of the same Estates, and to become Shareholders to the Extent of such Sum in the *Newtown and Machynlleth* Railway Company, and to sell to the Company Part of the Settled Estates in consideration of a yearly Rentcharge ; and for other Purposes. 351
  3. An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Dean Street* in the City of *Westminster* to *Alfred Lucette*, of which the Short Title is "*Lucette's Estate Act, 1859.*" 351
  4. An Act for authorizing Leases of Parts of the Settled Estates, in the Parishes of *Huddersfield*, *Almondbury*, and *Kirkheaton*, in the West Riding of the County of *York*, of Sir *John William Ramsden* Baronet, and of which the Short Title is "*Ramsden's Estate (Leasing) Act, 1859.*" 352
  5. An Act for effecting a Partition of the Landed Estates of *Josiah Robins* deceased in and near to *Birmingham* and elsewhere, and for facilitating the Erection and Endowment of a Church thereon, and for authorizing the Application of Moneys, subject to the Trusts of his Will, towards the Expenses of making Bridges for the Benefit of Parts of his Estates ; and for other Purposes. 352
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## PRIVATE ACTS,

NOT PRINTED.

6. An Act to dissolve the Marriage of *William Sandwith* Esquire with *Georgina Mary* his now Wife, and to enable him to marry again ; and for other Purposes.
  7. An Act to dissolve the Marriage of *James Edward Dickinson*, a Surgeon in the Honourable *East India* Company's Service in the *East Indies*, with *Henrietta Louisa* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
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THE  
STATUTES AT LARGE.

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Anno Regni VICTORIÆ, Britanniarum Reginae,  
Vicesimo Secundo et Vicesimo Tertio.

‘ **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 ; being the  
‘ First Session of the Eighteenth Parliament of the United  
‘ Kingdom of *Great Britain* and *Ireland*.’

C A P. I.

An Act to provide for the Authentication of certain Orders  
of the Privy Council in the Absence of the Clerk of the  
Council in Ordinary. [21st July 1859.]

‘ **W**HEREAS certain Orders of Her Majesty’s Privy Council  
‘ are by the Acts of Parliament which provide for the  
‘ Issue thereof required to be certified or authenticated under  
‘ the Hand of the Clerk in Ordinary of the said Council, and  
‘ Delay and Inconvenience may arise in the event of such Clerk  
‘ in Ordinary being prevented by Illness or otherwise from the  
‘ Discharge of his Duty :’ Be it enacted by the Queen’s most  
Excellent Majesty, by and with the Advice and Consent of  
the Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, as  
follows :

I. Whenever Her Majesty shall, with the Advice of Her Privy  
Council, make Provision for the Performance of the Duties of  
the Clerk of the said Council in Ordinary in the event of his  
Absence, any Person acting under the Authority of the Order  
in Council in this Behalf shall, in relation as well to the signing,  
certifying, and issuing of Orders of Her Majesty in Council, or  
of the Lords and others of Her Majesty’s Privy Council, under  
any Acts of Parliament as to the other Duties of the Office,  
have and perform all the Powers and Functions and be in the  
Place of the Clerk of the said Council in Ordinary.

Person authorized to act in the Absence of the Clerk of the Council in Ordinary may sign Orders, &c.

*Consolidated Fund (£7,000,000). Public Health Act Cont.*

C A P. II.

An Act to apply the Sum of Seven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine. [1st August 1859.]

C A P. III.

An Act to amend and make perpetual "The Public Health Act, 1858." [1st August 1859.]

21 & 22 Vict.  
c. 97.

WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of Her Majesty (Chapter Ninety-seven) "for vesting in the Privy Council "certain Powers for the Protection of the Public Health," which Act was to be in force only until the First Day of August One thousand eight hundred and fifty-nine; and it is expedient that Section Eight of the said Act should be repealed and that, except such Section, the said Act should be made perpetual: 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:

Act made  
perpetual.  
except s. 8.

Section Eight of the said Act shall be repealed, and, except the said Section, the said Act shall be and the same is hereby made perpetual.

C A P. IV.

An Act to amend the Act for the better Administration of Criminal Justice in *Middlesex*. [8th August 1859.]

7 & 8 Vict.  
c. 71.

WHEREAS by an Act passed in the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Seventy-one, "for the better Administration of Criminal Justice in *Middlesex*," Provision is made for the Appointment by Her Majesty of a Person being a Serjeant or Barrister at Law of not less than Ten Years Standing, and in the Commission of the Peace for the County of *Middlesex*, and qualified by Law to act as a Justice of the Peace, to be the Assistant Judge of the Court of the Sessions of the Peace for the said County, and the yearly Salary of One thousand two hundred Pounds is to be paid as therein mentioned to such Assistant Judge out of the Consolidated Fund of the United Kingdom: And whereas the said Office of Assistant Judge lately became vacant by the Death of *Robert Pashley* Esquire, and it is expedient to make further Provision concerning the said Office and otherwise to amend 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:

Justices may  
grant 300l. a  
Year out of

I. It shall be lawful for the Justices of the County of *Middlesex*. if they so think fit, at any General or Quarter Session of the Peace

*Criminal Justice, Middlesex (Assistant Judge).*

Peace to order to be paid out of the County Rates of such County to the Assistant Judge for the Time being, the yearly Sum of Three hundred Pounds in addition to the Salary of One thousand two hundred Pounds payable under the said Act, and such yearly Sum of Three hundred Pounds shall be paid out of such County Rates accordingly on the Days on which the said Salary of One thousand two hundred Pounds is payable out of the Consolidated Fund.

II. In case such yearly Sum of Three hundred Pounds be so ordered to be paid, no such Assistant Judge during his Continuance in such Office shall practise as a Barrister.

III. During any Vacancy in the Office of such Assistant Judge, or when and so often as such Assistant Judge for the Time being shall, by reason of mental or bodily Infirmity or of unavoidable Absence, or from other Cause, be unable to appoint a Deputy pursuant to the said Act, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Writing under his Hand, to appoint a Person, being a Serjeant or Barrister at Law of not less than Ten Years Standing, to act temporarily as or in the Place of such Assistant Judge until such Time as an Assistant Judge shall be appointed under the said Act, or until the Assistant Judge shall be able to resume his Duties, as the Case may require, and such Person so appointed under this Act shall have and exercise all such Powers and Privileges as are given by the said Act to such Assistant Judge, and shall be paid for his Services out of the County Rates of the said County any Sum not exceeding Five Guineas *per Day* whilst he shall sit and act as Assistant Judge.

IV. Every General Session of the Peace for the County of *Middlesex*, and every Adjournment thereof, shall have Power to try and determine all Appeals, and all other Powers which do now or shall hereafter belong to the General Quarter Sessions for the said County; and the said Justices may and are hereby authorized to hold such Sessions, or Adjournment thereof, at the Sessions House at *Clerkenwell*.

V. It shall be lawful for any Court of General or Quarter Session holden in and for the said County of *Middlesex* to spare or remit, if it shall be thought fit, any Fine imposed at a previous Session upon any Juror for Non-attendance or other Default.

VI. So soon as the present Assistant Judge shall cease to hold his Office as such Judge, the Tenth Section of the said Act shall be repealed so far as relates to the Salary of any future Assistant Judge.

County Rates as Addition to Salary of Assistant Judge;

who in such Case is not to practise.

In certain Cases Secretary of State may appoint a Person to act temporarily as Assistant Judge.

General Sessions for Middlesex to have Powers of Quarter Sessions.

Court may remit Fines on Jurors.

As to Repeal of s. 10 of recited Act.

## C A P. V.

An Act to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament.

[8th August 1859.]

WHEREAS the Act of the Second and Third Years of King *William* the Fourth, Chapter One hundred and sixteen, regulates the Conditions on which Pensions shall be granted

*Diplomatic Pensions.**Admiralty Court.*

‘ granted to Persons who have served Her Majesty in Diplomatic  
 ‘ Offices : And whereas Doubts have arisen as to whether such  
 ‘ Pensions, being those of Reward of Diplomatic Service antho-  
 ‘ rized by Parliament, come within the Provisions of the Act of  
 ‘ the Sixth Year of Queen *Anne*, Chapter Seven, which renders  
 ‘ any Person holding a Pension from the Crown during Pleasure  
 ‘ incapable of being elected or of sitting or voting as a Member  
 ‘ of the House of Commons :’ Be it hereby 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 :

Persons hold-  
 ing Diplomatic  
 Pensions may  
 sit in H. of C.

I. That Pensions granted for Diplomatic Services, according to  
 the Provisions of the aforesaid Act of the Second and Third  
 Years of King *William* the Fourth, shall not disqualify the  
 Holder from being elected or sitting or voting as a Member of the  
 House of Commons.

2 & 3 W. 4.  
 c. 116. not to  
 be affected.

II. Nothing contained in this Act shall affect any of the  
 Provisions of the aforesaid Act of the Second and Third Years of  
 King *William* the Fourth for the Regulation of Diplomatic  
 Pensions.

## C A P. VI.

An Act to enable Serjeants, Barristers-at-Law, Attorneys,  
 and Solicitors to practise in the High Court of Admiralty.  
 [8th August 1859.]

**B**E 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 :

Serjeants,  
 Barristers,  
 Attorneys, and  
 Solicitors to  
 be at liberty  
 to practise in  
 the High Court  
 of Admiralty.

I. All Serjeants and Barristers-at-Law, and all Attorneys-at-  
 Law and Solicitors, shall, from and after the passing of this Act,  
 be entitled to practise as Serjeants, Barristers, Attorneys, and  
 Solicitors respectively in all Matters and Causes whatsoever in  
 Her Majesty’s High Court of Admiralty ; and the said Serjeants  
 and Barristers-at-Law shall and may have and exercise the same  
 Rights and Privileges of practising, pleading, and audience in  
 the said High Court of Admiralty as Advocates now have and  
 enjoy in the said Court, and the said Attorneys and Solicitors  
 shall and may have and exercise the same Rights and Privileges  
 of practising in the said High Court of Admiralty as Proctors  
 now have and enjoy in the said Court ; and all Persons who at  
 the Time of the passing of this Act shall have been admitted  
 Advocates in any of the Ecclesiastical Courts or in the said High  
 Court of Admiralty, and the said Serjeants and Barristers-at-  
 Law, shall have respectively the same Rank and Precedence in  
 the said High Court of Admiralty which they now have before  
 the Judicial Committee of the Privy Council, unless and until  
 Her Majesty shall otherwise order : Provided always, that all  
 Attorneys-at-Law and Solicitors practising in the said Court of  
 Admiralty

Admiralty Court. Jury Trial (Scotland) Act Amendment.

Admiralty shall be subject to the Authority of the Judge of the said Court, in like Manner as Attorneys in the Court of Queen's Bench are subject to the Authority of that Court.

## C A P. VII.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in *Scotland* to be received, although the Jury may not be unanimous. [8th August 1859.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to allow Verdicts on Trials by Jury in Civil Causes in Scotland to be returned, although the Jury may not be unanimous*, it was enacted, that if upon the Trial by Jury of any Civil Cause in the Court of Session in *Scotland* the Jury are unable to agree upon a Verdict, and if after having been kept in deliberation for a Period of Six Hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of such Jury, and shall be taken and shall have the same Force and Effect as if found unanimously by the whole of the said Jury: And whereas it is expedient that the said Act 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:

17 & 18 Vict.  
c. 59.

I. If after having been kept in deliberation for a Period of Three Hours, Nine or more of the Jury on any such Trial as in the said recited Act mentioned shall agree upon a Verdict, the Verdict agreed to by such Nine or more may then be returned, and shall be taken as the Verdict of the Jury, in like Manner and to the like Effect as is provided by the said recited Act in regard to the Verdicts thereby allowed to be returned after the Jury have been kept in deliberation for a Period of Six Hours.

If after Three Hours Deliberation Nine of the Jury agree, a Verdict may be returned.

II. When in any such Trial Nine of the Jury shall not have agreed on a Verdict after such Jury has been kept in deliberation for a Period of Six Hours, it shall be lawful for the Court or Judge, if such Court or Judge see fit, to discharge such Jury without their having given in a Verdict, in like Manner as a Jury might, prior to the passing of this Act, have been discharged without giving in a Verdict after having been kept in deliberation for a Period of Twelve Hours.

Jury may be discharged without a Verdict after Six Hours Deliberation.

## C A P. VIII.

An Act to amend the Act of the Twentieth and Twenty-first Years of *Victoria*, Chapter Forty-five, relating to the Survey of Boundaries in *Ireland*. [8th August 1859.]

WHEREAS an Act was passed in the Session of Parliament holden in the Twentieth and Twenty-first Years of Her Majesty, intituled *An Act to make further Provision for de-* 20 & 21  
fining c. 45.

*Boundaries (Ireland).*

*'fining the Boundaries of certain Denominations of Land in Ireland for Public Purposes: And whereas it is expedient to amend the same:'* 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 :

Boundary Surveyor may alter Name of Lands erroneously named in Ordnance Map on Application of Owners and Proof of Error.

I. The Provisions contained in the said recited Act for enabling the Boundary Surveyor for the Time being, when he shall find that the Boundaries of any Land have been erroneously marked out, laid down, or described on the Ordnance Map of any County, to make such Alteration therein as the Circumstances of the Case shall require, shall extend and apply to enable such Boundary Surveyor in any Case where any Lands have not been correctly named on such Ordnance Map, so far as the same can be shown by any ancient Deed, Instrument, Document, or Writing, to make such Alteration therein as the Circumstances of the Case shall require; provided that Application be made to him for such Alteration by the Owner or Owners, or reputed Owner or Owners of such Land, stating therein the Grounds on which such Application is made, and the Name of the Lands which it is proposed by such Owner or Owners to substitute for the Name of such Lands so entered on such Ordnance Map.

Boundary Surveyor may define Boundaries of certain Parishes.

II. Such Boundary Surveyor may define and mark out the Boundaries of any Parish which shall have been divided under the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Forty-three, or of an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, or of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Forty-one, and of any adjoining Parish to which any Lands separated from such first-mentioned Parish shall have been united.

Recited Act and this Act to be One Act, and be subject to 17 Vict. c. 17.

III. The said recited Act and this Act shall be read together as One Act, and all such Alterations of Boundaries or Names of Land hereby authorized to be made shall be subject to the Provisions of an Act passed in the Seventeenth Year of the Reign of Her Majesty, Chapter Seventeen, with respect to the Order or Orders of the Lord Lieutenant and Privy Council.

The Publication in Dublin Gazette of the detailed Report of Boundary Surveyor to be discontinued.

IV. 'And whereas the Publication in the *Dublin Gazette* of the detailed Report of the Boundary Surveyor, referred to in the Order of the Lord Lieutenant in Council, is unnecessary and expensive:' Be it enacted, That it shall be sufficient for the Purposes of this Act and the several Acts herein-before mentioned that the Order only of the Lord Lieutenant in Council, made in respect of the detailed Report and Ordnance Plans submitted by the Boundary Surveyor, shall be published in the *Dublin Gazette*, but every such Order in Council shall contain a Clause that the said Order, and the Report in detail and the Ordnance Plans submitted by the Boundary Surveyor, shall remain on Record in the Council Office, and shall be exhibited to any Person or Persons who may desire to inspect the same, without

*Boundaries (Ireland).**Chief Superintendent, China.*

without Fee or Reward; and a Copy of the said Order in Council, with Copies of the Report and Ordnance Plans certified under the Hand of the Clerk of the Council, shall be transmitted to the Clerk of the Peace for each County to which such Order shall in any way relate, to be by him kept and preserved in his Office, and exhibited at all reasonable Hours to any Person or Persons who may desire to inspect the same, without Fee or Reward.

V. This Act shall extend to *Ireland* only.

Copy of Order in Council, &c. to be transmitted to Clerk of Peace, &c.

Act to extend to Ireland only.

## C A P. IX.

An Act to provide for the Exercise of the Duties of Chief Superintendent in *China* in certain Cases.

[8th August 1859.]

WHEREAS by an Act passed in the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety-three, "to regulate the Trade to *China* and "*India*," Provision was made for the Appointment of Three Superintendents of the Trade of His Majesty's Subjects to and from the Dominions of the Emperor of *China* (One of whom should be styled the Chief Superintendent): And whereas by an Act passed in the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Eighty, "for the better Government of Her Majesty's Subjects resorting to "*China*," after an Enactment providing for the vesting of certain Powers in the said Chief Superintendent so long as he should be also Governor of the Island of *Hong Kong*, it was enacted, that it should be lawful for Her Majesty, by any Commission or Warrant under Her Royal Sign Manual, to make such Provision as to Her Majesty might seem fit for the temporary Exercise of the Duties of the said Chief Superintendent, in the event of a Vacancy occurring in that Office by Death, Resignation, or otherwise: And whereas it is expedient that Provision should be made for the Exercise of the Duties of the said Chief Superintendent as well during the Absence of the Person holding that Office as during a Vacancy: 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:

3 & 4 W. 4.  
c. 93.

6 & 7 Vict.  
c. 80. s. 2.

I. It shall be lawful for Her Majesty, by any Commission or Warrant under Her Royal Sign Manual, to direct and appoint that in the event of a Vacancy occurring in the said Office of Chief Superintendent, by Death, Resignation, or otherwise, or in the event of the Absence of the Chief Superintendent from *China*, from any Cause whatever, the Person who shall be acting as Her Majesty's Chargé d'Affaires in *China* shall in any such Case as aforesaid assume and hold the Office of Chief Superintendent, and exercise all the Powers and Duties thereof, during such Vacancy or Absence, or to make by such Warrant or Commission such further or other Provision as to Her Majesty may seem fit

Provision for Discharge of Duties of Chief Superintendent during a Vacancy of the Office, or during Absence.

*Chief Superintendent, China.*

for the Exercise of the Duties of the said Chief Superintendent during such Vacancy or Absence.

Application of Act.

II. This Act shall apply as well to the Cases in which the Chief Superintendent is not appointed Governor of *Hong Kong* as to the Cases in which he is also appointed such Governor.

C A P. X.

An Act to empower the Legislature of *Canada* to make Laws regulating the Appointment of a Speaker of the Legislative Council. [8th August 1859.]

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, “ to reunite the Provinces of *Upper* and “ *Lower Canada*, and for the Government of *Canada*,” it is amongst other things provided, that the Governor of the Province of *Canada* shall have Power and Authority, from Time to Time, by an Instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him, and appoint another in his Stead : And whereas by an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and eighteen, “ to empower the Legislature of “ *Canada* to alter the Constitution of the Legislative Council “ for that Province, and for other Purposes,” Power was given to the Legislature of *Canada* to alter the Manner of composing the Legislative Council for that Province, and to make it consist of such Number of Persons appointed or to be appointed or elected by such Persons, and in such Manner as to the said Legislature may seem fit, in the Manner and subject to the Conditions by that Act provided, and for the Purpose aforesaid to vary and repeal, in such Manner as to them may seem fit, all or any of the Provisions of the first-recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of *Canada* ; and it was thereby further enacted, that the Speaker of the Legislative Council should, as theretofore, be appointed by the Governor : And whereas the said Legislature, in pursuance of the Powers conferred on them by the said last-recited Act, have, by an Act of the Province of *Canada* passed in the Session of the said Legislature holden in the Nineteenth and Twentieth Years of Her Majesty, “ to change the Constitution of the Legislative Council by rendering the same elective,” provided for the Election of Members of the said Council, and for the gradual Substitution of elective for appointed Memhers thereof: And whereas Doubts have been entertained whether it is lawful for the Legislature of *Canada*, under the Powers given to them by the said last-recited Act of Parliament, to provide for the Appointment or Election of a Speaker of the Legislative Council, and it is expedient that such Doubts should be removed: Be it enacted by the Queen’s most Excellent Majesty, by and with



*Speaker of the Legislative Council (Canada).*

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

I. It shall be lawful for the Legislature of *Canada*, by any Act or Acts passed in the Manner and subject to the Conditions specified in the said last-recited Act of Parliament, to alter the Constitution of the Legislative Council of the said Province, by providing for the Appointment or Election of a Speaker of the said Council ; and for this Purpose to vary and repeal, in such Manner as to them may seem fit, so much of the herein-before recited Sections of the said Acts of Parliament, and of the Provisions of the said recited or any other Acts of Parliament, as relates to the Appointment of such Speaker.

Legislature of Canada may make Laws touching Appointment, &c. of a Speaker of the Legislative Council.

C A P. XI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858). [8th August 1859.]

‘ **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 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 :

I. The Provisional Orders contained in the Schedule hereunto 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 : Provided always, that nothing in the Provisional Order for the Borough of *Wigan*, numbered 3. in the Schedule to this Act annexed, or in this Act, shall be deemed to give any Powers for the compulsory Purchase of Land beyond the Boundary of the said Borough.

Provisional Orders in Schedule confirmed.

II. ‘ And whereas the Consent of the *Warwick* Local Board of Health has been duly given, as required by the Local Government Act, 1858, to the Addition to the District of *Leamington* as constituted under the Public Health Act, 1848, of so much of the Piece of Land described in the *Leamington* Provisional Order in the Schedule to this Act annexed as lies in the District of the said *Warwick* Local Board, and there are no Rate-payers of the Parish of *Milverton* residing on so much of the said Piece of Land in such Order described as lies within the said Parish to give Consent to the aforesaid Order :’ Be it therefore enacted, That the Boundaries of the District of the Local Board of Health for *Leamington* aforesaid shall, from and

Alteration of Boundary of Leamington District.

after

*Local Government Supplemental.*

after the passing of this Act, be altered as is in the said Provisional Order described.

Election of  
Local Board  
for Leaming-  
ton.

III. The annual Election of Members of the Local Board for the District of *Leamington* shall take place on the First Day of *November*, and the One Third of the Members of the said Local Board who, under the Provisions of the Public Health Act, 1848, and the Public Health Supplemental Act, 1852, (No. 2.,) would have to retire from the Board on the Eighteenth Day of *August* One thousand eight hundred and fifty-nine, shall hold Office till the First Day of *November* One thousand eight hundred and fifty-nine, as if their original Election had taken place on the First Day of *November* One thousand eight hundred and fifty-six; the One Third who, under the said Provisions, would have to retire from the said Board on the Eighteenth Day of *August* One thousand eight hundred and sixty, shall hold Office till the First Day of *November* One thousand eight hundred and sixty; and the One Third who, under the said Provisions, would have to retire from the said Board on the Eighteenth Day of *August* One thousand eight hundred and sixty-one, shall hold Office till the First Day of *November* One thousand eight hundred and sixty-one.

Act incorpo-  
rated with 21 &  
22 Vict. c. 33.

IV. 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.

Short Title.

V. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1859, (No. 2.)"

SCHEDULE referred to in the preceding Act.

1. LEAMINGTON Provisional Order. (Altering the Boundaries of the Leamington District.)
2. TEIGNMOUTH Provisional Order. (Repealing and altering Parts of a Local Act in force within the Teignmouth District.)
3. WIGAN Provisional Order. (Repealing and altering Parts of a Local Act in force within the Wigan District.)
4. WIGAN Provisional Order. (Extending the Borrowing Powers of the Wigan Local Board of Health.)
5. BATTLE Provisional Order. (Extending the Borrowing Powers of the Battle Local Board of Health.)
6. KNIGHTON Provisional Order. (Extending the Borrowing Powers of the Knighton Local Board of Health.)
7. CARDIFF Provisional Order. (Putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Cardiff Local Board of Health, for the Purchase of Lands for Improvements.)
8. DERBY Provisional Order. (Repealing an Exemption from Rating under a Local Act in force within the District of the Derby Local Board of Health.)

1. LEAMING-

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*Local Government Supplemental.*

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## 1. LEAMINGTON.

*Provisional Order for altering the Boundaries of the District of Leamington in the County of Warwick, and the Day of Election of the Local Board of the said District.—Local Government Act, 1858.*

Whereas the Local Board of Health for the District of Leamington in the County of Warwick, to which District the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Fifteenth Day of June 1852, confirmed by the Public Health Supplemental Act, 1852, (No. 2.,) have, under the provisions of the 77th Section of the Local Government Act, 1858, presented a Petition to one of Her Majesty's Principal Secretaries of State, bearing date the Seventh of December 1858, and praying for an alteration of the boundaries of their District by adding to such District a piece of land situate partly within the District of the Warwick Local Board of Health and partly within the neighbouring Parish of Milverton, the piece of land aforesaid being shown and bounded by a red line upon the Plan accompanying the said Petition, and also a Petition praying for an alteration in the day of the election of the said Local Board as fixed by the said Public Health Supplemental Act, 1852, (No. 2.)

And whereas, after Inquiry into such Petitions, it appears to me expedient that the prayer of such Petitions should be granted, but the same cannot be done without the authority of Parliament.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in exercise of the power vested in me by the Local Government Act, 1858, direct under my Hand:—

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

- 1.—The Boundaries of the District of the Leamington Local Board of Health shall be altered, by including therein the piece of land herein-before mentioned, and which is partly situate in the Borough and District of the Warwick Local Board of Health, and partly within the Parish of Milverton, and which piece of land is shown by a red line marking its boundaries on the Plan accompanying the aforesaid Petition of the Leamington Local Board of Health; and that so much of that piece of land as is now included within the boundaries of the Warwick Local Board of Health District shall no longer form part and parcel of such District of Warwick.
- 2.—The present Local Board of Health for the time being for the District of Leamington shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.
- 3.—At every future election of members of the said Local Board, the members to be elected shall be elected for the whole of the District as constituted by this Order,  
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and by the votes of owners of and ratepayers in respect of property situate within the District so constituted; and any person residing therein, or within seven miles thereof, may be elected a member of said Local Board; but the number and qualification of such members shall remain as fixed by the herein-before recited Provisional Order, bearing date the Fifteenth of June 1852.

- 4.—The annual election of members of the said Local Board shall take place at the time prescribed in the Act confirming this Order.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

## 2. TEIGNMOUTH.

*Provisional Order repealing and altering Parts of a Local Act in force within the District of the Teignmouth Local Board, and providing for the future execution thereof.—Local Government Act, 1858, Sec. 77.*

Whereas the Commissioners acting in execution of a certain Local Act, passed in the sixth year of the reign of King William the Fourth, intituled “An Act for better paving, lighting, watching, and improving the Town of Teignmouth, in the County of Devon, and for supplying the inhabitants thereof with water,” have duly adopted the Local Government Act, 1858, in and for the districts comprised within the operation of the said Local Act.

And whereas the said Commissioners, acting as a Local Board under and for the purposes of the said last herein-before mentioned Act, have, in pursuance of the said Act, presented a Petition to me, as one of Her Majesty’s Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an Act in force within the said District 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.

And whereas, after due inquiry into the said petition, it appears to me expedient to issue a Provisional Order in relation to the said matter, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as Her Majesty’s Principal Secretary of State for the Home Department, 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 parts of the said Local Act specified in the Schedule hereunto annexed shall be repealed.
- 2.—The satisfaction and compensation directed to be made in the 36th, 41st, and 42nd sections of the said Local Act, may be ascertained as directed in the Lands Clauses Consolidation Act, 1845.
- 3.—The existing Commissioners acting in execution of the said Local Act shall continue so to act, and shall be the  
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Local Board for the execution of the Local Government Act, 1858, for such period as they would respectively have continued in office as such Commissioners, if the said Local Act had not been hereby repealed or altered.

- 4.—The day of election of the said Local Board shall continue to be the first Tuesday of the month of September in each year.
- 5.—The election to vacancies arising in the said Local Board by the retirement in rotation of the said Commissioners, according to the said Local Act or otherwise, as regards both the electors and the candidates for election, shall be regulated in all respects by the provisions of the said Local Government Act and the Public Health Act, 1848; and the said Local Government Act and Public Health Act shall, from and after the passing of any Act of Parliament confirming this Order, be the sole Acts in force in the said District with regard to the election and qualification of the said Local Board.
- 6.—The repeal or alteration of the sections of the said Local Act, under this Order, shall not extend to any matters or things not provided for in the Local Government Act, 1858, the Public Health Act, 1848, or any of the other Acts incorporated with the said Local Government Act; nor to invalidate or affect any past acts, contracts, or transactions of the said Commissioners under the said Local Act, or any acts, contracts, or transactions which have been authorized or directed by the said Commissioners; or any rates or rentals already made or allowed by, or now due to the said Commissioners, or which may become due previous to the passing of any Act of Parliament confirming this Order.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

*Schedule to which this Order refers.*

The parts of the Local Act referred to in this Order to be repealed are as follows; that is to say,

The sections numbered respectively in the copies of the said Act printed by the King's Printers, 3 to 17, both inclusive; 20, 21; 23 to 30, both inclusive; 37 to 39, both inclusive; 56; 59 to 62, both inclusive; 77 to 84, both inclusive; 87 to 90, both inclusive; 93 to 95, both inclusive; 103 to 106, both inclusive; 110; 111, except as to beating carpets on the Den; 112, 113; 115 to 122, both inclusive; 129; 131 to 181, both inclusive; 183 to 198, both inclusive; 200, 201, and 202.

3. WIGAN.

*Provisional Order repealing and altering Parts of a Local Act in force within the District of the Wigan Local Board of Health.—Local Government Act, 1858, Sec. 77.*

Whereas the Local Board of Health for the District of Wigan in the County Palatine of Lancaster have, in pursuance of the

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77th section of the Local Government Act, 1858, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the "Wigan Waterworks Act, 1853," being an Act in force within the said district, 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.

And whereas since the passing of the "Wigan Waterworks Act, 1853," it has been found necessary and expedient to deviate from the plans and sections referred to in the section numbered 9 in the copies of the said Act printed by Her Majesty's Printers, in executing the works thereby authorized in the manner and to the extent defined upon the plans and sections marked A, and signed by the Right Honourable Sir George Cornwall Lewis, Baronet, as one of Her Majesty's Principal Secretaries of State, and which said plans and sections have been deposited with the Clerk of the Peace for the County Palatine of Lancaster.

And whereas, after due inquiry into the said Petition, it appears to me expedient to issue a Provisional Order in relation to the said matter, but no such Order can be valid without confirmation by 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 Board shall be allowed to adopt, substitute, and use, in lieu of the plans and sections described in the said 9th section of the said Act, the said plans and sections marked A, and so signed by the Right Honourable Sir George Cornwall Lewis, Baronet, as one of Her Majesty's Principal Secretaries of State, and which have been so deposited as aforesaid; and all the powers and provisions of the "Wigan Waterworks Act, 1853," shall be read and construed to apply to such last-mentioned plans and sections so signed as fully and effectually as if the same had been mentioned in the said "Wigan Waterworks Act, 1853," at the time of the passing thereof, except so far as such provisions are inapplicable to such last-mentioned plans and sections.
2. So much of the Section numbered 18 in the copies of the said Act printed by Her Majesty's Printers, as provides,— That when, and as soon as, and from time to time, and as often as the said Earl, his heirs and assigns (meaning the Earl of Crawford and Balcarres), or other the owner or owners for the time being of the said mines (meaning the mines referred to in the 16th section of the said Act), or any of them, shall in working or in preparing to work the said mines, or any of them, have  
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made or driven any levels, drifts, or other workings in any stratum at a depth not greater than one hundred yards below the surface of the site of the said reservoir (meaning the reservoir referred to in the 17th section of the said Act), or in any stratum at any depth whatever below the surface of the site of the said tunnel (meaning the tunnel referred to in the said 17th section of the said Act) to or within a distance of thirty yards of a perpendicular line downwards from any side or part of the said sites respectively, the said Local Board of Health shall from time to time, within twenty-one days after being required so to do by the said Earl, his heirs or assigns, or other the said owner or owners for the time being of the said mines by notice in writing under his or their hands respectively, such notice being served on the Clerk of the said Local Board, or left at the office of the said Local Board, make compensation and pay to the said Earl, his heirs or assigns, or other the said owner or owners, for so much of the said coal, cannel, and other minerals of the said mines, lying not deeper than one hundred yards from the surface under the site of the said reservoir, and under all lands within an area of thirty yards all round the same site, and make compensation and pay to the said Earl, his heirs or assigns, or other the said owner or owners for the time being, for all the coal, cannel, and other minerals, at whatever depth under the site of the said tunnel, and under all lands within an area of thirty yards all round the same site; and that such payments and compensations respectively shall, as to each successive stratum of coal and cannel, and other minerals, be ascertained and recovered when and so soon as each of such strata shall be so, as aforesaid, driven into or worked within the said distance of thirty yards of a perpendicular line downwards from any side or part of the sites of the said tunnel and reservoir respectively; and such payments and compensations respectively shall from time to time be so ascertained and recovered in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to compensation for lands taken, or injuriously affected, shall be repealed in so far as relates to the purchase of the said mines lying to the north of the embankment of the reservoir about to be constructed by the said Local Board, according to the plans and sections referred to in the last preceding section of this Order; and the said Earl, his heirs and assigns, and the said Local Board, may enter into such contracts and agreements as shall be necessary for the protection of the estates and mines of the said Earl, his heirs and assigns, and for carrying into effect the several works of the said Local Board.

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3.—So much of the Section numbered 26 in the copies of the said Act so printed as aforesaid as provides that the Local Board shall make and construct, and for ever afterwards maintain in good order, repair, and condition, a good and substantial bridge, with suitable approaches, for the purpose of forming a communication between the lands of Richard Clayton Browne Clayton, in the said Act referred to, which will be severed by the reservoir and other works by this Act authorized, across the reservoir proposed to be made within the lands of the said Richard Clayton Browne Clayton, at some convenient point near where the road, number 30, in the township of Worthington, crosses the Seven Stars Brook, to be selected by the said Richard Clayton Browne Clayton, his heirs or assigns, or other the person or persons for the time being entitled in possession to Adlington Park, and that such bridge shall be of handsome and ornamental design and construction, and such as to be suitable for a carriage approach to Adlington Hall, shall be repealed.

4.—The time given to the said Local Board by the said Act for the completion of the works authorized and required under the said Act, shall be extended to the expiration of five years from the date of the passing of the Act of Parliament confirming this Order.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

4. WIGAN. (Borrowing Powers.)

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

Whereas by a Provisional Order of the General Board of Health, bearing date the Tenth day of June 1850, confirmed by the Public Health Supplemental Act, 1850, (No. 2.,) the Public Health Act, 1848, was duly applied to the Borough of Wigan, in the County of Lancaster, and the said Borough was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under the said Public Health Act, and under a Local Act passed in the Seventeenth Year of the Reign of Her present Majesty, and intituled "An Act for supplying the Borough of Wigan in the County Palatine of Lancaster with Water, for the better Regulation of the Police therein, and for other Purposes," and with the authority of the General Board of Health, sums amounting in the whole to One hundred and sixteen thousand six hundred and twelve Pounds Five Shillings and Three Pence, to defray the expense of a portion of the works for sewerage, and supplying water to, the said District, which said

sums



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sums are not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petitioning one of Her Majesty's Principal Secretaries of State, for power to re-borrow the said amount, and also to borrow the further sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Nine Pence, or so much thereof as may be required to complete the said works, such further sum, together with the amount to be so re-borrowed, not exceeding in the whole two years assessable value of the premises assessable to the said Acts within the said district, and to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry into the allegations of the said petitioners, and report thereon by Henry Austin, Esquire, the Inspector appointed for the purpose of such inquiry and report, it appears expedient that the prayer of the said Petitioners 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 by the said Local Government Act, 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—

The Local Board of Health for the District of Wigan, in the County of Lancaster, shall have power and authority, for the purposes aforesaid, and on mortgage of the rates leviable by them under the Local Government Act, 1858, to borrow, and from time to time during the said term of fifty years to re-borrow, the said sum of One hundred and sixteen thousand six hundred and twelve Pounds Five Shillings and Threepence, and to borrow, and from time to time during the said term of fifty years to re-borrow, the further sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Ninepence, which sums together make up the amount of two years assessable value of premises assessable under the said Act in the said district; but no part of the said last-mentioned sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Ninepence shall be borrowed without the sanction of one of Her Majesty's Principal Secretaries of State. And the whole of the said sum shall be repaid, with interest thereon, within a period of fifty years from the date of the re-borrowing or borrowing thereof respectively.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

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5. BATTLE.

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

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Fifth day of May 1851, the Public Health Act, 1848, was duly applied to the Parish of Battle in the County of Sussex, and the said Parish was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under that Act, and with the authority of the General Board of Health, sums amounting in the whole to Two thousand four hundred Pounds, to defray the expense of a portion of the works for sewerage, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within the part of the District which the said works were intended to benefit, but were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petition one of Her Majesty's Principal Secretaries of State, for power to borrow a further sum or sums, not exceeding in the whole Three thousand seven hundred Pounds, in order to enable such Local Board to pay off their existing debt of Two thousand four hundred Pounds and outstanding claims, and also to defray the cost of completing the works for sewerage, and supplying water to, their District; and whereas such further sum or sums will not exceed two years assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by Henry Austin, Esquire, the inspector appointed for the purpose, and after the assent by the ratepayers of the aforesaid District in public meeting assembled, it appears expedient 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 vested in me, as one of Her Majesty's Principal Secretaries of State, by the said Local Government Act, 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—

The Local Board of Health for the District of Battle, in the County of Sussex, shall have power and authority to borrow, for the purposes aforesaid, on mortgage of the rates leviable by

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by them under the Local Government Act, 1858, an amount not exceeding in the whole Three thousand seven hundred Pounds, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

## 6. KNIGHTON.

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

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Thirtieth Day of January 1850, the Public Health Act, 1848, was duly applied to the Borough of Knighton, in the County of Radnor, and the said Borough was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under that Act, and with the authority of the General Board of Health, sums amounting in the whole to Two thousand seven hundred and eighty Pounds, to defray the expense of a portion of the works for sewerage, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within such District, but were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petition one of Her Majesty's Principal Secretaries of State, for power to borrow a further sum or sums, not exceeding in the whole Three thousand nine hundred and forty-nine Pounds Four Shillings and Fivepence, in order to enable such Local Board to pay off their existing debt, and also to defray the cost of completing the works for sewerage, and supplying water to, their District; and whereas such further sum or sums will not exceed two years assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by William Ranger, Esquire, the Inspector appointed for the purpose, and after the assent by the ratepayers of the aforesaid District in public meeting assembled, it appears expedient 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, I do hereby

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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—

The Local Board of Health for the District of Knighton, in the County of Radnor, shall have power and authority to borrow, for the execution and completion of works of sewerage and water-supply within such District, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole Four thousand Pounds, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

### 7. CARDIFF.

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

Whereas the Local Board of Health in and for the District of Cardiff, in the County of Glamorgan, 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, 1850 (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 improvement of High Street, Smith Street, Queen Street, and Frederick Street, all situate within the District of the said Local Board.

And whereas the said Petition duly set forth in the Schedules annexed thereto 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 pieces of land who have assented, dissented, and are neuter in respect of the taking of such pieces of land and buildings, 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 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 land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's

Principal

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Principal Secretary of State for the Home Department directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said district of Cardiff, 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 Her Majesty's Principal Secretary of State for the Home Department, 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 Local Board of Health for the District of Cardiff, in the County of Glamorgan, shall be empowered to put in force, with reference to the land 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 19th day of July 1859.

(Signed) G. C. LEWIS.

**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; the figures referring to the figures on the Plan mentioned in the Petition of the Local Board of Health herein-before mentioned :—

No. on Plan.	Lands proposed to be taken.	Owner, Lessee, and Occupier.
1 & 1a	Land and Buildings thereon in High Street, Cardiff.	William Tell Wheeler Elizabeth Evans William Aubrey Eliza Richards Ann Kelly Jane Richards William Richards <span style="float: right; font-size: 2em;">}</span> Joint Owners.
1	- - -	Wm. Tell Wheeler (Occupier).
1a	- - -	Mary Ann Thomas (Occupier).
2	The same - -	Lord Dynevor (Owner). Wm. Henry Morgan (Lessee). Philip Jones (Occupier).
3	The same - -	John Homfray John Richards Homfray <span style="float: right; font-size: 2em;">}</span> Joint Owners. Hannah Ward (Lessee). John Willett (Occupier).

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No. on Plan.	Lands proposed to be taken.	Owner, Lessee, and Occupier.
4 & 5	Land and Buildings thereon in Queen Street and Smith Street, Cardiff.	Samuel Rees Lloyd (Owner). Baptiste Pedrazzini (Occupier).
6	The same - -	Samuel Rees Lloyd (Owner). Henry Thomas (Occupier).
7, 8, & 9	The same - -	John Stuart Corbett } Joint James Evans } Owners. Richard Evans }
7	- - -	Mary Grey (Occupier).
8	- - -	Thomas Fry (Do.)
9	- - -	William Lewis (Do.)
10 & 11	The same - -	John Homfray } Joint John Richards Hom- } Owners. fray }
10	- - -	Joseph Fisher (Occupier).
11	- - -	John Stainton (Do.)
12, 13, & 14	Land and Buildings thereon situate on the west side of Frederick Street, and fronting Bridge Street, Cardiff.	William Vachell (Owner).
12	- - -	David James and } Lessees. Charles Ridd }
13 & 14	- - -	Charles Ridd (Lessee).
12 & 13	- - -	David James (Occupier).
14	- - -	Samuel Williams (Occupier).

## 8. DERBY.

*Provisional Order repealing an Exemption from Rating under a Local Act in force within the District of the Derby Local Board of Health.—Local Government Act, 1858, Sec. 77.*

Whereas the Local Board of Health in and for the District of Derby, in the County of Derby, to which the Public Health Act, 1848, was duly applied by Provisional Order, bearing date the Twenty-third day of May 1850, and confirmed by the Public Health Supplemental Act, 1850, have, in pursuance of the Local Government Act, 1858, 'presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of an Exemption from Rating made by a certain Local Act of Parliament in force within the said District 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

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is to say, an Act passed in the Sixth year of the reign of King George the Fourth, intituled "An Act for better Paving and " otherwise improving the Borough of Derby."

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

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

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

So much of the section numbered 103 in the copies of the said Local Act, printed by the King's printer, as exempts from any of the rates or assessments made by virtue of the said Local Act, all lands or grounds used solely for husbandry and agricultural purposes, and houses of which the annual value, to be ascertained as in the said Act directed, shall not exceed five pounds, shall be repealed; but such repeal shall not extend and apply to houses and buildings occupied exclusively for the purposes of public charity.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

## C A P. XII.

An Act to repeal, as regards the Colony of *Victoria*, and to enable other Colonial Legislatures to repeal, certain Provisions of the Imperial Acts of the Fifty-fourth Year of *George* the Third, Chapter Fifteen, and of the Fifth and Sixth Years of *William* the Fourth, Chapter Sixty-two. [8th August 1859.]

WHEREAS by the First, Second, and Third Sections of an Act passed in the Fifty-fourth Year of His late Majesty King *George* the Third, intituled *An Act for the more easy Recovery of Debts in Her Majesty's Colonies of New South Wales*, Provision was made for the Proof, by Affidavit, Affirmation, or otherwise, of certain Matters requiring to be proved before any Courts of Law or Equity in *New South Wales* or its Dependencies, and for the Punishment of Persons guilty of making such Affidavits or Affirmations falsely: And whereas by the Fifteenth and Seventeenth Sections of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof,"* and

54 G. 3. c. 15.

5 & 6 W. 4.

c. 62.

*Colonial Legislatures Power of Repeal. Barbuda Government.*

‘ for the more entire Suppression of voluntary and extra-judicial  
 ‘ Oaths and Affidavits, and to make other Provisions for the  
 ‘ Abolition of unnecessary Oaths, Provision was made for the  
 ‘ Proof by solemn Declaration or otherwise of certain Matters  
 ‘ or Things requiring to be proved before any Court of Law or  
 ‘ Equity in Her Majesty’s Possessions abroad : And whereas it  
 ‘ is expedient that the Provisions above recited should be  
 ‘ repealed as regards the Colony of *Victoria*, and that as well  
 ‘ the said Provisions as the Fourth Section of the said first-  
 ‘ recited Act of Parliament should be alterable or repealable as  
 ‘ regards any of Her Majesty’s Possessions abroad by the  
 ‘ Legislature or other Legislative Authority of such Possession :  
 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 :

As to Repeal of  
 recited Acts.

I. The First, Second, and Third Sections of the said first-  
 recited Act of Parliament, and the Fifteenth and Seventeenth  
 Sections of the said secondly-recited Act of Parliament, shall be  
 and they are hereby repealed so far as they apply to Her  
 Majesty’s Colony of *Victoria*.

Colonial Le-  
 gislatures may  
 alter, &c. Pro-  
 visions of re-  
 cited Acts ap-  
 plicable to such  
 Possessions.

II. It shall be lawful for the Legislature or other Legislative  
 Authority of any of Her Majesty’s Possessions abroad to which  
 any of the Provisions contained in the said first-recited Act,  
 or in the Fifteenth or Seventeenth Section of the said secondly-  
 recited Act, shall apply, to repeal, alter, or amend all or any of  
 the Provisions, so far as applicable to such Possession, in like  
 Manner and subject to the same Conditions as if the same had  
 been originally enacted by such Legislature or Legislative  
 Authority.

C A P. XIII.

An Act to enable Her Majesty to confirm an Act passed by  
 the Legislature of *Antigua*, intituled *An Act to extend  
 the Operation of the Laws of Antigua to the Island of  
 Barbuda*. [8th August 1859.]

‘ **W**HEREAS in the Month of *September* One thousand eight  
 ‘ hundred and fifty-eight an Act was passed by the  
 ‘ Legislature of Her Majesty’s Island of *Antigua*, intituled *An  
 ‘ Act to extend the Operation of the Laws of Antigua to the  
 ‘ Island of Barbuda* ; and it was provided in the said Act that  
 ‘ the same should not have effect until Her Majesty’s Pleasure  
 ‘ should be signified thereon : And whereas Doubts are entertained  
 ‘ respecting the Competency of the said Legislature to enact the  
 ‘ said Act, and of Her Majesty to ratify and confirm the same :  
 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 as-  
 sembled, and by the Authority of the same, as follows :

Her Majesty  
 empowered to  
 confirm recited

I. It shall be lawful for Her Majesty, with the Advice of Her  
 Privy Council, to ratify and confirm the said Act, and the said  
 Act



*Pawnbrokers.**Militia Ballots Suspension.*

Act shall, from the Day on which it shall have been so ratified and confirmed, be deemed to be valid and effectual within the said Islands of *Antigua* and *Barbuda*, to all Intents and for all Purposes whatever.

Act of Legislature of Antigua.

## C A P. XIV.

An Act to amend an Act of the Thirty-ninth and Fortieth Years of King *George* the Third, for better regulating the Business of Pawnbrokers. [8th August 1859.]

‘ **WHEREAS** certain Provisions relating to Informations, Penalties, and Convictions are contained in certain Sections, herein-after more particularly referred to, of an Act passed in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for regulating the Police Courts in the Metropolis*; but such Provisions are restricted in their Operation to the Metropolitan Police Districts: And whereas another Act was passed in the Thirty-ninth and Fortieth Years of King *George* the Third, intituled *An Act for better regulating the Business of Pawnbrokers*: And whereas it is expedient to extend certain of the Provisions of the first-recited Act to the second-recited 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:

2 & 3 Vict.  
c. 71.

39 & 40 G. 3.  
c. 99.

The Provisions and Enactments contained in the Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the said recited Act of the Second and Third *Victoria*, Chapter Seventy-one, for regulating the Police Courts in the Metropolis, shall extend and be construed, deemed, and taken to extend to the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, and to all Parts of *England*, in the same Manner and to the same Extent, and to all Intents and Purposes, as if the said Provisions and Enactments were herein repeated and set forth at Length: Provided, that whenever the Word “Magistrate” is used in the said Sections, or any of them, it shall be construed, deemed, and taken, for the Purposes of this Act, to mean any Stipendiary Magistrate or other Justice or Justices of the Peace for the District, County, Riding, Division, City, Liberty, Town, or Place where the Offence has been committed.

Provisions contained in Sections 32, 33, 34, and 35 of 2 & 3 Vict. c. 71. extended to 39 & 40 G. 3. c. 99. and to all Parts of England.

## C A P. XV.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [8th August 1859.]

[All Proceedings relating to Ballot for Militia suspended until 1st Oct. 1860.]

*Court of Probate, &c. (Acquisition of Site).*

C A P. XVI.

An Act to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate, and other Courts and Offices.

[8th August 1859.]

‘ **W**HEREAS it is expedient that further and better Accommodation should be provided for the Purposes of Her Majesty's Court of Probate and the principal Registries and other Offices connected therewith, and also for such other Courts and Offices as are necessary for the Public Service, and that certain Land situate in the City of *London*, described in the Schedule to this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called “the Commissioners,” as herein-after mentioned for the Purposes aforesaid: And whereas a Map or Plan describing the Land to be acquired by the said Commissioners, under the Authority of this Act, has been prepared under the Direction of the Commissioners: 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 :

Commissioners of Works, &c. incorporated for the Purposes of this Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall, for the Purpose of this Act, be and are hereby constituted a Corporation by the Name and Style of “The Commissioners of Her Majesty's Works and Public Buildings,” and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they think fit.

Commissioners of Works to carry this Act into execution.

II. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may from Time to Time be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as after provided, the Land in the City of *London* mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites thereof and all the Land mentioned in the Schedule to this Act, whether now used as Courts, Yards, Gardens, vacant Ground, or otherwise, as a Site for the Erection thereon of Buildings for the Purposes of the Court of Probate and the principal Registries and other Offices connected therewith, and also for the Purposes of such other Courts and Offices necessary for the Public Service, and in such Manner as shall be from Time to Time prescribed by the Commissioners for the Time being of Her Majesty's Treasury, and to carry the Purposes of this Act into execution in manner herein mentioned.

III. All

*Court of Probate, &c. (Acquisition of Site).*

III. All Land purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

All Lands purchased under this Act to be vested in Commissioners.

IV. The said Map or Plan describing the Land or any Part thereof to be acquired by the Commissioners under the Authority of this Act shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

V. It shall be lawful for the Commissioners to stop up and wholly discontinue any Ways, Paths, Streets, or Passages which now lead into or pass through or by the Side of the Land and Premises herein-before mentioned; and the Ground and Soil of such Ways, Paths, Streets, or Passages as shall be so stopped up and discontinued, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act: Provided always, that nothing in this Act contained shall authorize or empower the Commissioners to stop up and wholly discontinue or build upon any Portion of *Upper Thames Street, Addle Hill, Great Knight-riding Street, or Bennett's Hill*, without the Consent of the Commissioners of Sewers for the Time being of the City of London, and which Consent such last-mentioned Commissioners are hereby authorized to give.

Power to stop up Streets and Ways.

VI. The Commissioners are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Site for the Erection of Buildings thereon as aforesaid, or any Part thereof respectively, making Compensation to the Owners of Houses injured by such Alterations, as shall be agreed on between the Parties.

Power to raise or lower Streets.

VII. For the Purposes of this Act it shall be lawful for the Commissioners to take and use any Land, and pull down and remove any Houses or Buildings thereon, at any Time after the Expiration of Six Months Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person who shall be the Owner and Occupier of such Land, or, in case he cannot be found or ascertained, left at the usual or last known Place of his Abode, or with the Tenant or Occupier of the said Land, or shall be affixed upon the Premises, and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

Power to take Land.

VIII. Provided always, That no Land shall be taken for the Purposes of this Act, except such as is mentioned in the Schedule to

No Land to be taken without Consent, &c.

*Court of Probate, &c. (Acquisition of Site).*

to this Act, without the Consent in Writing of the Owner thereof being first obtained.

Premises may be taken, notwithstanding Errors in the Schedule.

IX. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements described on the said Plan as intended to be taken for the Purposes of this Act, although such Tenements, or the Name or Names of the Owner or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, in case it shall appear to any Two or more of the Aldermen of the City of *London*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, &c., to enter upon Land for surveying, &c.

X. It shall be lawful for the Commissioners, and for their Surveyors, Officers, and Workmen, at all reasonable Times in the Daytime, upon giving Notice in Writing, for the First Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the Land authorized to be taken and used as aforesaid for the Purpose of surveying or valuing the same.

Commissioners empowered to treat for Purchases.

XI. It shall be lawful for the Commissioners to agree for the Purchase of any Land which they may deem necessary to be taken for the Purposes of this Act, and of any Interest therein or Charges thereon, or such of them, or such Part or Parts thereof, as the Commissioners shall think proper, and to enter into any Contract in respect of the Premises which they may think fit.

Land purchased to be conveyed to Commissioners, &c.

XII. The Land which may be purchased in pursuance of this Act shall be conveyed to the Commissioners of Her Majesty's Works and Public Buildings and their Successors, or to such Person as they shall direct, in trust for the Purposes of this Act, and the Rents and Profits of the said Land shall be received and applied by the said Commissioners for the Purposes of this Act.

Limitation of Time for compulsory Purchases.

XIII. If the Commissioners shall not within the Space of Three Years from the passing of this Act purchase or take the Land or Parts thereof which they are hereby empowered to purchase, then the compulsory Powers hereby granted to them for such Purpose shall cease.

Bodies Politic, Trustees, and other Persons empowered to sell and convey.

XIV. It shall be lawful for all Bodies politic, corporate, or collegiate, ecclesiastical or lay, aggregate or sole, and for all Trustees and Feoffees in trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest where such Persons or any of such Persons whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not

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not be ascertained, or shall be incapable of contracting for selling or conveying the same, and to and for all Guardians, whether of the Person or Estate, on behalf of their Wards, Husbands on behalf of their Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right, and notwithstanding any Restraint from Alienation to any such Land, or to Dower or other Interest therein, on behalf not only of themselves but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the said Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any of the said Land, which by the Commissioners shall be thought necessary for any of the Purposes of this Act to contract for, sell, and convey the same, and every or any Part thereof, to the Commissioners and their Successors, or to such Person as the Commissioners shall direct, for the Purposes of this Act; and all Contracts and Assurances which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they or any of them shall respectively make by virtue of this Act.

XV. Every Body and Person herein capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner or Owners of any such Land, or any Share, Estate, or Interest therein or Charge thereon, may accept such Satisfaction for the Value thereof, and such Bodies or Persons, and also any Tenant or other Occupier of any such Premises entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, may accept such Sum of Money in respect thereof as shall be agreed upon between him and the Commissioners, and in case they cannot agree as to the Amount the same shall be ascertained by a Jury in manner herein-after directed.

XVI. On or before the Expiration of One Month next after Notice in Writing from the Commissioners or their Agent duly authorized of their Intention to take or use any Land, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, every Body or Person authorized by this Act to accept Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein

Satisfaction to be made and may be accepted.

Parties to deliver a Statement of their Claims.

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therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to the Commissioners or leave at their Office a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which such Body or Person claims to be entitled to or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained, and of the Amount of the Money which such Body or Person may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which such Body or Person may be willing to receive as Compensation for such Goodwill and Improvements and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned to ascertain Damage, and award Compensation.

XVII. If any Body or Person seised, possessed of, or interested in any Land, or in any Share, Estate, or Interest therein or Charge thereon, which the Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the Commissioners for the Sale and Disposal of his Estate and Interest therein, or cannot be found or known, or shall not produce a clear Title to the Premises he may be in possession of, or to the Interest he shall claim therein, to the Satisfaction of the Commissioners, then and in every or any such Case the Commissioners are hereby empowered to issue a Warrant or Warrants under their Corporate Seal to the Sheriffs of the City of *London* or their Under Sheriffs, or, in case such Sheriffs or Under Sheriffs shall be in anywise interested in the Matter in question, then the Coroner of the City of *London*, and they and he are and is hereby required and authorized to summon, empanel, and return a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the Court of Mayor and Aldermen of the City of *London* to be holden in the Outer Chamber of the *Guildhall* of the said City, according to the Custom of the said City, at such Time as in such Warrant shall be appointed, and Fourteen Days Notice at the least in Writing under the Corporate Seal of the Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Persons interested in the Premises, before the Time of Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Persons, or of the Head Officer of any Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriffs, Under Sheriffs, or Coroner are and is hereby empowered to empanel, summon, and return such Number accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall

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*Court of Probate, &c. (Acquisition of Site).*

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shall appear upon such Summons, the said Court of Mayor and Aldermen shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriffs, Under Sheriffs, or Coroner, or some Person to be appointed by the said Court of Mayor and Aldermen, shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Court of Mayor and Aldermen, and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and such Jury shall upon their Oaths (which Oaths the said Court of Mayor and Aldermen is hereby empowered and required to administer) inquire into and ascertain what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Land, and of the proportionable Value of the respective Estates and Interests of every Person seised or possessed thereof or interested therein, or of or in any Part thereof, and assess the Money to be paid for the Purchase of such Land, and of such Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Party; provided that such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Land for the Purposes of this Act; and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Land shall form Part; and in order thereto the said Court of Mayor and Aldermen is hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury and examine upon Oath all Persons whomsoever whom it shall be thought necessary to examine as Witnesses touching or concerning the Premises, which Oath the said Court of Mayor and Aldermen is hereby empowered to administer, and such Court of Mayor and Aldermen shall order and cause the said Jury to view the Places in question, if there be occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as the said Court of Mayor and Aldermen shall think fit; and after the said Jury shall have settled such Damage and Satisfaction, the said Court of Mayor and Aldermen shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the Commissioners to the said Parties interested therein, according to such Verdict of the Jury, which said Verdict shall be final as against all Parties interested, and all other Persons whomsoever.

Verdict of  
the Jury to  
be final.

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Where Part of an Estate is taken the Remainder to be valued.

XVIII. If the Owner, Lessee, or Occupier of any Land 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 Commissioners or any Person authorized by them shall not think it necessary to purchase, then the Jury shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which shall remain after the Commissioners or the Person authorized by them have taken away so much as they shall think necessary for the Purposes of this Act, and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Commissioners for that Part which they shall have occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of the Compensation claimed.

XIX. No Jury to be summoned by virtue of this Act shall be allowed to award any Sum or Sums of Money to any Body or Person by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenant's Fixtures, or any Injury or Damage alleged to have been sustained by reason or means of this Act, or anything which shall or may be done in the Execution thereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the Commissioners or left at their Office as aforesaid by and on behalf of such Person Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriffs, Jury, and Witnesses for Neglect of Duty.

XX. If the Sheriffs, Under-Sheriffs, or Coroner so directed to summon and return a Jury as aforesaid shall make Default in the Premises, they or he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered with full Costs of Suit by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Matter wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of the Aldermen of the said City of *London* by Distress and Sale of the Goods and Chattels



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Chattels of the Person so offending, the Person making such Distress and Sale rendering to him the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted, and all such Fines shall be paid to the Commissioners to be applied for the Purposes of this Act.

XXI. In all Cases in which a Verdict shall be given for the Value of any Land, or Share therein, the Jury shall, if required so to do by or on behalf of the Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Land alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XXII. The Jury so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of Land, or of any Share, Estate, or Interest therein, or any Charge thereon separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Land or Share, Estate, or Interest therein, or Charge thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other, and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the Commissioners, declare whether the Statement delivered by the Claimant of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Commissioners to make a proper Offer.

Value of Land to be ascertained distinct from Goodwill or other Damages.

XXIII. In case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of any Person in any such Land, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid than shall have been agreed to be given and offered for the same in the aggregate by the Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries or other Incapacity or Disability as aforesaid, there shall not be found any Person legally capacitated to enter into any Contract with the Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such

Provision as to Expenses of summoning and returning Juries.

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Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Registrar of the said Court of Mayor and Aldermen, and shall be paid by the Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant, of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up, did not give sufficient Particulars to enable the Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the Commissioners by any Body or Person who is by the Provisions of this Act or otherwise legally empowered to treat, then (except where, by reason of Absence, such Person shall be prevented from treating with the Commissioners,) all such Costs, Charges, and Expenses to be settled by such Registrar of the said Court of Mayor and Aldermen shall be paid to the Commissioners by the said Body or Person so claiming such Compensation, or refusing to treat and agree as before mentioned respectively, (save only where, by reason of Absence or other like Cause, any Person shall have been prevented from treating or agreeing as aforesaid,) in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other, and all Costs, Charges, and Expenses hereby directed to be paid to the Commissioners shall be deducted and retained by them out of the Money so assessed to be paid by them as so much Money advanced to and for the Use of the Person entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be taken to be a Payment or Tender of the whole Sum so assessed, or in case no Money or no sufficient Sum of Money shall be assessed to be paid by the Commissioners whereout such Costs, Charges, and Expenses can be deducted, then the same shall be recovered, by virtue of any Warrant under the Hand and Seal of One of the Aldermen of the City of *London*, by Distress and Sale of the Goods and Chattels of the Person liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any) after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

XXIV. A Minute or Docket of all the said Verdicts shall be recorded in the Office of the Commissioners, and all such Judgments and Verdicts shall be deposited with the Registrar of the said Court of Mayor and Aldermen, and entered amongst the Records of the said Court, and shall be deemed to be Records to all Intents whatsoever, and the same or true Copies thereof shall

Verdicts to  
be recorded.

*Court of Probate, &c. (Acquisition of Site).*

shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

XXV. If in any Case the Owner of any Land, Part only of which shall at any Time be required by the Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell such Part only as shall be required by the Commissioners, the Commissioners are hereby required, at the Option of any Owner of any such Land, to purchase of and from the said Owner the whole or such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act as such Owner shall think fit, and to apply so much and such Part thereof as the Commissioners, with such Consent as aforesaid, shall see fit, for the Purposes aforesaid, and if such Owner shall not or cannot agree with the Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof as aforesaid, then the Value thereof shall be ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises, the Value of which shall be ascertained by a Jury in the Manner aforesaid.

XXVI. In all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Land intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the Commissioners are hereby authorized to require such Person to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power, and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the Commissioners, or any Person by them authorized, the Person claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

XXVII. In case any Difference shall arise between the Commissioners and any of the Owners of the Property to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be determined by some Two Aldermen of the City of London, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in

Commissioners empowered to purchase the whole of the Land, if the Owners are unwilling to sell a Part.

Persons holding under Leases to produce the same.

For settling Disputes as to Damages of small Amount.

*Court of Probate, &c. (Acquisition of Site).*

dispute, and shall determine the Amount of Compensation which shall be payable by the Commissioners, and such Aldermen may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them, on which they were by Law entitled to adjudicate.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXVIII. Provided always, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party entitled to the same, or into the Bank of *England*, as herein mentioned, before the Commissioners, or any Person authorized by them, shall proceed to take possession of any Tenement, or to pull down any House or other Erection or Building comprised in or affected by such Agreement or Verdict respectively, or to use the same for any of the Purposes of this Act.

Commissioners empowered to take possession on Payment of Purchase Money into the Bank of England.

XXIX. If any Body or Person seised or possessed of or interested in any such Land, or Share, Estate, or Interest therein, or Charge thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance thereof, then and in every such Case, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed or shall have been assessed and awarded by any Jury in manner aforesaid to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England* as hereinafter directed and required (in case the same shall be requisite) for the Use of such Person so interested in or entitled as aforesaid, such Land, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person or unknown Person to whose Credit such Money shall be paid into and out of the Land to be purchased as aforesaid, shall from thenceforth vest in the Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estates in the Premises had actually conveyed the same by Release, Bargain, and Sale, enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any such Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person or unknown Person of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail, and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of

*Court of Probate, &c. (Acquisition of Site).*

of such Person and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the Commissioners.

XXX. If any Money shall be agreed or assessed to be paid for any Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body or Person under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to the Account there of such Accountant General *ex parte* the Commissioners, pursuant to the Method prescribed by any Act for the Time being in force for regulating Money paid into the said Court, and such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Land, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or affecting other Land, standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Land, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes and in the same Manner as the Land which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land so hereby directed to be purchased in case such Purchase or Settlement were made.

XXXI. Provided, That if any Money so agreed or assessed to be paid for any Land, or Part thereof, or Share, Estate, or Interest

Application of  
Purchase  
Money when  
amounting  
to 200*l.*

When less  
than 200*l.* and  
Interest

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amounting to  
20*l*.

Interest therein, or Charge thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Land, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Person making such Option, and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating Parties and the Common Seal of the Commissioners, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less  
than 20*l*.

XXXII. Provided always, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners shall think fit, or in case of the Infancy or Lunacy of such Person then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so entitled.

In case of  
not making  
out Titles.

XXXIII. In case the Body or Person to whom any Sum of Money shall be agreed to be paid or shall be awarded by any Jury for the Purchase of any Land, or any Parts, Shares, Estates, or Interest therein, or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Land, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party, if known, who shall be interested

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interested in the said Land, Parts, Shares, Estates, Interests, or Charges (describing such Land), but, if such Party shall not be known, to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Person making claim to any such Sum of Money or any Part thereof by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest, of the Body or Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier of the Bank of *England* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

XXXIV. Provided always, where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* as aforesaid, in pursuance of this Act, for the Purchase of any Land, or Part thereof, or of any Estate, Right, Title, Charge, or Interest into or upon any Land to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Person who shall have been in possession of such Land, Parts, Shares, Estates, Interests, or Charges at the Time of such Purchase, and every Body or Person claiming under such Body or Person, or under the Possession of such Body or Person, shall be taken to have been lawfully entitled to such Land, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land or Part thereof, or to some Estate or Interest therein or Charge thereon.

XXXV. Provided also, That where by reason of any Disability or Incapacity of the Body or Person entitled to any Land or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* as aforesaid, to be applied in the Purchase of other Land to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of the Purchases to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the Commissioners, who shall pay such Sum or Sums of Money out of the Monies appropriated and

Where any Question shall arise touching the Title, the Person in possession shall be deemed entitled until the contrary be shown.

Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.

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and applicable to the Purposes of this Act as the said Court shall direct: Provided always, that the Costs of One Application only for Reinvestment in Land shall be allowed, unless it shall appear to the said Court that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Costs of any such Investments to be paid by the Commissioners.

Where the Title is defective by reason of a Rent payable out of other Land, as well as Land required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Land, which shall be subject to the Rent in the same Manner.

XXXVI. Where the Money awarded to be paid for any Lands which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Land to the Satisfaction of the Commissioners or any Person authorized by them, by reason of the same Land respectively being subject together with other Land not required for the Purposes of this Act to a Rent payable to some Body or Person unable or unwilling to release therefrom the Land so to be taken, then and in every or any such Case the Land for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed to be paid, shall be for ever discharged from such Rent and all Claims and Demands in respect thereof, and the Money to be paid into the Bank of *England* shall be laid out and invested under the Direction of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Land for the Value of which such Money respectively shall have been paid as aforesaid in the Purchase of other Land which shall be conveyed and settled (subject together with such other Land to such Rent) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Land hereby directed to be purchased in case such Purchase and Settlement were made; and the Land so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject in the same Manner to all Intents and Purposes as the Land taken or to be taken for the Purposes of this Act as aforesaid



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aforesaid were subject thereto, and the Body or Persons to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof out of or upon the Land to be comprised in such Conveyance and Settlement and declared to be subject thereto as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Land to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Land, together with the other Land subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if it shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Person for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

XXXVII. Where any Land purchased or wanted or intended to be purchased by the Commissioners shall be subject solely or jointly with other Land not intended or wanted to be purchased to or with any Rent Service, Rentcharge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the Commissioners to agree for the Release of the Land so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by any Person and Corporation by this Act authorized and empowered to sell or convey Land, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Money on the Sale of Land, and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Land purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Land jointly subject to the Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Land purchased or wanted or intended to be purchased, and of the Land not purchased or wanted or intended to be purchased by the Commissioners; and all Assurances which shall be made by and between or to the Commissioners and any such Party as aforesaid respecting such Release shall be valid in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always,

that

Power to purchase the Release of Land wanted from Rents charged thereon.

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that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Land so jointly subject and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Land so purchased by the Commissioners therefrom, then it shall be lawful for the Party entitled by this Act, or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Land so purchased therefrom (with the Consent of the Owner of the Land so purchased, and also of the Owner of the Land so jointly subject as aforesaid), to release the Land so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Land, on condition or in consideration of such other Land continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Land purchased by the Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Land not purchased by the Commissioners, such last-mentioned Land shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Land not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument declaring what Part of the Land originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on  
Leases to be  
apportioned.

XXXVIII. In all Cases in which a Part only of any Land comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Land comprised in such Lease or Agreement for a Lease shall be apportioned between the Land required for the Purposes of this Act and the Residue of such Land, and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Land to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties such Agreement shall be made with and shall not be valid without the Consent and Approbation  
of

*Court of Probate, &c. (Acquisition of Site).*

of the Lessor from whom such Land is holden, or agreed to be holden, and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent and to bind the Property in respect of such Assent, and after such Apportionment the Tenant or Lessee of the Land comprised in such Lease or Agreement for Lease shall as to all future accruing Rent be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Land not required for the Purposes of this Act, and the Lessor of the said Land shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Land not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Land comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Land, but not further, continue in full Force.

XXXIX. Every Body and Person having any Mortgage on any Land which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right or in trust for any other Body or Person, and whether in possession of such Land by virtue of such Mortgage or not, and whether such Mortgage shall affect such Land solely or jointly with any other Land which shall not be so required,) shall, on Payment or Tender by the Commissioners or by any Person by them authorized of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Months Interest on the said Principal Money (which Tender and Payment the Commissioners are hereby authorized to make and to deduct the same from any Sum agreed or directed to be paid for an Estate or Interest of the Party entitled to the Equity of Redemption) of and in the Land so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Land which shall be so required to the Commissioners and their Successors, or to such Person as the Commissioners shall appoint; or in case such Mortgagees shall have Notice in Writing from the Commissioners, or from the Party entitled to the Equity of Redemption of and in the same Land, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Months, on Payment or Tender by the Commissioners of the Principal Money and Interest which would become due at the End of Six Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Land which shall be so required for

Mortgagees to convey to the Commissioners on Tender of Money due on Mortgage.

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for the Purposes of this Act to the Commissioners and their Successors, or as the Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Chancery as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of England, at or near the End of Six Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or, in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate and Interest of such Mortgagee, and of every Person in trust for him or for whom he shall be Trustee, shall vest in the Commissioners and their Successors, who shall be deemed to be in the actual Possession of the Land comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.

XL. In all Cases in which any Land subject to any Mortgage shall be required for the Purposes of this Act, which Land shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Land subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Land, and the Mortgagee thereof shall not consider the remaining Part of such Land to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Land, or, as the Case may be, of such Part of the said Land as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee and the Body, Trustee, or Person entitled to the Equity of Redemption of such Land, whether absolutely or for such Estate as might capacitate such Parties to convey for the Purposes of this Act, on the one Part, and the Commissioners on the other Part, and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation,

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pensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Land, the Value whereof shall have been so agreed upon or determined as aforesaid; or, in case of the Party neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of England, to the Credit of the said Mortgagee, as by this Act is provided in Cases of the like Nature, and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Land as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Land shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that every Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of his Mortgage Money, or the Residue thereof (as the Case may be) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Land not required for the Purposes aforesaid, as he would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Land originally comprised in such Mortgage: Provided also, that when a Part only of the Land subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Land so taken shall, on the Assignment or Conveyance thereof to the Commissioners and their Successors, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners to the Persons so entitled as aforesaid to the Equity of Redemption of the Land comprised in such Mortgage Deed.

XLI. Every Tenant at Will or Lessee for a Year, or any other Person in possession of any such Land or any Part thereof which shall be purchased by virtue of this Act or vested in the Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing under the Corporate Seal of the Commissioners shall have been given to him or left at the Premises which are the subject of such Notice, and whether such Notice be given with reference to the Time of such Tenants holding or not, quit and relinquish the said Premises unto the Commissioners, or to such Person as shall be by them authorized

Tenants at Will or from Year to Year to quit after Notice.

*Court of Probate, &c. (Acquisition of Site).*

to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Premises, then and in such Case the Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby, and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Land is herein-before directed to be ascertained, or, if the Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators and their Umpire to be chosen by the Parties in difference; and that all and every Person and Body in possession of any Land or any Part of any Land which shall or may be purchased in pursuance of this Act by the Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict, or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the Commissioners, or to such Person as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Body shall hold the said Premises, shall at and from the End and Expiration of such Six Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the Commissioners; and if any such Tenant at Will or Lessee or other Person or Body shall refuse or neglect to deliver up the Premises at the Expiration of such Six Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Alderman of the City of *London* to issue his Precept or Warrant to the Constables of the said City of *London* for the Time being, or any of them, or to any Person to be by such Alderman appointed as Constable for that especial Purpose, commanding and requiring such Constable or Constables or any of them to cause Possession of the said Premises to be taken and afterwards delivered to such Person as shall in such Precept or Warrant be nominated to receive the same on behalf of the Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners whenever they may deem it just and reasonable so to do from granting Compensation to any Tenant at Will for giving up the Possession of the Premises, under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

XLII. Every Person and Body hereby capacitated to sell, and who may not agree with the Commissioners as to the Price to be paid, may, if he shall think fit, instead of having the Value ascertained

Persons authorized to sell may refer it to Arbitra-

*Court of Probate, &c. (Acquisition of Site).*

ascertained by a Jury as aforesaid, agree with the Commissioners to refer it to any Person or Persons and their Umpire to ascertain the Amount to be paid, and every such Agreement and the Award to be made in pursuance thereof, shall be in all respects binding and effectual, and as if the Value had been ascertained by a Jury.

**XLIII.** It shall be lawful for the Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act, and the Monies to be produced by the Sale thereof, (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales,) and also the Rents and Profits of such Houses and Buildings to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

**XLIV.** No Purchase shall be made by the Commissioners for the Purposes of this Act without the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

**XLV.** The Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever, which may be erected and set up or provided by the Commissioners or by their Order, or otherwise belonging to and used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them respectively, to their own Use and Uses, or shall disturb them, the Commissioners or their Officers, or other Persons acting under them, in the Possession thereof.

tors to fix the Price.

Power to clear the Ground and sell old Materials.

No Purchases to be made without the Authority of the Treasury.

Materials, &c. vested in the Commissioners.

**XLVI.** In

*Court of Probate, &c. (Acquisition of Site).*

Commissioners may cause Actions to be brought for Breach of Contract.

XLVI. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against any such Contractor for any Penalty contained in his Contract; and on Proof of the signing of the said Contract, and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract for such Sum of Money as the said Commissioners shall think proper.

Costs and such Sum as Jury may find, to be paid to Persons obtaining Judgment in lieu of Land.

XLVII. If any Proceedings shall be taken for the Recovery of the Possession of any Land so purchased or taken for the Purposes of this Act, then within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises there shall be paid or tendered to any Person so obtaining such Judgment, in lieu of such Premises, his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of the Act, or when Possession thereof was taken as aforesaid, and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises, and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act; and the said Land, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, such Amount or Value being taken and accepted in lieu thereof.

Deeds, &c. not liable to Stamp Duty.

XLVIII. No Deed, Bond, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force,  
nor



*Court of Probate, &c. (Acquisition of Site).*

nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged therewith by any future Act.

**XLIX.** All Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any Jury or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing  
Persons for  
giving false  
Evidence.

**L.** 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 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.

Plaintiff not  
to recover  
without No-  
tice, or after  
Tender of  
Amends.

**LI.** 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 every 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 a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then

Limitation of  
Actions.

*Court of Probate, &c. (Acquisition of Site).*

and in every such Case the Jury or Juries shall find for the Defendant.

**Saving Rights of Commissioners of Sewers.**

LII. Provided always, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of London.

**Commissioners of Works, &c. not to be personally liable.**

LIII. Nothing in this Act, or in any Deed or Instrument entered into or made by the Commissioners for the Purposes of this Act, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the said Deed or Instrument contained, on the Part of the same Commissioners, or any of them, but the Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them, the Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them, for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

**Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.**

LIV. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

**Contracts made by First Commissioner to be valid.**

LV. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners, as if the same had been under their Corporate Seal.

**Deeds to be enrolled in the Court of Exchequer.**

LVI. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Land by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners

of

*Court of Probate, &c. (Acquisition of Site).*

of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument, when so enrolled, shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

LVII. It shall be sufficient for all Purposes to cite this Act as Short Title. "The Probate and other Courts and Registries Site Act, 1859."

The SCHEDULE referred to in the foregoing Act.

PARISH OF SAINT BENET, PAUL'S WHARF, IN THE CITY OF LONDON.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Great Knight rider Street.</i>					
43	—	Small Office at Rear of No. 3.	The Warden and Scholars of the House or College of Scholars of Merton, in the University of Oxford, Henry Price Holford, Harriet Sophia Hatchard.	The Trustees of the Charity of Edmund Arnold, Esq., deceased, the Commissioners of Her Majesty's Works and Public Buildings.	Samuel Holmes.
43	—	Small Office at Rear of No. 3.			Empty.
44	—	Yard and Watercloset at Rear of No. 3.			Henry Dinun, George Charles Ring, James Veitch Shaw, John Judd Blake, Harriet Dunn, William Frederick Pott, Samuel Holmes, Edward Greenhill.
45	4	Public Office, Forecourt, and Yard.	- - -	The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings.	The Registrars of the Principal Registry of Her Majesty's Court of Probate.
46	—	Part of the Principal Registry of Her Majesty's Court of Probate in the Rear of No. 4, and the Strong Room in the Rear of No. 3, Great Knight rider Street.	The Warden and Scholars of the House or College of Scholars of Merton, in the University of Oxford.	The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings, the Registrars of the Principal Registry of Her Majesty's Court of Probate.	The Registrars of the Principal Registry of Her Majesty's Court of Probate.
47	5	Dwelling House and Offices.	The President and College or Commonalty of the Faculty of Physicians in London.	- - -	Charles Hawkins, the Registrars of the Principal Registry of Her Majesty's Court of Probate, Thomas Cumberland Davidson.

*Court of Probate, &c. (Acquisition of Site).*

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
49	6	Public Office and Courtyard, and other Part of the Principal Registry of Her Majesty's Court of Probate.	The Dean and Chapter of the Cathedral Church of St. Paul, in London.	The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings, the Registrars of the Principal Registry of Her Majesty's Court of Probate.	The Registrars of the Principal Registry of Her Majesty's Court of Probate.

*Great Knighttrider Street—continued.*

<i>The College of Advocates and Doctors of Law.</i>						
49	1	Dwelling House and Offices.	-	-	-	Thomas Blake.
50	2	Dwelling House and Offices.	-	-	-	Frederick Thomas Pratt.
51	3	Dwelling House and Offices.	-	-	-	James Parker Deane.
52	4	Dwelling House and Offices.	-	-	-	William Calverley Curteis.
53	5	Dwelling House and Offices.	-	-	-	John Lee.
54	6	Dwelling House and Offices.	-	-	-	Thomas Spinks.
55	7	Dwelling House and Offices.	-	-	-	William Robinson.
56	8	Dwelling House and Offices.	-	-	-	The Right Honourable Stephen Lushington.
57	9	Dwelling House and Offices.	The Dean and Chapter of the Cathedral Church of St. Paul, in London.	-	-	Samuel Jewkes Wambey.
58	10	Dwelling House and Offices.	William Calverley Curteis, Frederick Thomas Pratt, and others, Trustees for the Fellows and Members of the College of Advocates and Doctors of Law.	-	-	Sir John Dorney Harding, Herbert Jenner.
59	{ 11 11½ }	Dwelling House and Offices.	-	-	-	George Webbe Dasent, Travers Twiss, Alfred Waddilove.
60	12	Dwelling House and Offices.	-	-	-	Augustus Frederick Bayford, Alfred Waddilove, and the Registrars of the Principal Registry of Her Majesty's Court of Probate, and for Divorce and Matrimonial Causes.
61	13	Dwelling House	-	-	-	James Maskell.
62	14	Dwelling House and Offices.	-	-	-	Thomas Hutchinson Tristram, the Right Honourable Sir John Dodson, William Francis Dodson.
63	15	Dwelling House and Offices.	-	-	-	Robert Joseph Phillimore.
64	16	Dwelling House and Offices.	-	-	-	John Elliot Pasley Robertson.
65	17	Dwelling House and Offices.	-	-	-	Maurice Charles Mertins Swabey, Jesse Adams.
66	—	The Hall and Library	-	-	-	The Fellows and Members of the College of Advocates and Doctors of Law.
67	—	The Court	The Dean and Chapter of the Cathedral Church of St. Paul, in Lon-	-	-	The Fellows and Members of the College of Advocates and Doctors of Law, the High Court of Admiralty.

## Court of Probate, &amp;c. (Acquisition of Site).

## Vexatious Indictments.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>The College of Advocates and Doctors of Law—continued.</i>					
68	—	The Garden	don, William	- - -	The Fellows and Members of the College of Advocates and Doctors of Law.
69	—	Store Sheds in Back Commons.	Calverley Curteis, Frederick	- - -	
70	—	The Back Commons and Gateway to Church Court.	Thomas Pratt, and others,	- - -	
71	—	The several Areas or open Courts, Passages, and Ways within the College of Advocates.	Trustees for the Fellows and Members of the College of Advocates and Doctors of Law.	- - -	
72	—	Public Streets and Ways.	The Commissioners of Sewers, Lamps, and Pavements for the City of London.	- - -	The Commissioners of Sewers, Lamps, and Pavements for the City of London, the New River Water Company, the Great Central Gas Consumers Company, the City of London Gas Light Company, the Public.

## C A P. XVII.

An Act to prevent Vexatious Indictments for certain Misdemeanors.  
[8th August 1859.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. After the First Day of *September* One thousand eight hundred and fifty-nine, no Bill of Indictment for any of the Offences following, viz.

Perjury,  
Subornation of Perjury,  
Conspiracy,  
Obtaining Money or other Property by false Pretences,  
Keeping a Gambling House,  
Keeping a disorderly House, and  
Any indecent Assault,

shall be presented to or found by any Grand Jury, unless the Prosecutor or other Person presenting such Indictment has been bound by Recognizance to prosecute or give Evidence against the Person accused of such Offence, or unless the Person accused has been committed to or detained in Custody, or has been bound by Recognizance to appear to answer to an Indictment to be preferred against him for such Offence, or unless such Indictment for such Offence, if charged to have been committed in *England*, be preferred by the Direction or with the Consent in Writing of a Judge of One of the Superior Courts of Law at *Westminster*, or of Her Majesty's Attorney General or Solicitor General for *England*, or unless such Indictment for such Offence, if charged to

No Indictment for Offences herein-named to be preferred without previous Authorization.

*Vexatious Indictments.**Income Tax, &c.*

14 & 15 Vict.  
c. 100.

In certain  
Cases where  
Prosecutor  
desires to pre-  
fer an Indict-  
ment Justice  
to take his Re-  
cognizance to  
prosecute.

Act not to  
extend to  
Scotland.

have been committed in *Ireland*, be preferred by the Direction or with the Consent in Writing of a Judge of One of the Superior Courts of Law in *Dublin*, or of Her Majesty's Attorney General or Solicitor General for *Ireland*, or (in the Case of an Indictment for Perjury) by the Direction of any Court, Judge, or public Functionary authorized by an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred, to direct a Prosecution for Perjury.

II. That where any Charge or Complaint shall be made before any One or more of Her Majesty's Justices of the Peace that any Person has committed any of the Offences aforesaid within the Jurisdiction of such Justice, and such Justice shall refuse to commit or to bail the Person charged with such Offence to be tried for the same, then in case the Prosecutor shall desire to prefer an Indictment respecting the said Offence, it shall be lawful for the said Justice and he is hereby required to take the Recognizance of such Prosecutor to prosecute the said Charge or Complaint, and to transmit such Recognizance, Information, and Depositions, if any, to the Court in which such Indictment ought to be preferred, in the same Manner as such Justice would have done in case he had committed the Person charged to be tried for such Offence.

III. This Act shall not extend to *Scotland*.

## C A P. XVIII.

An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt.

[13th August 1859.]

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:

Additional  
Rates of In-  
come Tax  
granted on  
Assessments  
made on the  
Amount of  
annual Profits.

I. In addition to the Rates and Duties granted and now chargeable under 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, there shall be charged, collected, and paid, for and in respect of all Property, Profits, and Gains charged or chargeable under the said Act, either by Assessment, Contract of Composition, or otherwise, the following additional Rates and Duties; that is to say, upon any Assessment made on the

*Income Tax, &c.*

the annual Value or Amount of any Property, Profits, or Gains (except Property, Profits, and Gains chargeable under Schedule (B.) of the said Act,) the additional Rate or Duty of Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, the additional Rate or Duty of Twopence in *England*, and of One Penny Halfpenny in *Scotland* and *Ireland* respectively, for every Twenty Shillings of the annual Value thereof; and such additional Rates and Duties respectively shall be collected and paid with and over and above the First Moiety of the Duties assessed or charged under the said Act.

II. Provided always, That where any Dividends, Interest, or other Profits or Gains becoming due or payable half-yearly are assessed or charged half-yearly with the Rate or Duty under the said Act, there shall be charged upon the first Assessment or Charge which shall be hereafter made on such Dividends, Interest, Profits, and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the half-yearly Amount thereof; and where any Profits or Gains becoming due or payable quarterly are assessed or charged quarterly with the Rate or Duty under the said Act, there shall be charged upon the first Two quarterly Assessments or Charges respectively which shall be hereafter made on such last-mentioned Profits and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the quarterly Amount of such last-mentioned Profits and Gains; and the said additional Rates and Duties charged in such half-yearly and quarterly Assessments respectively shall be collected and paid with and over and above the Rates and Duties assessed or charged therein respectively under the said Act.

III. Provided always, That every Person who shall claim, and prove in the Manner prescribed by the Acts now in force relating to the Income Tax, that his total annual Income from every Source, although amounting to One hundred Pounds or upwards, is less than One hundred and fifty Pounds a Year, shall be entitled to be relieved from so much of the said additional Rates and Duties assessed upon or paid by him under this Act as shall exceed the Rate of One Penny Halfpenny for every Twenty Shillings of his annual Profits or Gains, and such Relief shall be given in the Manner directed by the said Acts.

IV. The additional Rates and Duties by this Act granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act of Parliament herein-before mentioned and of the several Acts therein referred to, and also of any Act or Acts subsequently passed explaining, amending, or continuing the said first-mentioned Act; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Rates and Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respec-

Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.

Relief to Persons whose Incomes are under 150l. a Year.

Provisions of former Acts to be applied.

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tively be duly observed, applied, and put in execution, *mutatis mutandis*, for charging, levying, collecting, receiving, accounting for, and securing the said Rates and Duties hereby granted, and otherwise relating thereto.

Deduction to be made on Payment of Interest, &c.

V. The additional Rates and Duties by this Act granted and imposed shall be deemed to be charged in respect of the Half Year ending on the Tenth Day of *October* One thousand eight hundred and fifty-nine; and every Person liable to the Payment of Rent or any yearly Interest of Money, or any Annuity or other annual Payment, either as a Charge on any Property or as a personal Debt or Obligation, whether the same shall be received or payable half-yearly or at any shorter or more distant Period, shall be entitled and is hereby authorized, on making such Payment in respect of so much thereof as has accrued or shall have accrued for or during any Period of the said Half Year, to deduct and retain thereout (over and above any other Deduction to which he may be entitled under any other Act) the additional Rate of Duty by this Act granted and imposed, that is to say, at the Rate of Eightpence for every Twenty Shillings of such Payment, and where he has made or shall have made any such Payment without making such Deduction as aforesaid he shall be entitled to recover and receive the Amount thereof from the Person to whom such Payment shall have been made.

Allowance of Duty in respect of deferred Annuities extended to those contracted for with National Debt Commissioners.

VI. 'And whereas by the Fifty-fourth Section of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty-four, Provision is made for Deduction, Abatement, Allowance, or Repayment of Duty in favour of any Person who should have contracted for any deferred Annuity on his own Life or on the Life of his Wife in or with any such Insurance Office as in the said Act is mentioned: ' The Benefit and Advantage of such Provision shall be and is hereby extended and granted to any Person who has or shall have contracted for any such deferred Annuity as aforesaid with the Commissioners for the Reduction of the National Debt.

Reduction of the Period of Credit allowed for Payment of Excise Duty on Malt.

VII. And in respect of all Malt begun to be made on or after the First Day of *October* One thousand eight hundred and fifty-nine, the Time limited for Payment of the Duty of Excise on Malt by every Maltster or Maker of Malt who shall have given Security by Bond in the Manner directed by the Act passed in that Behalf shall be Twelve Weeks, in lieu of Eighteen Weeks after the making of such Account or Return, as in the said Act is mentioned; and no Person shall be entitled to any Credit for Payment of the Duty of Excise on Malt unless he shall give such Security as aforesaid, by Bond conditioned for Payment of the said Duty within the Period limited by this Act; and every such Bond shall be taken in such Sum as the Commissioners of Inland Revenue or the Persons appointed by them, for that Purpose, shall deem to be sufficient in that Behalf.

Discount to be allowed to Maltsters in consideration of the Reduction of Credit.

VIII. And in consideration of the Reduction in manner aforesaid of the Period of Credit allowed by Law for Payment of the Duty of Excise on Malt, the Commissioners of Inland Revenue shall allow to every such Maltster or Maker of Malt who shall have



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have given such Security as aforesaid a Rebate or Discount after the Rate of Four per Cent. per Annum for the Period of Six Weeks upon the Amount of Charge upon such Maltster or Maker of Malt in respect of all Malt made by him on or after the First Day of *October* One thousand eight hundred and fifty-nine, and before the First Day of *April* One thousand eight hundred and sixty, provided he shall duly pay the Amount of such Charge within the Time appointed by the Law and Usage of Excise in that Behalf.

## C A P. XIX.

An Act to repeal Part of an Act passed in the Thirteenth Year of *Elizabeth*, Chapter Twenty-nine, concerning the several Incorporations of the Universities of *Oxford* and *Cambridge*, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them.

[13th August 1859.]

‘ **W**HEREAS in and by an Act passed in the Thirteenth Year of Her Majesty Queen *Elizabeth*, intituled *An Act concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them*, it is amongst other things enacted, that the Letters Patent of the Queen’s Highness’s Father, King *Henry* the Eighth, made and granted to the Chancellor and Scholars of the said University of *Oxford*, bearing Date the First Day of *April* in the Fourteenth Year of His Reign, and the Letters Patents of the Queen’s Majesty that then was made and granted unto the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date the Sixth-and-twentieth Day of *April* in the Third Year of Her Highness’s most Gracious Reign, and also all other Letters Patents by any of the Progenitors or Predecessors of our said Sovereign Lady made to either of the said corporated Bodies, severally, or to any of their Predecessors of either of the said Universities, by whatsoever Name or Names the said Chancellor, Masters, and Scholars of either of the said Universities, in any of the said Letters Patents had been theretofore named, should from thenceforth be good, effectual, and available in the Law to all Intents, Constructions, and Purposes to the foresaid then Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors for evermore, after and according to the Form, Words, Sentences, and true Meaning of every of the same Letters Patents, as amply, fully, and largely as if the same Letters Patents had been recited verbatim in that present Act of Parliament, anything to the contrary in anywise notwithstanding; and it was further enacted, that all manner of Instruments, Indentures, Obligations, Writings Obligatory, and Recognizances made or acknowledged by any Person or Persons or Body Corporate to either of the said corporated Bodies

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‘ Bodies of either of the said Universities, by what Name or  
 ‘ Names soever the said Chancellor, Masters, and Scholars of  
 ‘ either of the said Universities had been theretofore called in  
 ‘ any of the said Instruments, Indentures, Obligations, Writings  
 ‘ Obligatory, or Recognizances, should be from thenceforth  
 ‘ available, stand and continue of good, perfect, and full Force  
 ‘ and Strength to the then Chancellor, Masters, and Scholars of  
 ‘ either of the said Universities, and to their Successors, to all  
 ‘ Intents, Constructions, and Purposes, although they or their  
 ‘ Predecessors, or any of them, in any of the said Instruments,  
 ‘ Indentures, Obligations, Writings Obligatory, or Recognizances  
 ‘ were named by any Name contrary or diverse to the Name of  
 ‘ the then Chancellor, Masters, and Scholars of either of the said  
 ‘ Universities; and it was also enacted, that as well the said  
 ‘ Letters Patents of the Queen’s Highness’s said Father, King  
 ‘ *Henry* the Eighth, bearing Date as was before expressed, made  
 ‘ and granted to the said corporated Body of the said University  
 ‘ of *Oxford*, as the Letters Patents of the Queen’s Majesty  
 ‘ aforesaid granted to the Chancellor, Masters, and Scholars of  
 ‘ the University of *Cambridge*, bearing Date as aforesaid, and all  
 ‘ other Letters Patents by any of the Progenitors or Predecessors  
 ‘ of Her Highness, and all manner of Liberties, Franchises,  
 ‘ Immunities, Quietances, and Privileges, Leets, Law Days, and  
 ‘ other Things whatsoever therein expressed, given, or granted to  
 ‘ the said Chancellor, Masters, and Scholars of either of the said  
 ‘ Universities, or to any of their Predecessors of either of the  
 ‘ said Universities, by whatsoever Name the said Chancellor,  
 ‘ Masters, and Scholars of either of the said Universities in  
 ‘ any of the said Letters Patents be named, were and by virtue  
 ‘ of that present Act should be from thenceforth ratified,  
 ‘ established, and confirmed unto the said Chancellor, Masters, and  
 ‘ Scholars of either of the said Universities, and to their Suc-  
 ‘ cessors for ever, any Statute, Law, Usage, Custom, Construction,  
 ‘ or other thing to the contrary in anywise notwithstanding:  
 ‘ Provided always, and it was enacted, that the said Act or  
 ‘ anything therein contained should not extend to the Prejudice  
 ‘ or Hurt of the Liberties and Privileges of Right belonging to  
 ‘ the Mayors, Bailiffs, and Burgesses of the Town of *Cambridge*  
 ‘ and City of *Oxford*, but that they the said Mayors, Bailiffs, and  
 ‘ Burgesses, and every of them, and their Successors, should be  
 ‘ and continue free, in such Sort and Degree, and enjoy such  
 ‘ Liberties, Freedoms, and Immunities, as they or any of them  
 ‘ lawfully might have done before the making of that present  
 ‘ Act, anything contained in the said Act to the contrary  
 ‘ notwithstanding: And whereas by Letters Patent, dated the  
 ‘ Twenty-ninth Day of *May* in the Thirty-second Year of the  
 ‘ Reign of His late Majesty King *Henry* the Third, the said King  
 ‘ did grant to the Scholars of the University of *Oxford*, amongst  
 ‘ other things, that so often and whensoever the Mayor and  
 ‘ Bailiffs of *Oxford* should take the Oath of their Fealty in  
 ‘ their common Place, the Commonalty of the same Town should  
 ‘ inform the Chancellor, in order that, if he wished, by himself  
 ‘ or

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‘ or by some chosen Persons, he might be present at the taking of  
 ‘ the aforesaid Oath, which Oath indeed as to the aforesaid  
 ‘ Scholars should be of this Sort, that is to say, that the Mayor  
 ‘ and Bailiffs themselves should keep the Liberties and Customs  
 ‘ of the aforesaid University, otherwise their Oath should be of  
 ‘ no avail, but should be taken again according to the prescribed  
 ‘ Form ; but if the Chancellor should not wish to be present,  
 ‘ either by himself or by a Proctor, the Oath should nevertheless  
 ‘ be taken : And whereas Provisions in relation to the Observance  
 ‘ of the same Oath, or an altered Oath in lieu thereof, have been  
 ‘ made by subsequent Letters Patent granted by Kings and  
 ‘ Queens of this Realm to the Chancellor, Masters, and Scholars  
 ‘ of the University of *Oxford*, and also by Orders of the Privy  
 ‘ Council made in the Reigns of Queen *Elizabeth*, King *James*  
 ‘ the First, and King *Charles* the Second : And whereas by the  
 ‘ Statutes of the University of *Oxford*, which the Chancellor and  
 ‘ Vice-Chancellor of the University have taken their respective  
 ‘ Oaths to observe and perform, it is enjoined on each of them  
 ‘ that they do exact the said annual Oath of the Mayor and  
 ‘ Burgesses of *Oxford* : And whereas the Mayor, Aldermen, and  
 ‘ Citizens of the City of *Oxford* desire to be relieved from the  
 ‘ Obligation of taking any such Oath, and the Chancellor,  
 ‘ Masters, and Scholars of the University of *Oxford* are willing  
 ‘ that the said Mayor, Aldermen, and Citizens should be so  
 ‘ relieved, but they are advised that such Relief can only be  
 ‘ granted by the Authority of Parliament :’ Be it therefore en-  
 ‘ acted by the Queen’s most Excellent Majesty, by and with the  
 ‘ Advice and Consent of the Lords Spiritual and Temporal, and  
 ‘ Commons, in this present Parliament assembled, and by the  
 ‘ Authority of the same, as follows :

I. So much of the herein-before recited Act of Parliament, and of all Charters, Letters Patent, Orders in Council, Obligations, Deeds, or Instruments, as imposes upon the said Mayor, Aldermen, and Citizens, or any of them, or any Municipal Officer of the City of *Oxford*, the Obligation of taking any Oath for the Conservation of the Liberties and Privileges of the University of *Oxford*, or any such Oath as is herein-before referred to, shall be and the same is hereby repealed and annulled and made void.

II. The Mayor, Aldermen, and Citizens of *Oxford* shall not hereafter, nor shall any of them, nor shall any Municipal Officer of the City of *Oxford*, be required to take any Oath or to make any Declaration for the Conservation of the Liberties and Privileges of the University of *Oxford* : Provided always, that, notwithstanding anything herein contained, the Mayor, Aldermen, and Citizens of *Oxford*, and all Officers of the same City, shall observe and keep all manner of lawful Liberties and Customs which the Chancellor, Masters, and Scholars of the said University have reasonably used, without any Gainsaying ; saving, nevertheless, the Fidelity of the said Mayor, Aldermen, Citizens, and Officers to the Queen’s Majesty, and saving also the Liberties and Privileges of Right belonging to the said Mayor, Aldermen, and Citizens, and to the Officers of the said City.

Repeal of  
Duty to take  
Oath.

Prohibition  
of any Requi-  
sition to  
Mayor, &c.  
to take Oath.

*Military Savings Banks.*

## C A P. XX.

An Act to amend and consolidate the Laws relating to  
Military Savings Banks. [13th August 1859.]

5 & 6 Vict. c. 71. ' WHEREAS an Act was passed in the Session holden in the  
' Fifth and Sixth Years of Her Majesty, "to establish  
8 & 9 Vict. c. 27. ' "Military Savings Banks," and an Act was passed in the  
' Session holden in the Eighth and Ninth Years of Her Majesty,  
12 & 13 Vict. ' to amend the first-mentioned Act, and an Act was passed in the  
c. 71. ' Session holden in the Twelfth and Thirteenth Years of Her  
' Majesty, "to dissolve Regimental Benefit Societies, and to  
' "provide for the Application of the Funds of such Societies  
' "and of Regimental Charitable Funds:" And whereas it is ex-  
' pedient to amend and consolidate the said Acts, and to confirm  
' or render valid all Acts that may have been done under the  
' Authority of the Secretary-at-War, or Her Majesty's Principal  
' Secretary of State for the War Department, in relation to the  
' Military or Regimental Savings Banks already established,  
' and the Deposits therein, and the Payments of Principal and  
' Interest in respect of such Deposits: 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.  
Acts done  
confirmed.

I. The said Acts shall be repealed, save as herein otherwise  
provided : Provided always, that such Repeal shall not affect any  
Deposit made or other Act done under the Authority of the said  
Acts or any of them before such Repeal takes effect ; and all Acts  
done under the Authority of any Rules made in manner provided  
by Section Three of the firstly herein-before mentioned Act, or  
under the Authority of the Secretary-at-War, before such Repeal  
takes effect, in relation to the Deposits made in Military or Regi-  
mental Savings Banks theretofore established, and all Payments  
of Principal and Interest made in respect of such Deposits, shall  
be and be deemed to have been legal and valid.

Military Sav-  
ings Banks may  
be established.

II. It shall be lawful for Her Majesty, in manner herein-after  
mentioned, to establish or continue Military or Regimental Savings  
Banks, for the Purpose of receiving Sums of Money from such  
of the Non-commissioned Officers and Soldiers employed in Her  
Majesty's Service, either in the United Kingdom or upon Foreign  
Stations, (*India* alone excepted,) as may be desirous of depositing  
the same, and for receiving Deposits of any Moneys or Funds  
whatsoever raised or paid for Objects or Purposes connected  
with Non-commissioned Officers and Soldiers which Her Majesty  
may from Time to Time think fit to authorize to be deposited in  
the said Savings Banks.

Regulations  
for Savings  
Banks, how  
to be made.

III. Regulations for the Savings Banks so to be established or  
continued shall from Time to Time be made by the Secretary-at-  
War, with the Concurrence of the General Commanding in Chief  
and of the Commissioners of Her Majesty's Treasury ; and such  
Regulations, when sanctioned by Her Majesty, shall be signed  
by the Secretary-at-War, and laid before both Houses of Par-  
liament ;

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liament ; and a Copy of such Regulations shall be deposited in the Orderly Room of every Regiment to which they apply ; and such Regulations shall be binding upon all Officers concerned, and upon the several Depositors in the said Savings Banks and upon their Representatives.

IV. Such Regulations shall or may (as the Case may require) make Provision in relation to the following Matters ; (that is to say,) What to be provided for by the Regulations.

Shall regulate and determine the Rate of Interest to be paid to Depositors, not exceeding the yearly Rate of Three Pounds Fifteen Shillings for every One hundred Pounds, and what (if any) fractional Parts of a Pound or Sums less than a Pound shall bear Interest, and what Length of Time Deposits must remain in order to bear Interest, and at what Times Interest shall be added to Principal so as to become Principal, in like Manner as if the same had been paid to the Depositor and been again deposited, and what Deposits may be received upon which Interest shall not be payable ;

May determine in what Cases or under what Circumstances Deposits and the Interest (if any) thereon shall be forfeited to the Public ;

May make Provision for and concerning the Retention or Deposit in the Military or Regimental Savings Banks of the Effects of deceased Non-commissioned Officers or Soldiers, or the Money arising therefrom, at Interest or without Interest, and for the Payment or Application thereof and of the Interest thereon to or for the Benefit of the Orphans of such Non-commissioned Officers or Soldiers or other Persons entitled to the same ;

May make Provision for and concerning the Deposit of Funds created for Charitable Regimental Purposes by Subscriptions of Officers, unexpended Balances of Canteen Funds, or otherwise, and of any Funds or Moneys created, raised, or paid in any Manner whatsoever for Objects or Purposes connected with Non-commissioned Officers or Soldiers, and concerning the Manner in which such Funds or Moneys, and the Interest thereon, shall be paid, applied, or distributed ;

May make it obligatory on Commanding Officers of Regiments and others to deposit such Funds or Moneys in the said Savings Banks, and to account to the Secretary-at-War or otherwise for the same, and the due Application thereof ;

May make Provision for the Withdrawal from the said Savings Banks for the Purpose of Transfer to *India* of any Money whatsoever deposited in the said Savings Banks, and the Accumulations of Interest thereon, upon the Occasion of Regiments proceeding to *India* ;

And shall provide for the keeping of proper Accounts, and generally for all such Matters in relation to the said Savings Banks and Deposits therein as may be thought proper ;

And such Regulations shall be made as well with reference to Deposits already made in the Savings Banks established under the firstly herein-before mentioned Act and Charitable Regimental

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Regimental Funds already paid into the Bank of *England* under the thirdly herein-before mentioned Act as to Deposits to be made under this Act :

Provided always, that Deposits by any individual Depositor in any One Year, (ending on such Day as may be in the Regulations mentioned,) exceeding Thirty Pounds in the whole (exclusive of Interest added), shall not bear Interest until after the End of such Year, except only in the Case of Deposits of Gratuities awarded for good Conduct or otherwise, and that while the Sums standing in the Name of any individual Depositor (inclusive of Interest, if any,) amount to or exceed Two hundred Pounds no Interest shall accrue on any Sum in Excess of that Amount standing in his Name ; but this Proviso shall not apply to or in the Case of Money retained or deposited in a Military or Regimental Savings Bank after the Death of a Non-commissioned Officer or Soldier, for the Benefit of his Orphans or other Persons entitled to his Effects, or to or in the Case of Funds or Moneys created, raised, or paid for Charitable Regimental Purposes, or for such Objects or Purposes as herein-before mentioned.

Receipts of  
Infants and  
Married  
Women.

V. The Receipt of any Infant for any Money deposited in any such Savings Bank, or for any Interest thereon, shall be a sufficient Discharge, notwithstanding his Incapacity or Disability in Law to act for himself ; and any Payment in respect of any Deposit or Interest thereon which may be made to any Married Woman, under any Regulations made under this Act, shall be deemed a valid Payment, and her Receipt shall be a sufficient Discharge.

Deposits to  
be applied to  
Public Expen-  
diture, and  
Payments  
made out of  
Grants for ordi-  
nary Services.

VI. The Moneys deposited in Military or Regimental Savings Banks shall be applied under the said Regulations by the Officers or Persons authorized to receive the same to the Payment of such ordinary Army Services as it may be their Duty to defray, and all Sums from Time to Time payable to Depositors or otherwise under the said Regulations for Principal and Interest in respect of Moneys so deposited under the said Acts or any of them, or this Act, or paid into the Bank of *England* under the thirdly herein-before mentioned Acts, shall be paid out of the Grants by Parliament for ordinary Army Services.

Secretary-at-  
War to direct  
certain Moneys  
to be paid to  
the Account  
of the Commis-  
sioners for the  
Reduction of  
the National  
Debt, and carried  
to the Account  
of the Military  
Savings Banks.

VII. It shall be lawful for the Secretary-at-War from Time to Time to authorize, by his Warrant, Payment out of the Moneys granted for Army Services, and placed to the Account of the Paymaster General at the Bank of *England*, of the Amount of the Money received and applied for the Public Service under this Act, together with the Interest allowed thereon, to the separate Account raised under the secondly herein-before mentioned Act in the Names of the Commissioners for the Reduction of the National Debt in the Books of the Governor and Company of the Bank of *England*, and denominated "The Fund for the Military Savings Banks," and to authorize in like Manner Payment as aforesaid to such last-mentioned Account of the Amount of the Money so received, and applied under the Acts hereby repealed or any of them, with Interest, as aforesaid, so far as such Payment may not have been already authorized under

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under such Acts or any of them; and in ascertaining the Amount of which Payment is to be so authorized Deduction or Allowance shall be made in respect of Payments previously made to Depositors or otherwise in respect of Deposits; and the Cashier of the Bank of *England* is hereby required to pay or transfer the Amount mentioned in every such Warrant from the Account of the Paymaster-General to such separate Account accordingly: Provided always, that previous to any Payment or Transfer being made as aforesaid to such separate Account, the Person applying for that Purpose shall in all Cases produce to the Officer of the last-mentioned Commissioners, at their Office in *London*, a Warrant from the Secretary-at-War, stating that the Money mentioned therein is Part of the Funds of the Military Savings Banks.

VIII. The Commissioners for the Reduction of the National Debt shall cause all the Moneys placed to their Account, in pursuance of this Act, or which may have been placed to their Account under the Acts hereby repealed or any of them, and may not have been invested before the Repeal of such Acts takes effect, to be invested from Time to Time, under such Regulations as such Commissioners may direct, in the Purchase of any Bank Annuities in their Names, and to be carried to the Account raised in their Names under the secondly herein-before mentioned Act; and the Interest or Dividends to arise from Time to Time and become due on any Bank Annuities purchased under this Act or the Acts hereby repealed, or any of them, shall in like Manner be invested in the Purchase of Bank Annuities; and such Interest or Dividends shall not be subject or liable to any Taxes, Charges, or Impositions whatever.

IX. It shall and may be lawful for the Secretary-at-War, by his Warrant, to require that, within Fourteen Days from the Day on which the same is lodged at the Office of the Commissioners for the Reduction of the National Debt, the whole or any Part of the Bank Annuities standing in the Books of the Bank of *England* in the Names of such Commissioners and to the Account aforesaid shall be sold, and the Produce thereof paid to the Account of the Paymaster General at the Bank of *England*.

X. It shall and may be lawful for such Commissioners, on the Requisition aforesaid of the Secretary-at-War, to sell from Time to Time any Part of the said Bank Annuities which may be standing in their Names in the Books of the Bank of *England* in pursuance of the Acts hereby repealed or any of them, or this Act, and the Certificate of the Cashier of the Bank of *England* of the Money having been placed to the Account of the Paymaster General shall be a full and sufficient Discharge to such Commissioners.

XI. ' And whereas by the said Act of the Twelfth and Thirteenth Years of Her Majesty, Provision was made for an equitable Distribution of the Funds of certain Regimental Benefit Societies thereby determined, and for placing the Sum to which each existing Subscriber might be declared entitled in the Savings Bank, established under the firstly herein-before mentioned

Investment of such Moneys.

Moneys invested in Annuities may be transferred to Paymaster General.

Commissioners for Reduction of National Debt empowered to sell.

Provisions as to Money arising from a dissolved Benefit Society.

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‘ mentioned Act in the Regiment to which he belonged, to accumulate for him until his Discharge ; and it was by the Act now in recital enacted, that upon its being proved to the Satisfaction of the Secretary-at-War, upon the Recommendation of the Commanding Officer of the Regiment, that it would be of advantage to a Soldier to withdraw his Portion of the said Fund, including any Accumulations thereon, from the Regimental Savings Bank before his Discharge, it should be lawful for the Secretary-at-War to sanction such Withdrawal, and such Portion might be withdrawn accordingly.’

The Repeal of the said Act of the Twelfth and Thirteenth Years of Her Majesty shall not affect the said Provisions concerning the Sums so placed as aforesaid in any Savings Bank.

Officers of Savings Banks not liable, except for their own Acts.

XII. No Person having any Control in the Management of any Savings Bank established or continued under this Act shall be personally liable, except for his own Acts, nor shall any such Person be personally liable for anything done by him in virtue of his Office in the Execution of this Act, except in Cases where he is guilty of wilful Neglect or Default.

Accounts to be laid before Parliament.

XIII. An Account of the Amount of all Sums deposited under the Acts hereby repealed, or any of them, or this Act, within the Year ended on the Thirty-first Day of *March* preceding, and of the Amount of all Sums withdrawn during the same Period, and of the Interest allowed upon such Deposits, and also of the Number of Accounts open on the said Thirty-first Day of *March*, with such other Particulars as Her Majesty may be pleased from Time to Time to order, shall be annually prepared by the Secretary-at-War, and rendered to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament before the First Day of *April* in every Year, if Parliament be then sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament ; and the gross Amount of all Moneys received and paid by the Commissioners for the Reduction of the National Debt, under the Authority of the said Acts hereby repealed, or any of them, or this Act, prepared up to the Fifth Day of *January* in every Year, shall also be annually laid before both Houses of Parliament on or before the said First Day of *April*, or within such Period as aforesaid.

Military Savings Banks not to be within the Provisions of 9 G. 4. c. 92. or other Acts.

XIV. The Savings Banks established under the firstly hereinbefore recited Act, and to be established or continued under this Act, shall not, nor shall any Moneys which have been placed to the Account or have come to the Hands of the Commissioners for the Reduction of the National Debt, under the Acts hereby repealed or any of them, or which may be placed to the Account or come to the Hands of such Commissioners under this Act, be taken to be within the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, or of any other Act heretofore passed relating to Savings Banks.

As to the Word "India."

XV. In the Construction of this Act "*India*" shall have the same Meaning as under Section One of the Act of the Session holden



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holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and six.

XVI. This Act shall, as regards the making of Regulations for Savings Banks thereunder, take effect immediately after the passing hereof, and in all other respects shall take effect from the Time at which the Regulations first made shall be therein appointed to come into operation. Commence-  
ment of Act.

## C A P. XXI.

An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer. [13th August 1859.]

WHEREAS an Act was passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-six, "for abolishing certain Offices on the Revenue Side of the Court of Exchequer in *England*, and for regulating the Office of Her Majesty's Remembrancer in that Court:" And whereas the Office of the said Remembrancer may be conveniently held and the Duties thereof performed by One of the Masters of the said Court, and the Commissioners of Her Majesty's Treasury have, upon the Retirement of *Henry William Vincent* Esquire, appointed *William Henry Walton* Esquire, One of the said Masters, to the said Office of Remembrancer: And whereas it is expedient further to regulate the said Office, and to make other Provision in relation thereto, and to the Procedure on the Revenue Side of the said Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Appointment of the said *William Henry Walton* shall be confirmed, and he may continue to hold the Office of Her Majesty's Remembrancer during good Behaviour, together with the Office of Master; and upon any Vacancy in the said Office of Remembrancer it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint from Time to Time One of the Masters of the Court of Exchequer to be such Remembrancer, and such Master shall hold such Office together with the Office of Master: Provided, that in the Absence of the Remembrancer from Illness or other Cause the Senior Master for the Time being in attendance may perform the Duties of the Office of Remembrancer. Appointment  
of Queen's Re-  
membrancer.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of the Lord Chief Baron of the Court of Exchequer, as soon as conveniently may be after the passing of this Act, to reduce or regulate the Establishment under Her Majesty's Remembrancer, and to fix or alter the Salaries of the Remembrancer and the Clerks and other Persons employed in such Establishment, and from Time to Time, and with the like Consent, further to regulate or alter such Establishment and Salaries as Occasion may require. The Treasury  
to regulate  
Establishment  
and to fix  
Salaries.

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Power to the Treasury to award Compensation.

III. Any Officer or other Person who may suffer Loss through the Reduction or Regulation of such Establishment may make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners, if such Claim be established to their Satisfaction, shall award to the Claimant such Compensation as under the Circumstances of the Case they think him entitled to, either by a gross Sum or by way of Annuity.

Salaries and Expenses of Office to be paid out of the Fees.

IV. The Salaries and Compensation Allowances payable under this Act, together with the necessary Expenses of the Office of the Remembrancer, shall be paid out of the Fees received in the said Office; and the Surplus of such Fees, after the Payment of such Salaries, Allowances, and Expenses, shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom; and in the event of the Fees so received being at any Time insufficient to defray the said Salaries, Allowances, and Expenses, the Amount of such Deficiency shall be paid out of the Superior Courts Fee Fund, and, in case of a Deficiency in such Fund, out of such Monies as shall be provided by Parliament for that Purpose.

5 & 6 Vict. c. 86. as to Fees to continue in force.

V. The Provisions of the said Act of the Fifth and Sixth Years of Her Majesty concerning the fixing and altering of Fees from Time to Time, and Accounts of Fees and otherwise, shall continue in force, subject to the Provisions of this Act.

Enrolment of Accounts under 1 & 2 G. 4. c. 121. to be in Discretion of Commissioners of Audit.

VI. No Account shall be transmitted to the Office of Her Majesty's Remembrancer or be there enrolled as of Record, pursuant to Section Seven of the Act of the Session holden in the First and Second Years of King *George* the Fourth, Chapter One hundred and twenty-one, except where the Commissioners for auditing the Public Accounts, in the Exercise of their Discretion, deem it expedient for the Public Service that such Account should be so enrolled for enabling the Recovery of any Balance or Interest due or to become due thereon.

So much of 7 Ann. c. 20. as makes the Remembrancer One of the Registers, &c. repealed.

VII. So much of the Act of the Seventh Year of Queen *Anne*, Chapter Twenty, as makes the Queen's Remembrancer or his Deputy in the Court of Exchequer One of the Registers or Masters of the Office for the Matters and Things in that Act contained, shall be repealed, and the Registers or Masters of such Office shall account for and pay over to the said Remembrancer such Portion of the Monies received under that Act, after Payment thereof of such Sum or Sums as may be payable in respect of the Allowance or Allowances to their Deputy or Deputies, as would have been payable to Her Majesty's Remembrancer if he had continued to be One of the said Registers or Masters, and the Monies so received by such Remembrancer shall be applied and accounted for in all respects as other Fees received in respect of his Office.

Compensation Monies for Land under 5 & 6 Vict. c. 94. and 16 & 17 Vict. c. 107. to be

VIII. Any Money which under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-four, "to consolidate and amend the Laws relating to the Services of the Ordnance Department, and the vesting and Purchase of Lands and Hereditaments for those Services, and for the Defence and Security of the Realm," is required or authorized to

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to be paid into the Hands or in the Name of the Remembrancer or other proper Officer of Her Majesty's Court of Exchequer at *Westminster*, or which under the Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and seven, "The Customs Consolidation Act, 1853," is required or authorized to be paid to the proper Officer of the Court of Exchequer at *Westminster*, shall in lieu of being paid as aforesaid be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there in the Matter of the particular Act to the Credit of the Persons claiming to be interested therein (naming them), pursuant to the Method prescribed by any Act in force at the Time being for regulating the Payment of Monies into the said Court; and upon the filing in the Court of Chancery of the Certificate of such Accountant General, with the Receipt annexed, of the Payment into his Name as aforesaid of any such Money, the Hereditaments in respect whereof the same is paid shall become vested in the like Persons and in the like Manner and for the like Purposes as if such Money had been paid in manner provided by the said Acts of the Fifth and Sixth and Sixteenth and Seventeenth Years of Her Majesty respectively, and this Act had not been passed; and the Court of Chancery shall have the like Powers in relation to such Money as by the said Acts are given to the Barons of the Court of Exchequer, and the Provisions of the said Acts in relation to such Money shall be read and construed as referring to the Court of Chancery and the said Accountant General in the place of the Court of Exchequer and the said Remembrancer.

IX. Section 222 of the "Common Law Procedure Act, 1852," for the Amendment of Defects and Errors in any Proceeding in Civil Causes, and concerning the Costs and Terms of such Amendment, shall extend to all Suits and Proceedings on the Revenue Side of the Court of Exchequer.

X. In any Suit or Proceeding on the Revenue Side of the Court of Exchequer, the Parties may, at any Time before Judgment, by Consent, and Order of a Judge, state any Question or Questions of Law in a Special Case for the Opinion of the Court, without Pleadings, and upon Judgment thereon Error may be brought as on a Judgment on a Special Verdict, unless the Parties agree to the contrary, and the Proceedings for bringing a Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict, and the Court of Error shall either affirm the Judgment or give the same Judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case, which the Court below ought to have drawn.

XI. In case no Agreement shall be entered into as to the Costs of such Special Case and Proceedings, the Costs shall follow the Event, and be recovered by the successful Party.

XII. In Cases of Appeal from the Assessment of the Commissioners of Inland Revenue to the Court of Exchequer, made

paid into the Court of Chancery instead of to the Queen's Remembrancer.

Sect. 222 of 15 & 16 Vict. c. 76. extended to Suits, &c.

Special Case may be stated by Consent of Parties and Order of a Judge.

Costs to follow Event.

Appeal from Assessments of Succession under

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Duty may be carried to a Superior Court.

Courts of Appeal.

Notice of Appeal to be given.

In summary Proceedings for Legacy or Succession Duty Parties may appeal.

Certain Powers of 1 W. 4. c. 22. and of 13 G. 3. c. 63. and 15 & 16 Vict. c. 76. ss. 46-49. extended to Revenue Proceedings.

Persons giving false Evidence guilty of Perjury.

Revenue Causes may be tried with-

under the Provisions of the Succession Duty Act, 1853, the Party decided against may appeal from the Decision of the Court upon a Case to be stated by the Parties, or, if they differ, to be settled by the Court, or a Judge thereof, or any Officer to whom the Court may think proper to refer the same; and the Court of Appeal shall give such Judgment as ought to have been given by the Court of Exchequer, and shall have Power to adjudge the Payment of Costs.

XIII. Such Appeal as aforesaid shall be made to the Court of Error in the Exchequer Chamber, and the Decision of the said Court of Error shall be subject to appeal to the House of Lords.

XIV. No such Appeal shall be allowed under this Act unless Notice thereof be given in Writing to the opposite Party or Attorney, and to the proper Officer of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or Judge.

XV. In any Proceeding in the Court of Exchequer by Writ of Summons under the Succession Duty Act, 1853, or by Rule under any of the Legacy Duty Acts, the Court may refer the Matter to the proper Officer to report thereon, and may, if they deem it expedient, order the Facts contained in such Report to be stated in the Form of a Special Case for the Opinion of the Court, and may give such Directions as to the Mode of settling the Case, and the Matters to be contained therein, and for the Production of such Documents, and may direct any Issue or Issues of Fact to be tried by a Jury, as they may think proper, and the Court may proceed to give Judgment on such Case, and for any Amount of Duty the Court are of opinion may be due to the Crown, and for Costs, in like Manner as on a Verdict on Information, and on such Judgment Error may be brought and Judgment given as on a Special Case stated by Consent.

XVI. All the Powers, Authorities, and Provisions contained in an Act passed in the First Year of the Reign of King *William* the Fourth, intituled *An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories*, and of the Act of the Thirteenth Year of King *George* the Third, recited therein, as to the Examination of Witnesses within and out of the Jurisdiction of the Superior Courts of Common Law at *Westminster*, and as to the Attendance of Witnesses, Production of Documents, Costs thereof, and other Matters relating to such Examinations, and all the Powers, Authorities, and Provisions contained in the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Sections of the "Common Law Procedure Act, 1854," are hereby extended to all Suits and Proceedings on the Revenue Side of the said Court of Exchequer; and if upon any Examination under this Enactment any Person wilfully and corruptly give any false Evidence, he shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such Offence in the County where such Evidence is given, or in the County of *Middlesex* if the Evidence be given out of *England*.

XVII. From and after the passing of this Act it shall be lawful for all Justices of Assize, and they are hereby authorized and

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and empowered, on their respective Circuits to try Suits and Proceedings pending on the Revenue Side of the Court of Exchequer, and to proceed thereon in like Manner as they can or may do in respect of Causes pending on the Plea Side of the said Court, and it shall not be necessary hereafter to issue any Commission from the Revenue Side of the said Court for that Purpose.

XVIII. No Judgment in any Cause on the Revenue Side of the Exchequer shall be reversed or avoided for any Error or Defect therein unless Error be commenced or brought and prosecuted with Effect within Six Years after such Judgment signed or entered of Record: Provided that if the Party entitled to bring Error be at the Time of such Title accrued within the Age of Twenty-one Years, Feme Covert, Non compos mentis, or beyond the Seas, the Court or a Judge may allow Error to be brought at any other Time.

XIX. A Writ of Error shall not be necessary or used in any Suit or Proceeding in Error on the Revenue Side of the Court of Exchequer, and the Proceeding to Error shall be a Step in the Cause, and shall be taken in manner and subject as to such Terms and Conditions as to giving Bail or Security as may be directed by any Rule or Order made by the Barons under this or any other Act or Acts of Parliament authorizing the same; provided that nothing herein contained shall invalidate any Proceedings already taken or to be taken by reason of any Writ of Error issued before the Commencement of this Act, or before such Rules and Orders come into effect.

XX. Either Party may tender a Bill of Exceptions on the Trial of any Issues arising on the Revenue Side of the Court, and the like Proceedings may be had and taken thereon as in such Cases between Subject and Subject.

XXI. The Costs of all Suits, Informations, and other Proceedings, and of any interlocutory Matter or Proceeding on the Revenue Side of the Court of Exchequer, whether in Law or Equity, may be adjudged, decreed, or ordered by the Court or a Judge between the Crown and the Subject on the same Principles as such Costs are now allowed between Subject and Subject, so far as such Principles may be applicable, subject to such Rules and Orders as to the Allowance of such Costs as may be made by the Barons under this or any other Act of Parliament authorizing the same; and it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby required to pay Costs directed to be paid by the Crown out of any Monies which may hereafter be voted by Parliament for that Purpose.

XXII. No Pleading on the Revenue Side of the Court of Exchequer shall be deemed insufficient for any Imperfection, Omission, Defect in or Lack of Form, or formal Commencement or Conclusion, or for the Want or Omission of an Averment of any Matters unnecessary to be proved.

XXIII. Unless stayed by Order of the Court of Exchequer, or a Baron thereof, or by Warrant of the Commissioners of Her Majesty's Treasury, Process for duly levying and enforcing Payment

out a Commission.

Error to be brought within Six Years.

Proviso as to Disabilities.

Writ of Error abolished.

Bill of Exceptions.

Costs.

Defect in Form not to invalidate Pleadings.

Process on Estreats may issue without

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reference to  
any Seal Day.

Provision for  
the Recovery  
of a Debt of  
Record due to  
Her Majesty,  
where the  
Party liable re-  
sides in another  
Jurisdiction.

The Crown  
may re-enter  
on Lands to  
enforce Right.

Rules may be  
made by the  
Barons as to  
the Process,  
Practice, and  
Pleading in  
Revenue.

New Forms  
of Writs and  
Proceedings  
may be made.

ment of all Fines, Issues, Amerciaments, Penalties, and forfeited Recognizances, estreated into the Court of Exchequer and not lawfully vacated and discharged, may be issued by Her Majesty's Remembrancer at any Time or Times without reference to any Seal Day, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

XXIV. For the Recovery of any Debt which by Record in Her Majesty's Court of Exchequer in *England* has become or shall become due to Her Majesty, in any Case where the Person of the Debtor, or the Estate or Effects of such Debtor, may be within the Jurisdiction of the Court of Exchequer in *Scotland* or *Ireland*, a Copy of the Record of such Debt may be exemplified and transmitted, under the Great Seal of the said Court of Exchequer in *England*, to such other of Her Majesty's said Courts of Exchequer having Jurisdiction in the Place where the Person liable to Payment of such Debt happens to reside, or where his Estate or Effects may be, and the Court to which such exemplified Copy is transmitted shall cause such Copy to be forthwith enrolled in the Rolls of the said Court; and upon the same being so enrolled, the said Court shall cause Execution or other Process to issue for recovering or levying the said Debt so due to Her Majesty, according to the Rules and Practice of such Court, in like Manner in all respects as if such Record had been originally entered or filed in such Court, or the said Debt had originally accrued within the Jurisdiction thereof; and the Proceeds of such Debt, when so recovered, shall be accounted for and paid over in the same Manner as if the same had been recovered within the Jurisdiction of the Court in which such Debt originally accrued.

XXV. When a Right of Re-entry upon Lands or other Hereditaments shall have accrued to Her Majesty or Her Successors, such Right may be exercised or enforced without any Inquisition being taken or Office being found, or any actual Re-entrance being made on the Premises.

XXVI. It shall be lawful for the Lord Chief Baron and Two or more Barons of the Court of Exchequer from Time to Time to make all such Rules and Orders as to the Process, Practice, and Mode of Pleading on the Revenue Side of the Court, and as to the Allowance of Costs, and for the effectual Execution of this Act, and the Intention and Objects thereof, as may seem to them necessary and proper; and also from Time to Time by any such Rule or Order to extend, apply, or adapt any of the Provisions of the "Common Law Procedure Act, 1852," and the "Common Law Procedure Act, 1854," and any of the Rules of Pleading and Practice on the Plea Side of the said Court to the Revenue Side of the said Court, as may seem to them expedient for making the Process, Practice, and Mode of Pleading on the Revenue Side of the said Court as nearly as may be uniform with the Process, Practice, and Mode of Pleading on the Plea Side of such Court.

XXVII. Such new or altered Writs and Forms of Proceedings and Scales of Costs for the Revenue Side of the said Court may be issued, altered, taken, and acted on as the said Lord Chief Baron

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Baron and Barons shall from Time to Time think fit to order, and all such Writs and Proceedings shall be acted on and enforced in such and the same Manner as the Writs and Proceedings on the Revenue Side of the said Court are now acted on and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Form of Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied under the Powers of this Act.

XXVIII. Section Eight of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety-nine, and so much of any other Act as provides for the Examination and Audit of the Accounts of any Sheriff or Under Sheriff by the Commissioners for auditing the Public Accounts shall be repealed, so far as respects the Accounts of any Sheriff who may leave Office after the passing of this Act, and the Accounts of the Under Sheriff of any such Sheriff; and all Accounts of such Sheriffs and their Under Sheriffs now required to be examined and audited by the said Commissioners shall be examined and audited by such Persons and in such Manner as the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, direct, and the Commissioners of the Treasury may, by any such Warrant, make all such Provisions in relation to the Transmission, Examination, and Audit of such Accounts, and for ascertaining and determining the Balances due from and the Discharge of the Persons accounting as to the said Commissioners may seem proper; and every such Warrant shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Sect. 8 of 3 & 4 W. 4. c. 99., &c. requiring Sheriffs Accounts to be audited by Commissioners of Audit, repealed.

XXIX. Subject to such other Provisions in this Behalf as may be made by any such Warrant as aforesaid, all Sheriffs and Under Sheriffs now required to transmit Accounts to the Commissioners for auditing the Public Accounts, in manner provided by Section Nine of the said Act of the Third and Fourth Years of King *William* the Fourth, shall, in lieu of transmitting the same to such Commissioners, transmit the same to the Commissioners of Her Majesty's Treasury: And so much of Section Thirty-one of the said Act as requires a Copy of the Accounts therein mentioned to be transmitted to the Commissioners for auditing Public Accounts is hereby repealed.

Transmission of Sheriff's Accounts.

XXX. The Form of Writ in the Schedule to this Act shall be substituted for the Form in Schedule (A.) to the Act of the Third Year of King *George* the Fourth, Chapter Forty-six, and Section One of the Act of the Fourth Year of King *George* the Fourth, Chapter Thirty-seven, amending the said Act of the Third Year of the same Reign, shall be construed as if the Words "Lands or Tenements" were omitted therein.

Form substituted for that in 3 G. 4. c. 46. Construction of Sect. 1. of 4 G. 4. c. 37.

XXXI. Section Fourteen of the said Act of the Third Year of King *George* the Fourth shall be and is hereby repealed.

3 G. 4. c. 46. s. 14. repealed.

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Clerks of Assize now required to estreat Fines, &c. into the Exchequer, to send Process to the Sheriff.

XXXII. The Clerks of Assize and the Clerk of the Crown for the County Palatine of *Durham* and *Sadberge*, by whom respectively any Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited would, if this Act had not been passed, have been certified or estreated in or into the Exchequer, shall not so certify or estreat the same or transmit any Account thereof to the Commissioners for auditing the Public Accounts, but every such Clerk of Assize and such Clerk of the Crown respectively shall in the like Cases and at the like Times in and at which he would, if this Act had not been passed, have certified or estreated, such Fines, Issues, Amerciaments, Penalties, and Recognizances as aforesaid, copy on a Roll such Fines, Issues, Amerciaments, Penalties, and Recognizances, together with the Names and Residences, Trades, Professions, or Callings of the Parties, and distinguish such as have been paid, and send a Copy of such Roll, with a Writ, according to the Form and Effect in the Schedule to this Act, to the Sheriff, Bailiff, or Officer of the County, City, Borough, or Place having Execution of Process therein in which the Parties liable to the Payment of such Fines, Issues, Amerciaments, Penalties, and Recognizances are stated to be resident, and such Copy and Writ shall be the Authority to such Sheriff, Bailiff, or Officer for proceeding to the immediate levying and recovering of such Fines, Issues, Amerciaments, Penalties, and Recognizances on the Goods and Chattels of such Parties, or for taking into Custody their Bodies in case sufficient Goods and Chattels be not found whereon Distress can be made for Recovery thereof; and every Person so taken shall be lodged in the Common Gaol until Payment be made or he be discharged by the Authority of the Commissioners of Her Majesty's Treasury, or otherwise in due Course of Law; and it shall be competent for such Commissioners to give Authority under their Hands for such Discharge, either absolutely or on such Terms and Conditions as they may see fit: Provided always, that where the Residences of the Parties in such Roll liable as aforesaid are not all in One County, Borough, City, or Place, then a Copy of so much only of such Roll as relates to the Fines, Issues, Amerciaments, Penalties, and Recognizances to be paid by the Parties resident in each County, City, Borough, or Place shall be sent with such Writ as aforesaid to the Sheriff, Bailiff, or Officer having Execution of Process therein.

Oath of Clerk of Assize sending Process.

XXXIII. The Clerk of Assize and Clerk of the Crown respectively shall, before sending such Writ as aforesaid to any such Sheriff, Bailiff, or Officer, make Oath before a Judge of One of Her Majesty's Superior Courts of Record at *Westminster*, or before any Commissioner for taking Affidavits in the same Courts, or to administer Oaths in Chancery, which Oath shall be endorsed on the Back of the Writ or of the said Roll attached thereto; and such Oath shall be in the Form following:

‘ I make Oath, that this Roll is truly and carefully made up and examined, and that all Fines, Issues, Amerciaments, Penalties, and Recognizances which in right and due Course of Law ought to be levied and paid are, to the best



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' best of my Knowledge and Understanding, inserted in the said  
' Roll, and that in the said Roll are also contained and expressed  
' all such Fines, Issues, Amerciaments, Penalties, and Recognizances as have been paid to or received by me, without any  
' wilful or fraudulent Discharge, Omission, Misnomer, or Defect  
' whatever.

So help me GOD.'

XXXIV. The Sheriff, Bailiff, or Officer to whom any such Writ as aforesaid is sent shall, on such Day as the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, direct, return such Writ to such Commissioners, and shall state on the Back of the said Roll what has been done in the Execution of such Process.

XXXV. The Sheriff, Bailiff, or other Officer to whom the said Writ is sent, shall, until all the said Fines, Issues, Amerciaments, Penalties, and Recognizances have been paid or recovered or discharged, or it be duly ascertained to the Satisfaction of the Commissioners of Her Majesty's Treasury, that the Party in default has not any Goods or Chattels in the County, City, Borough, or Place of such Sheriff, Bailiff, or Officer, or in any other County, City, Borough, or Place in *England* in which a Levy can be made, and that such Party cannot be found or that his Body cannot be lodged in any of Her Majesty's Gaols, keep and detain in the Possession of such Sheriff, Bailiff, or Officer the Writ so directed to him and the Roll attached to such Writ, delivering to the said Commissioners of Her Majesty's Treasury a Copy of such Roll on the Day on which he is required to return such Writ, and also a Copy of any former Roll or Rolls in which the Fines, Issues, Amerciaments, Penalties, and Recognizances have not been paid or discharged; and the original Writ and Roll or Writs and Rolls sent to the Sheriff, Bailiff, or other Officer, shall continue in force and effect, and shall be sufficient Authority without any further Writ or Roll, for the levying of the said Fines, Issues, Amerciaments, Penalties, and Recognizances, and such Sheriff, Bailiff, or other Officer is hereby authorized and required on quitting his Office to deliver over to his Successor all Rolls and Writs in his Possession, particularizing any Fines, Issues, Amerciaments, Penalties, and Recognizances remaining unpaid or undischarged in order that the Sheriff, Bailiff, or other Officer coming into the Office may use every Means in his Power for recovering the Sums unpaid and not charged to his Predecessors on the passing of his Accounts before any Person duly authorized to pass the same.

XXXVI. In all Cases where the Party incurring or subject to the Payment of any Fine, Issue, Amerciament, Penalty, or Recognizance resides or has fled or removed from or out of the Jurisdiction of the Sheriff, Bailiff, or Officer to whom any such Writ as aforesaid has been directed, such Sheriff, Bailiff, or Officer shall issue his Warrant, together with a Copy of the said Writ, directed to the Sheriff, Bailiff, or other Officer acting for the County, City, Borough, or Place in which such Person then resides or is, or in which his Goods or Chattels may be found, requiring such Sheriff, Bailiff, or other Officer to execute such

Return of  
Writ to the  
Treasury.

Until Fines,  
&c. are levied,  
Sheriff to re-  
tain Writ,  
which shall  
continue in  
force and be  
Authority to  
act upon.

Where a Party  
resides in  
another County,  
&c., or has  
removed, She-  
riff to issue  
his Warrant to  
the Sheriff  
of the other  
County, &c.

Writ;

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Writ; and every such last-mentioned Sheriff, Bailiff, or other Officer is hereby authorized and required to act in all respects under such Warrant in the same Manner as if the original Writ had been delivered to him, and the said Sheriff, Bailiff, or other Officer is hereby required within Thirty Days after the Receipt of such Warrant to return to the Sheriff, Bailiff, or other Officer from whom he received the same what he has done in the Execution of such Process; and in case a Levy has been made, to pay over all Monies received in pursuance of the Warrant to the Sheriff, Bailiff, or Officer from whom he received the same.

Penalty on Sheriff for Neglect.

XXXVII. Every Sheriff, Bailiff, or other Officer as aforesaid neglecting to do or perform any Duty by this Act required shall forfeit and pay such Sum as in Section Ten of the said Act of the Third Year of King *George* the Fourth is provided for such Neglect as therein mentioned, and to be recovered in like Manner.

Estreats may be required to be enrolled in the Exchequer.

XXXVIII. The Commissioners of Her Majesty's Treasury, or the Party liable to pay any Fine, Issue, Amerciament, Penalty, or Recognizance which, if this Act had not been passed, would have been certified or estreated into the Exchequer, may, by Notice in Writing to the Clerk of Assize or Clerk of the Crown directed by this Act to proceed as herein-before provided for causing the same to be levied, require such Clerk of Assize or Clerk of the Crown, within Twenty Days after such Notice, to return the Estreat thereof into the Office of the Queen's Remembrancer in the Exchequer, there to be enrolled, and such Estreat shall be returned and enrolled accordingly; and any and the like Proceedings may be had and taken, by Motion or otherwise, in the Court of Exchequer, in respect of such Estreat so enrolled, as might be had and taken in the Case of any Fine, Issue, Amerciament, Penalty, or Recognizance lawfully certified or estreated into the Exchequer in the ordinary Course of Law.

Provision as to setting over Fines, &c.

XXXIX. All Fines, Issues, Amerciaments, Penalties, and Forfeitures now from Time to Time set over by Her Majesty's Remembrancer to Corporations, Lords of Liberties, and others entitled thereto, shall after the passing of this Act be set over by such Person as the Commissioners of Her Majesty's Treasury may direct, and the Books of Reference to such Corporations, Lords of Liberties, and others now in the Office of Her Majesty's Remembrancer, or Copies thereof, or of such Parts thereof as may be necessary, shall be delivered to such Commissioners or such Person as they may direct.

Recognizances forfeited at Coroners Inquests to be returned to Clerks of the Peace, as in the Case of Fines imposed by Coroners.

XL. Every Recognizance forfeited at any Inquest to be holden before the Coroner of any County, City, Town, Liberty, or Place in *England*, shall be certified by such Coroner to the Clerk of the Peace for the County, Riding, Division, or Place in which the Person forfeiting such Recognizance shall reside, on or before the First Day of the Quarter Session of the Peace then next ensuing, and such Coroner shall cause a Copy of such Certificate to be served upon the Person liable to the Payment of such Forfeiture by leaving it at his Residence; and every such Clerk of the Peace shall proceed to act in respect of such Forfeiture

*Queen's Remembrancer, &c.*

ture as in the Case of Fines certified by Coroners pursuant to Section Seventeen of the Act passed in the Seventh and Eighth Years of Her Majesty, Chapter Ninety-two, and such Forfeiture shall be levied and applied in like Manner, and subject to the like Powers, Provisions, and Penalties, as such Fines.

XLII. The Rolls known as Originalia Rolls shall cease to be returned or sent from the Petty Bag Office of the Court of Chancery into the Court of Exchequer.

Rolls not to be returned into Exchequer.

XLIII. From and after the passing of this Act it shall not be necessary for the Sheriffs of *London* and Sheriff of *Middlesex* to attend on the Morrow of *Saint Michael* in the Court of Exchequer as heretofore, and, unless otherwise directed by Order of Her Majesty in Council, Warrants under the Great Seal of the Exchequer shall be prepared at the Office of Her Majesty's Remembrancer signifying the Approval by Her Majesty of the Election of such Sheriffs and Sheriff, which Warrants may be delivered to the said Sheriffs and Sheriff, or their Under Sheriffs or Agents duly authorized to receive the same, without Fee or Reward in that Behalf, on the said Morrow of *Saint Michael*, or between that Day and the Morrow of *Saint Martin*, in each Year, and an Entry shall from Time to Time be made on the Roll of the Court of such Warrants having been granted; and unless such Warrants be stayed by Order of Her Majesty in Council on or before the Morrow of *Saint Michael* the Election of such Sheriffs and Sheriff shall be deemed and taken to be approved by Her Majesty; and all Warrants, Orders, Certificates, and other Documents heretofore read and ordered to be filed and recorded in the said Court on the annual Presentation of the Sheriffs shall continue to be filed and recorded in the Office of Her Majesty's Remembrancer as heretofore, on being presented at such Office for that Purpose within the Period aforesaid, and shall be as valid and effectual to all Intents and Purposes as if the same had been filed and recorded by Order of the Court itself.

Approval of Sheriffs of *London* and Sheriff of *Middlesex*, how to be signified in future.

XLIII. 'And whereas it has been the Custom on the Occasion of the Presentation of the Sheriffs of the City of *London* and Sheriff of *Middlesex* Elect for the Approval of the Crown to the Barons of the Court of Exchequer at *Westminster* to render, on behalf of the Corporation of the said City, in open Court, certain ancient Rents and Services in respect of the Tenure of a Piece of Waste Ground, called the *Moors*, in the County of *Salop*, and of a Tenement, called "The *Forge*," in the Parish of *Saint Clement Danes*, in the County of *Middlesex* :

As to Rents rendered by the Corporation of *London* before the Court of Exchequer.

The said Rents and Services in respect of the said Ground and Tenement may be rendered by the Corporation of *London*, or by their Agent in that Behalf, at the Office of the Queen's Remembrancer or the Morrow of *Saint Michael*, or between that Day and the Morrow of *Saint Martin*, and the proper Entries in respect thereof shall be made as heretofore on the Rolls of the Court.

XLIV. Save as herein expressly provided, nothing in this Act shall affect or prejudice the Jurisdiction or Authority of the Court

Saving Rights herein named.

*Queen's Remembrancer, &c. Constabulary Force (Ireland).*

Court of Exchequer, or of the Commissioners of Her Majesty's Treasury, or any Right or Privilege now exercised by Her Majesty's Attorney General on behalf of the Crown.

SCHEDULE.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith :

To the Sheriff or Bailiff or Officer [*as the Case may be*] for the County of [or City, Borough, or Place, *as the Case may be*] greeting.

You are hereby required and commanded, as you regard yourself and all yours, That you omit not, by reason of any Liberty in your County, City, Borough, or Place [*as the Case may be*], but that you enter the same, and of all the Goods and Chattels of all and singular the Persons in the Roll to this Writ annexed, you cause to be levied all and singular the Debts and Sums of Money upon them in the same Roll severally charged, so that the Money may be ready for Payment at the [*Time of the Return of the Writ*], to be paid over in such Manner as the Commissioners of Her Majesty's Treasury may direct ; and if any of the several Debts cannot be levied, by reason of no Goods or Chattels being to be found belonging to the Parties, then in all Cases that you take the Bodies of the Parties refusing to pay the aforesaid Debts, and lodge them in the Gaol (of the County, City, &c.), there to remain until they pay the same, or be discharged by the Authority of the said Commissioners or otherwise in due Course of Law.

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of Our Reign.

[*Signature*]

Clerk of Assize or Clerk of the Crown  
[*as the Case may be*].

C A P. XXII.

An Act to amend the Acts relating to the Constabulary Force in Ireland. [13th August 1859.]

6 W. 4. c. 13.

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Sixth Year of the Reign of King William the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland* : And whereas the Lord Lieutenant, by virtue of the Authority given to him by the said recited Act, did, by Warrant under his Hand, appoint Two Persons to be Deputy Inspectors General of the Police Force in *Ireland*, and did also appoint, by virtue of the like Authority, and in the like Manner, Four Persons to be County Inspectors of Police in *Ireland*, to be charged with the general Government of the Police Force to be established within such Number of Counties as the Lord Lieutenant might direct : And whereas, under the Provisions of an Act passed in the Second and Third Years of the Reign of Her Majesty,

‘ Chapter

*Constabulary Force (Ireland).*

Chapter Seventy-five, the Appointments of Two of the said County Inspectors were vacated, and the Designation of the remaining Two County Inspectors was changed to "Provincial Inspectors," which last-mentioned Designation was further changed to "Assistant Inspectors General" under the Provisions of an Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety-seven: And whereas it is expedient that the Acts relating to the Constabulary Force in *Ireland* should be further 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:

9 & 10 Vict.  
c. 97. s. 6.

I. In the Construction of this Act the Term "Lord Lieutenant" shall be held to include any other chief Governor or Governors of *Ireland*.

Interpretation  
of Term.

II. It shall be lawful for the Lord Lieutenant, at any Time after the passing of this Act, upon the Retirement or Superannuation from his Office of One of the said Two Deputy Inspectors General appointed under the Provisions of the said first-recited Act, to appoint the remaining Deputy Inspector General to discharge the Duties theretofore discharged by the said Two Deputy Inspectors General; and from and after such Appointment there shall be only One Deputy Inspector General of the Police Force in *Ireland*; and it shall be lawful for the Lord Lieutenant to fix and appoint such annual Salary as to him may from Time to Time seem proper, to be paid to such Deputy Inspector General, not exceeding One thousand Pounds, in lieu of the Salary fixed by the said first-recited Act, while he shall hold the said Office of Deputy Inspector General; and he shall, from and after such Appointment, receive the said Salary upon the same Conditions in all respects as if this Section had been included in the said first-recited Act.

Lord Lieutenant may, on the Retirement of One of the Two Deputy Inspectors General, appoint the other as Deputy Inspector General of Police in *Ireland*.

III. It shall be lawful for the Lord Lieutenant, as soon as conveniently may be after the Retirement or Superannuation from his Office of One of the said Deputy Inspectors General, as herein-before mentioned, by Warrant under his Hand, to nominate and appoint from Time to Time, when and as he may think necessary, One fit and proper Person to be an Assistant Inspector General of the Police Force in *Ireland*, in addition to the said Two Assistant Inspectors General, appointed under the Provisions of the said recited Acts; and such Assistant Inspector General shall, on his Appointment to such Office, have all such Powers, Authorities, Privileges, and Advantages, and shall be liable to all such Duties and Responsibilities, as any Assistant Inspector General of the Police Force duly appointed now has or is liable to by virtue of any Statute in force in *Ireland*; and it shall be lawful for the Lord Lieutenant to fix and appoint such annual Salary as to him may from Time to Time seem proper to be paid to such Assistant Inspector General to be appointed under this Act, not exceeding the Amount herein-after mentioned, while he shall hold the said Office of Assistant Inspector General;

On Retirement of One of the Deputy Inspectors General an additional Assistant Inspector General to be appointed.

and

*Constabulary Force (I.) County Cess (I) Acts Continuance.*

and he shall thenceforth receive the said Salary upon the same Conditions in all respects as if this Section had been included in the said first-recited Act.

The Assistant Inspector General in Command of the Depôt to be styled "Commandant of the Depôt."

IV. ' And whereas the Constabulary Depôt in *Dublin* is placed ' under the Command of One of the said Assistant Inspectors ' General, and it is expedient that the Designation of the Officer ' holding such Command for the Time being should be changed ' as herein-after mentioned : ' Therefore, the Assistant Inspector General appointed under the said recited Acts or this Act holding such Command shall henceforth be styled "Commandant of the Depôt;" provided that such Change of Designation shall in no respect alter the Provisions of the said recited Acts or this Act, or any other Act, in respect of the Salary, Duties, or Emoluments of the Person so appointed holding such Command.

Salary of Assistant Inspectors General.

V. It shall be lawful for the Lord Lieutenant to direct that the annual Sum of One hundred Pounds shall be paid to One of the said Two remaining Assistant Inspectors General, or divided between such Assistant Inspectors General in such Proportions as he shall think fit, in addition to the Salary of Five hundred Pounds by the said Acts limited for each of such Officers respectively: Provided always, that the gross Amount of the Money to be paid for the Salaries of Deputy Inspector General and Assistant Inspectors General of Police under the Provisions of this Act shall not exceed the Amount which the said Lord Lieutenant is authorized by the said recited Acts to grant as and for the Salaries of the Deputy Inspectors General and the Assistant Inspectors General authorized to be appointed thereunder.

## C A P. XXIII.

An Act to continue certain Acts relating to the Collection of County Cess in *Ireland*. [13th August 1859.]

[Continues 11 & 12 Vict. c. 32., as amended by 20 & 21 Vict. c. 7., for Two Years from the passing of this Act.]

## C A P. XXIV.

An Act to remove Doubts as to Admission to the Office of Principal in the Universities of *Scotland*.

[13th August 1859.]

' **W**HEREAS Doubts have arisen as to Admission to the ' Office of Principal in the Universities of *Scotland* under ' the Provisions of an Act of the Sixteenth and Seventeenth ' Years of Her Majesty Queen *Victoria*, intituled *An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland*, and of an Act of the Twenty-first and ' Twenty-second Years of Her said Majesty, 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 Colleges of Aberdeen*: And whereas it is ' proper that such Doubts should be removed: Be it therefore enacted

16 & 17 Vict. c. 89.

21 & 22 Vict. c. 83.

*Universities (S.) Manufactures (I.) Acts Continuance.*

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 :

It shall not be necessary for any Person who shall be elected, presented, or provided to the Office of Principal in any of the Universities or Colleges in *Scotland*, except the College of *Saint Mary's* in the University of *St. Andrew's*, subsequently to the Date at which the said second-recited Act shall have come into operation therein, to make and subscribe the Acknowledgment or Declaration mentioned in an Act passed in the Fourth Session of the First Parliament held in *Scotland* by Her Majesty Queen *Anne*, intituled *Act for securing the Protestant Religion and Presbyterian Church Government*; but every such Person shall make and subscribe, in the Manner provided by the said first-recited Act as to Persons elected, presented, or provided to Lay Chairs in any such University or College, the Declaration therein set forth.

Principals in Universities, &c. in *Scotland*, except the College of *St. Mary's* in the University of *St. Andrew's*, not required to subscribe Confession of Faith.

C A P. XXV.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*. [13th August 1859.]

[Continues 5 & 6 *Wm.* 4. c. 27., 3 & 4 *Vict.* c. 91., 5 & 6 *Vict.* c. 68., and 7 & 8 *Vict.* c. 47., with the respective Amendments thereof, for Five Years from the passing of this Act.]

C A P. XXVI.

An Act to make further Provision for the Regulation of the Trade with the *Indians*, and for the Administration of Justice in the North-Western Territories of *America*.

[13th August 1859.]

‘ WHEREAS an Act was passed in the Forty-third Year of King *George* the Third (Chapter One hundred and thirty-eight), “for extending the Jurisdiction of the Courts of Justice in the Provinces of *Lower* and *Upper Canada* to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of *North America* adjoining to the said Provinces,” and an Act was passed in the Session holden in the First and Second Years of King *George* the Fourth (Chapter Sixty-six), “for regulating the Fur Trade, and for establishing a Criminal and Civil Jurisdiction within certain Parts of *North America* ;” and by the firstly herein-mentioned Act it was enacted, that all Offences committed within any of the *Indian* Territories or Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States of *America*, should be and be deemed to be Offences of the same Nature, and should be tried in the same Manner, and subject to the same Punishment, as if the same had been committed within the Provinces of *Lower* or *Upper Canada* ;

‘ and

49 G. 3. c. 138.

1 & 2 G. 4. c. 66.

*North-western Territories (British America).*

‘ and by the secondly herein-mentioned Act it was enacted, that  
 ‘ it should be lawful for His Majesty, if he should deem it conven-  
 ‘ nient so to do, to issue a Commission or Commissions to any  
 ‘ Person or Persons to be and act as Justices of the Peace within  
 ‘ such Parts of *America* as aforesaid; and it was also enacted,  
 ‘ that it should be lawful for His Majesty, by Commission under  
 ‘ the Great Seal, to authorize and empower such Persons so  
 ‘ appointed Justices to sit and hold Courts of Record for the  
 ‘ Trial of Criminal Offences and Misdemeanors, and also of Civil  
 ‘ Causes: And whereas no Courts of Record have been esta-  
 ‘ blished or authorized as aforesaid, and it is expedient to make  
 ‘ further Provision for the Administration of Justice in Criminal  
 ‘ Cases in the said *Indian Territories*, and such other Parts as  
 ‘ aforesaid of *America*, and also to make Provision for better  
 ‘ regulating Trade with the *Indians* in the Territories and Parts  
 ‘ aforesaid:’ 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:

I. It shall be lawful for Her Majesty, by the Commission by  
 which any Justices of the Peace are appointed under the said  
 Act of King *George* the Fourth, or by any subsequent Commis-  
 sion, or by any Order in Council, from Time to Time to authorize  
 any such Justice or Justices to take cognizance of and try in a  
 summary Way all Crimes, Misdemeanors, and Offences what-  
 soever, except as hereinafter mentioned, within the local Limits  
 of the Jurisdiction of such Justices (or such Parts thereof as Her  
 Majesty may direct in this Behalf), and to punish such Crimes,  
 Misdemeanors, and Offences by Fine or Imprisonment, or both;  
 and it shall be lawful for Her Majesty, in manner aforesaid, from  
 Time to Time to restrict or regulate the Exercise of such Juris-  
 diction as She may think fit, and to direct in what Cases the  
 same may be exercised by One or by more than One of such  
 Justices, and generally to make such Provision concerning the  
 Exercise of such Jurisdiction as to Her Majesty may seem expedi-  
 ent; and it shall also be lawful for Her Majesty, in manner  
 aforesaid, to order or authorize the Appointment of all proper  
 Officers to act in aid of such Justices, and the said Justices  
 respectively may do or cause to be done all Acts, Matters, and  
 Things for the Execution of their Sentences, and in aid of their  
 Jurisdiction under this Act, which might be done or caused to be  
 done by Courts of Record having Jurisdiction in the like Cases:  
 Provided always, that where the Offence with which any Person  
 is charged before any such Justice or Justices is one which is  
 punishable with Death, or one which in the Opinion of such  
 Justice or Justices ought, either on account of the Inadequacy  
 of the Punishment which such Justice or Justices can inflict, or  
 for any other Reason, to be made the Subject of Prosecution in  
 the ordinary Way, rather than to be disposed of summarily, such  
 Justice or Justices shall commit the Offender to safe Custody, and  
 cause him to be sent in such Custody for Trial to *Upper Canada*,  
 as provided by the said Act of King *George* the Fourth, or,  
 where

Justices of  
 the Peace in  
 the British  
 American  
 Indian Territo-  
 ries authorized  
 to try Offences  
 summarily, and  
 punish by  
 Fine or Im-  
 prisonment.



*North-western Territories (B. A.) European Troops (India).*

where such Justice or Justices may see fit, to the Colony of *British Columbia*; and such Offender may be tried and dealt with by any Court constituted in *British Columbia* having Cognizance of the like Offences committed there, and such Court shall have the like Powers and Authorities for this Purpose as under the said Acts are given to any Court in *Canada* in the like Cases.

II. Provided, That nothing herein-before contained shall be taken to repeal or affect the Provisions of the said Act of King *George* the Fourth concerning the Establishment of Courts of Record in the said Territories, and where such Courts are established any Offenders within the Limits of the Jurisdiction thereof may be committed for Trial to such Courts instead of the Courts of *Canada* or *British Columbia*.

III. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to make such Rules and Regulations as She may deem expedient for the Conduct of the Trade with the *Indians*, and for diminishing or preventing the Sale and Distribution of Spirits to the *Indians*, or for promoting their Moral and Religious Improvement, to be in force in all or any Portions of the Territories mentioned in the said Act of King *George* the Fourth which may not be included in any Grant or Licence for the Time being in force under that Act.

IV. Nothing herein contained shall extend to the Territories heretofore granted to the Company of Adventurers trading to *Hudson's Bay*; and nothing herein contained shall extend to the Colony of *British Columbia*, save as herein expressly provided, or to the Colony of *Vancouver's Island*.

The Power to establish Courts of Record not to be affected.

Her Majesty, by Order in Council, may make Regulations for the Trade with the *Indians*.

*Hudson's Bay* Company, *British Columbia*, and *Vancouver's Island* not affected.

## C A P. XXVII.

An Act to repeal the Thirty-first Section of the Act of the Sixteenth and Seventeenth Years of *Victoria*, Chapter Ninety-five, and to alter the Limit of the Number of *European* Troops to be maintained for local Service in *India*.

[13th August 1859.]

WHEREAS it is expedient to repeal so much of the Section numbered Thirty-one of an Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, as limits the Number of *European* Forces of the *East India* Company to be raised and maintained at any One Time out of the Revenues arising from the Territories subject to the Government of the said Company to Twenty thousand Men, and limits the Number of Non-commissioned Officers and Private Men which it should be lawful for the said Company to enlist and have in Pay and Train and Discipline under the Act of the Thirty-ninth Year of King *George* the Third, Chapter One hundred and nine, at any One Time, to Four thousand: 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:

*European Troops (India). Galway Harbour, &c. Act Amt.*

Limit of  
European  
Troops of  
Her Majesty's  
Indian Army.

It shall be lawful for the Secretary of State in Council, at any Time after the passing of this Act, and from Time to Time, to give such Directions as he may think fit for raising and maintaining out of the Revenues arising from the Territories of *India* vested in Her Majesty by virtue of an Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, such Number of *European* Forces as he may judge necessary for the *Indian* Army of Her Majesty, so that the Number of such Forces at any One Time do not amount in the whole to more than Thirty thousand Men, not including the Commissioned and Non-commissioned Officers; and it shall be lawful for Her Majesty to enlist, and have in Pay and maintain out of the said Revenues in the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, any Number of Non-commissioned Officers and Private Men belonging to the said *Indian* Army, not exceeding at any One Time Six thousand.

## C A P. XXVIII.

An Act to amend the *Galway Harbour and Port Act* (1853). [13th August 1859.]

16 & 17 Vict.  
c. ccvii.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for making a Pier and Breakwater in the Bay of Galway, and for conferring additional Powers on the Galway Harbour Commissioners, and for other Purposes*, it is, amongst other things, enacted, that it should be lawful for the said Harbour Commissioners to demand and take the Tolls and Rates in the respective Schedules to the said Act annexed: And whereas the Tolls and Rates by the said Act authorized to be levied are, subject to the necessary Expenses of the Repair of the Works of the said Harbour, now paid to a Receiver appointed by the Commissioners of Public Works, and applied, as by the said Act directed, in discharge of a Public Debt due to the said last-mentioned Commissioners: And whereas it is expedient to amend the said *Galway Harbour and Port Act, 1853*: 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:

Power to  
charge Rates  
on all Vessels  
entering and  
using the  
Floating Dock.

I. That for and notwithstanding anything to the contrary in the said Act contained, it shall and may be lawful to and for the Commissioners of Public Works in *Ireland*, and to and for the Receiver, Collector, or Officer heretofore or hereafter to be appointed by them, or acting for or on their Behalf, to charge and collect the Tonnage Rates set forth in Schedule A. to the said Act annexed on every Vessel, without Limitation of Tonnage, entering and lying in the Floating Dock, or alongside the Pier or Piers, Jetty or Jetties, in the said Schedule set forth, and also

*Galway Harbour and Port Act (1853) Amendment.*

also to charge and collect the several Rates and Dues by the said Schedule chargeable for Boats entering and using the said Floating Dock or Canal.

II. The said "Galway Harbour and Port Act, 1853," and the several Acts incorporated therewith, and this Act, shall be construed as One Act. Acts to be construed together.

## C A P. XXIX.

An Act to repeal a certain Toll levied upon Fishing Vessels passing the *Nore*. [13th August 1859.]

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to repeal, alter, and amend the several Acts relating to Billingsgate Market in the City of London*: And whereas the said Act contained, amongst other Provisions, the following; that is to say,

"That all Fishing Smacks, Steam Boats, or other Description of Vessels which shall be solely employed in the catching, carrying, or importing Fish for the Supply of the said Market shall be and they are hereby exempted from all Claims, Dues, and Customs whatsoever while the said Fishing Smacks, Steam Boats, or other Description of Vessels shall be solely engaged in such Employment, save and except the Tolls payable by virtue of this Act, and the Payment by each Fishing Smack, Steam Boat, or other Description of Vessel of the Sum of Two Shillings *per* Voyage for each Time of passing the *Nore* with Fish for the said Market, as herein-after mentioned :

"That the Owner, Master, chief Officer, or other Person who shall have the Care or Conduct of any Fishing Smack, Steam Boat, or other Description of Vessel which shall be wholly or partly made use of for catching, carrying, or importing Fish, or which shall be wholly or partly laden with Fish for the Supply of the said Market, and passing the *Nore* with such Fish for the said Market, shall, within Three Days after such Fishing Smack, Steam Boat, or other Description of Vessel shall have passed the *Nore*, pay to the Person who for the Time being shall act as Deputed Clerk in the Coast Office under the Collector Outwards in the Port of *London* at the Custom House, *London*, the Sum of Two Shillings *per* Voyage for each Time of passing the *Nore* with any such Fish on board as aforesaid :

"That at the Time of making the said Payment of Two Shillings as aforesaid the Owner, Master, chief Officer, or other Person who shall have the Care or Conduct of such Fishing Smack, Steam Boat, or other Description of Vessel, or his Agent, shall deliver to the Person who shall for the Time being act as such Deputed Clerk as aforesaid an Account, as near as may be, of the Quantity and Description of Fish so imported for the said Market :

9 & 10 Vict. c. cccxvi.

Section 17. Fishing Boats to be exempt from all Dues, except Tolls, and 2s. per Cargo each Voyage on passing *Nore*.

Section 18. Fishing Boats to pay 2s. each Voyage, on passing the *Nore*, to the Collector of Customs, *London*.

Section 19. Account of Fishing Boats to be given.

*Fishing Vessels passing the Nore.*

**Section 20.**  
Penalty on neglecting to pay 2s. or deliver an Account of Cargo.

“ That in case the said Owner, Master, chief Officer, or other Person having the Care or Conduct of any such Fishing Smack, Steam Boat, or other Description of Vessel, or his Agent, shall refuse or neglect to pay the said Sum of Two Shillings, or to deliver the said Account as aforesaid, to such Person as aforesaid, the said Owner, Master, chief Officer, or other Person, or his Agent, shall forfeit and pay, on Conviction before any Justice, a Penalty of not exceeding Ten Pounds, to be paid to and for the Use of the Marine Society; and that it shall be lawful for the said Marine Society, but for no other Party, to prefer such Complaint as aforesaid before the said Justice as aforesaid, and to recover the same Penalty in the Manner herein-after mentioned :

**Section 21.**  
Clerk to enter Monies paid and Account of Cargoes in a Book, and to make weekly Returns to the Marine Society.

“ That such Person as aforesaid shall make a correct Entry in a Book to be kept for that Purpose of the Sums paid to him as aforesaid, and also of the said Account of the several Cargoes as aforesaid, and shall make a weekly Return of the same to the said Marine Society; and in the event of such Person as aforesaid neglecting to make such Entry or Return as aforesaid, such Person as aforesaid shall forfeit and pay, upon Conviction before any Justice, a Penalty of Five Pounds, to be paid to and for the Use of the said Marine Society as aforesaid, upon their Complaint, and to be recovered by them as herein-after mentioned :

**Section 22.**  
Application of the 2s. per Voyage.

“ That the said Sum of Two Shillings so to be paid as aforesaid shall be applied in manner following; (that is to say,) there shall be kept and retained by and for the Use of the Person so receiving the said Sum of Two Shillings *per* Voyage the Sum of Sixpence, and the remaining One Shilling and Sixpence is hereby vested in the said Marine Society, and shall be paid by such Person from Time to Time to the said Society, whose Receipt shall be and is hereby declared to be at all Times a full Discharge to such Person for the same, which said Sum of One Shilling and Sixpence shall be applied by the said Society for the general Purposes of the said Society :

**Section 23.**  
Marine Society to appoint Inspectors of Fishing Vessels.

“ That the said Marine Society are hereby authorized to appoint, and from Time to Time, at their Pleasure, to remove, One or more Officer or Officers, to be called the Inspector or Inspectors of Fishing Vessels, who shall take account of the Arrival and passing of all Fishing Smacks, Steam Boats, and other Description of Vessels wholly or partly laden with Fish for the Supply of the said Market, and of the Quantity and Description of Fish on board the same, and shall make a Return of the same to the said Marine Society; and that it shall be lawful for the said Officer or Officers to enter upon and board any Fishing Smack, Steam Boat, or other Description of Vessel which he shall suspect of having Fish on board for the said Market; and all and every the Masters, chief Officers, or other Person or Persons having the Care or Conduct of the said Fishing Smacks, Steam Boats, or other Description of Vessels are hereby required to give to  
“ the

*Fishing Vessels passing the Nore.**Coinage.*

“ the said Inspectors such Account of the Arrival and passing thereof, and of the Quantities and Description of Fish on board the same, according to the best of their Knowledge; and any Person or Persons refusing to give such Account, or hindering such Inspector or Inspectors in the Execution of his or their said Office, or preventing or endeavouring to prevent any Person or Persons on board such Vessel or Vessels from giving such Account as aforesaid, shall, on Conviction before a Justice, be subject to a Penalty not exceeding Five Pounds, to be paid to and for the Use of the said Marine Society as aforesaid, upon their Complaint, and to be recovered by them as herein-after mentioned :

“ Provided, that nothing herein contained shall extend to entitle the said Officer to hinder, annoy, or molest any Fisherman or Person employed in the Fishery in the carrying on of his lawful Calling, or unnecessarily to interfere with any Steam Vessel under way :”

*Section 24.*  
Such Officers not to molest any Fisherman.

“ And whereas it is expedient that the said Toll imposed by the said recited Enactments be abolished: And whereas the said Marine Society have consented to such Abolition:’ 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,

I. The said recited Provisions of the said recited Act are hereby repealed.

Recited Sections repealed.

II. The Commissioners of Her Majesty’s Treasury may award to any Person who by reason of the passing of this Act is deprived of any Salary or Emolument, such Amount of Compensation as shall appear to them to be just and reasonable, and any Compensation so awarded shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Compensation to Persons deprived of Offices.

## C A P. XXX.

An Act to extend the Enactments relating to the Copper Coin to Coin of mixed Metal. [13th August 1859.]

“ WHEREAS Her Majesty may think fit for the Public Convenience to cause to be issued Coins of Bronze or mixed Metal instead of Copper Moneys, or for the Purposes of the like Payments for which Copper Moneys have been made current:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. When any Coin of Bronze or mixed Metal shall be current by virtue of any Proclamation that may be issued by Her Majesty, all the Penalties and Provisions of the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter Thirty-four, “ for consolidating and amending the “ Laws relating to the Coin,” which are applicable to the current Copper Coin, or Offences or Acts relating thereto, shall be applicable

Enactments concerning the Copper Coin 2 & 3 W. 4. c. 34. to apply to Coins of mixed Metal.

*Coinage. Probates and Letters of Administration (Ireland).*

cable to such current Coin of Bronze or mixed Metal, or the like Offences or Acts relating thereto; and Sections Twelve and Fourteen of the said Act, and all other Provisions of such Act, and all Enactments whatever, where current Copper Coin is mentioned or referred to, shall be construed and take effect as if, in addition to current Copper Coin, current Coin of Bronze or mixed Metal had been also in every such Case mentioned or referred to.

## C A P. XXXI.

An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*. [13th August 1859.]

‘ **WHEREAS** in the Twenty-first and Twenty-second Year\* of Her present Majesty an Act was passed, intituled ‘ *An Act to amend the Law relating to Probates and Letters of Administration in Ireland*, herein-after designated “The Court of Probate Act:” And whereas it is expedient to amend ‘ the same:’ 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 :

20 & 21 Vict.  
c. 79.

Power to Judge  
of Court of  
Probate to sit  
in Chambers.

I. It shall be lawful for the Judge of the Court of Probate for the Time being to sit in Chambers for the Despatch of such Part of the Business of the said Court as can in the Opinion of the said Judge, with Advantage to the Suitors, be heard in Chambers; and the Times at which such Sittings shall be held shall from Time to Time be fixed by the Judge: Provided always, that no Question shall be heard in Chambers which either Party shall require to be heard in open Court.

Treasury to  
cause Chambers  
to be provided.

II. The Commissioners of Her Majesty’s Treasury shall from Time to Time provide Chambers in which the Judge of the Court of Probate shall sit for the Despatch of such Business as aforesaid; and until such Chambers are provided elsewhere the said Judge shall sit in Chambers in any Room which he may find convenient for the Purpose.

Judge’s Powers  
when sitting  
in Chambers.

III. The Judge of the Court of Probate, when so sitting in Chambers, shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

Clerks may be  
Registrars, &c.

IV. Clerks having served Five Years in the Principal Registry of the Court of Probate shall be eligible to be appointed District Registrars of the said Court.

Repeal of s. 22  
of recited Act.

V. Section Twenty-two of the said Court of Probate Act shall be and the same is hereby repealed.

\* This appears to be a Mis-recital of the Act intended. The Act relating to Probates, &c. in *Ireland* is that recited in the Margin, viz., 20 & 21 Vict. c. 79. There is a Probate Act of 21 & 22 Vict. c. 95., but that is an Act to amend the 20 & 21 Vict. c. 77. which relates to Probates and Administrations in *England* exclusively; ss. 7, 8, 14, 25, and 33 of the present Act evidently refer to the 20 & 21 Vict. c. 79. See Notes on ss. 8, 25, and 33, *infra*.

*Probates and Letters of Administration (Ireland).*

VI. Where it appears by Affidavit to the Satisfaction of a Registrar of the Principal Registry that the Testator or Intestate in respect of whose Estate a Grant or Revocation of a Grant of Probate or Letters of Administration is applied for had at the Time of his Death his fixed Place of Abode in one of the Districts specified in Schedule (A.) to the said "Court of Probate Act," and that the Personal Estate in respect of which such Probate or Letters of Administration are to be or have been granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, was at the Time of his Death under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate of the Value of Three hundred Pounds or upwards, the Chairman of Quarter Sessions having Jurisdiction in the Place in which the Deceased had at the Time of his or her Death a fixed Place of Abode shall have the Contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Where Personalty is under 200*l.* County Court to have Jurisdiction.

VII. Section Fifty-eight of the said Court of Probate Act shall be and the same is hereby repealed.

S. 58. of recited Act repealed.

VIII. The said Court of Probate Act, Section Sixty-three, shall, so far as Assistant Barristers or their Courts are concerned, apply to an Application for the Revocation of a Grant of Probate or Administration as well as to an Application for any such Grant.

S. 63. to apply to Applications for Revocation.

IX. The Power and Authority to make Rules and Orders for regulating the Proceedings of the Assistant Barristers Courts shall extend and be applicable to all Proceedings in the Assistant Barristers Courts under this Act, and also to framing a Scale of Costs and Charges to be paid to Counsel, Proctors, Solicitors, and Attorneys in respect of Proceedings in such Courts, under the said Court of Probate Act or this Act.

Power to make Rules and frame Scales of Fees for the County Courts.

X. All Non-contentious Business pending in any Ecclesiastical Court at the Time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same Way as all pending Suits were transferred to the said Court under the said Act, and all Acts executed under the Authority of such Ecclesiastical Court with reference to such Business which would have been valid if the Authority of such Court had not been abolished shall be valid, and all Oaths and Bonds sworn and executed in manner required by any such Ecclesiastical Court in reference to such Business, prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, shall continue to have and be deemed to have had the same Force and Effect in Law as they would have had if sworn and executed in pursuance of the Provisions of the said Act or of this Act.

Non-contentious Business pending in any Ecclesiastical Court to be transferred.

XI. Bonds given to any Archbishop, Bishop, or other Person exercising Testamentary Jurisdiction in respect of Grants of

Bonds given before 11 Jan. 1858 to remain in force.

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Letters of Administration made prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, or in respect of Grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a Commission or Requisition executed before or after the said Eleventh Day of *January*, shall enure to the Benefit of the Judge of the Court of Probate, and, if necessary, shall be put in force in the same Manner and subject to the same Rules (so far as the same may be applicable to them) as if they had been given to the Judge of the said Court subsequently to that Day.

An Executor not acting or not appearing to a Citation to be treated as if he had renounced.

XII. Whenever an Executor appointed in a Will survives the Testator, but dies without having taken Probate, and whenever an Executor named in a Will is cited to take Probate, and does not appear to such Citation, the Right of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Judge may amend Grants made before 11 Jan. 1858.

XIII. The Judge of the Court of Probate shall have and exercise the same Power of altering and amending Grants of Probate and Letters of Administration made before the Eleventh Day of *January* One thousand eight hundred and fifty-eight as any Ecclesiastical Court had and exercised in respect of such Grants.

Provisions of 38 G. 3. c. 87. and 20 & 21 Vict. c. 79. extended to all Cases of Executors and Administrators.

XIV. The Provisions of an Act passed in the Thirty-eighth Year of *George* the Third, Chapter Eighty-seven, and of "The Court of Probate Act," shall be extended to all Executors and Administrators residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in *Ireland*, whether it be or be not intended to institute Proceedings in the Court of Chancery, and to all Grants made before and subsequently to the passing of the last-mentioned Act; and it shall be lawful to alter the Language of the Grant prescribed by the first-named Statute so as to make it apply to Grants made in the Court of Probate under the said last-mentioned Act.

On Decease of Intestates, their Estate to vest in Judge.

XV. From and after the Decease of any Person dying intestate, and until Letters of Administration shall be granted in respect of his Estate and Effects, the Personal Estate and Effects of such deceased Person shall be vested in the Judge of the Court of Probate for the Time being, in the same Manner and to the same Extent as heretofore they vested in the Ordinary.

Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.

XVI. All Second and subsequent Grants of Probate or Letters of Administration shall be made in the Principal Registry, or in the District Registry where the original Will is registered or the original Grant of Letters of Administration has been made, or in the District Registry to which the original Will or a registered Copy thereof, or the Record of the original Grant of Administration, have been transmitted by virtue of a Requisition issued in pursuance of Section Ninety-six of "The Court of Probate Act;" and for and in respect of such Second or subsequent Grants of Probate or Letters of Administration to be made in



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in a District Registry it shall not be requisite that it should appear by Affidavit that the Testator or Intestate had a fixed Place of Abode within the District in which the Application is made.

XVII. It shall be lawful for the Court of Probate to require Security by Bond in such Form as the Judge shall from Time to Time by any General or Special Orders direct, with or without Sureties, from any Receiver of the Real Estate of any deceased Person appointed by the said Court, under Section Seventy-five of "The Court of Probate Act," or for Payment of Costs in any Cause or Matter in which the Court shall direct Security for Costs to be given; and the Court may, on Application made on Motion or in a summary Way, order One of the Registrars of the Court to assign the same to some Person to be named in such Order; and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Security, or put the same in force in his or their own Name or Names, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the said Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, the full Amount due in virtue thereof.

The Court of Probate may require Security from a Receiver of Real Estate.

XVIII. All the Provisions contained in the Court of Probate Act respecting Grants of Administration pending Suit shall be deemed to apply to the Case of Appeals to the Court of Appeal in Chancery in *Ireland*, and also to the House of Lords, under the said Act.

Administration pending Suit deemed to apply to Appeals.

XIX. It shall be lawful for a Registrar of the Principal Registry of the Court of Probate, and whether any Suit or other Proceeding shall or shall not be pending in the said Court, to issue a Subpœna requiring any Person to produce and bring into the Principal or any District Registry, or otherwise as in the said Subpœna may be directed, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession, within the Power, or under the Control of such Person; and such Person, upon being duly served with the said Subpœna, shall be bound to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default as if he had been a Party to a Suit in the said Court, and had been ordered by the Judge of the Court of Probate to produce and bring in such Paper or Writing.

Registrars may issue Subpœnas to produce Papers, &c.

XX. The Registrars of the Principal Registry shall be invested with and shall and may exercise with reference to Proceedings in the Court of Probate the same Power and Authority which Surrogates of the Judge of the Prerogative Court of *Canterbury* could or might before the passing of the Court of Probate Act have exercised in Chambers with reference to Proceedings in the said Prerogative Court.

The Registrars to do all Acts heretofore done by Surrogates.

XXI. Copies of Wills required to be transmitted by a District Registrar, and certified by him to be correct Copies, under Section Fifty-five of the Court of Probate Act, may be so certified and transmitted under a Stamp provided by the District Registrar for that Purpose, and approved of by the Judge of the Court of Probate.

Copies of Wills may be certified by a Stamp.

XXII. Cer-

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Certificates from the Principal Registry may be stamped.

XXII. Certificates issued from the Principal Registry with reference to Notices of Applications transmitted from the District Registrars, under Section Fifty-three of the Court of Probate Act, need not be made under the Hand of a Registrar of the Principal Registry, as required by the said Act, but may be issued under a Stamp provided for that Purpose, and approved of by the Judge of the Court of Probate.

Requisitions may be issued for the Transmission of a single Paper.

XXIII. 'Whereas Doubts have been entertained whether a Requisition can be issued under Section Ninety-six of the Court of Probate Act for the Transmission of One or more Papers only, not being all the Papers and Documents in the Custody of the Person to whom any such Requisition may be addressed: Be it therefore enacted and declared, That the said Section shall be construed to extend to all Requisitions, whether for the Transmission of One or of more Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, or other Instruments relating exclusively or principally to Matters and Causes Testamentary.

Power to enforce Decree as to Costs.

XXIV. The Judge of the Court of Probate, and the Registrars of the Principal Registry thereof, shall respectively, in any Case where an Ecclesiastical or other Court having Testamentary Jurisdiction had previously to the Eleventh Day of *January* One thousand eight hundred and fifty-eight made an Order or Decree in respect of Costs, have the same Power of taxing such Costs and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court of Probate; provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any such Courts before the Time aforesaid, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Prerogative Court of *Ireland*.

Administrations granted in Ireland not to be resealed in England until sufficient Bond is given.

XXV. Letters of Administration granted by the Court of Probate in *England* shall not be resealed, under Section Ninety-four of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-nine,\* until a Certificate has been filed, under the Hand of a Registrar of the Court of Probate in *England*, that Bond has been given to the Judge of the Court of Probate in *England* in a Sum sufficient in Amount to cover the Property in *Ireland* as well as *England* in respect of which such Administration is required to be resealed.

Commissioners may be appointed in the Isle of Man, &c.

XXVI. It shall be lawful for the Judge of the Court of Probate to appoint by Commission, under Seal of the Court, any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, and also such Persons resident in *Eng-*

\* See Note on Preamble, *supra*. The Mode of referring to the Act relating to Irish Probates, *viz.*, as "The Court of Probate Act," is not here pursued, as in ss. 7, 8, 14, *supra*. These Inaccuracies in the present Act are likely to lead to Confusion.

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*land, Wales, and Scotland* as he shall think fit, to administer Oaths, and to take Declarations or Affirmations, and to exercise any other Powers which can be exercised by Commissioners of Her Majesty's Court of Probate; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court of Probate may charge and take.

XXVII. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court of Probate from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of *George* the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth *Victoria*, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath.

XXVIII. Affidavits, Declarations, and Affirmations to be used in the Court of Probate may be sworn and taken in the *Isle of Man*, the *Channel Islands*, or any Colony, Island, Plantation, or Place out of the United Kingdom of *Great Britain and Ireland* under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the *Isle of Man* and the *Channel Islands*, before any Commissary, Ecclesiastical Judge, or Surrogate who at the Time of the passing of the Court of Probate Act was authorized to administer Oaths in the *Isle of Man* or in the *Channel Islands* respectively, and all Registrars and other Officers of the Court of Probate shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

XXIX. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed, under the Provisions of the said Act of the Sixth of *George* the Fourth, or of the said Act of the Eighteenth and Nineteenth *Victoria*, to any Affidavit, Declaration, or Affirmation to be used in the Court of Probate, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court, or the Person who has admitted the same, may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

Affidavits, before whom to be sworn in Colonies, &c.

Persons forging Seal or Signature guilty of Felony.

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shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate guilty of Perjury.

XXX. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before any Surrogate having Authority to administer Oaths under the Court of Probate Act, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the *Channel Islands*, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Provision for the necessary Absence of Officers.

XXXI. In case any Officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall by reason of Ill-health or other Infirmary become temporarily incapable of performing the Duties of his Office, it shall be lawful for the Judge to appoint some other fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall, during such Period, have all the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, or be fixed by the Judge; and the Judge may, at his Discretion, give Leave of Absence to any Officer of the Court for any Period not exceeding Two Months in any Year, and shall have the like Power of making Provision for the Discharge of the Duties of the Office during such Absence.

Judge's Powers over Practitioners.

XXXII. The Judge of the Court of Probate shall have and exercise, over Proctors, Solicitors, and Attorneys practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or Common Law over Persons practising therein as Solicitors or Attorneys.

Provision for Expenses of indexing, &c. Documents re-

XXXIII. When any Requisition shall issue in pursuance of Section Ninety-six of "The Court of Probate Act, 1857,"\* it shall be lawful for the Commissioners of Her Majesty's Treasury,

\* This Reference is not accurate. The Preamble of the present Act gives to the Act intended to be amended, viz. : the Probate Act, *Ireland*, the Title of "The Court of Probate Act." and it is so referred to in ss. 7, 8, and 14, supra. The Title of "The Court of Probate Act, 1857," is appropriated to the English Probate Act, 20 & 21 Vict. c. 77. by the amending Act 21 & 22 Vict. c. 95. s. 38. But it is clear that it is the Probate Act, *Ireland*, which is intended to be amended by the present Section.

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out of such Moneys as may be provided and appropriated by Parliament for that Purpose, to cause to be paid all such Expenses attending the Arranging, Classification, Indexing, Carriage, or otherwise connected with the Removal of the Documents or Books required by such Requisition to be removed, as the Judge shall from Time to Time certify to the said Commissioners to be proper and necessary

quired to be removed under Requisition.

XXXIV. In calculating the Time of Service of any Judge of Her Majesty's Superior Courts of Law or Equity in *Ireland* with reference to the Retiring Pension or Annuity to be granted to such Judge on the Resignation of his Office, the Period during which he shall have served as Judge of Her Majesty's Court of Probate in *Ireland* shall be allowed, in like and same Manner as if he had during said Period served as One of the Judges of Her Majesty's Superior Courts of Law or Equity in *Ireland*.

Mode of calculating Time with reference to Retiring Pensions.

XXXV. Sections Nineteen and Twenty of the Chancery Appeal Court (*Ireland*) Act, 1856, so far as they refer to and include the Court of Prerogative in *Ireland* and the Judge thereof, shall be construed, deemed, and taken to refer to and include the Court of Probate in *Ireland* and the Judge thereof, in like and the same Manner as if the said Court of Probate in *Ireland* and the Judge thereof had been therein referred to and included, instead of the said Court of Prerogative in *Ireland* and the Judge thereof.

Sections 19. & 20. of 19 & 20 Vict. c. 92. to include Court of Probate in *Ireland*.

XXXVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "Court of Probate Act (*Ireland*), 1859."

Short Title.

## C A P. XXXII.

An Act to amend the Law concerning the Police in Counties and Boroughs in *England* and *Wales*.

[13th August 1859.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Powers given to the Justices of the Peace in General or Quarter Sessions by Section Twenty-seven of the Act of the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, and by Section Four of the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, to alter from Time to Time the Extent of Police Districts, shall extend and be deemed to have extended to authorize the Union of Two or more Police Districts, with or without any other Alteration of Limits, or the Consolidation for Police Purposes of any such District or Districts with the rest or with any Part of their County.

Police Districts under 3 & 4 Vict. c. 88. and 19 & 20 Vict. c. 69. may be consolidated or merged.

II. No County Constable shall, as such Constable, be required to act in any Borough having a separate Police Establishment, except in Execution of Warrants of Justices of such County, or by the Order of his Chief Constable or Superintendent; and in all Cases of special Emergency the Chief Constable or Superintendent,

County Constables not to be required to act in any Borough.

*Police (Counties and Boroughs).*

tendent, when required so to do by the Watch Committee of any Borough having a separate Police Establishment, shall have Power to direct the County Constables to act within such Borough; and no Constable of any Borough having a separate Police Establishment shall as such Constable be required to act out of his Borough, except in Execution of Warrants of Justices of such Borough, or in pursuance of Directions from the Watch Committee in case of special Emergency.

County Constables not to vote in certain Municipal Elections.

III. No Chief or other Constable already appointed or hereafter to be appointed for any County, under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-three, or the said Act of the Third and Fourth Years of Her Majesty, or the said Act of the Nineteenth and Twentieth Years of Her Majesty, shall during the Time he continues to be such Constable be capable of giving his Vote for the Election of any Person to any Municipal Office in any Borough within such County, or in any other Borough in which such Constable has Authority, nor shall any such Constable, by Word, Message, Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to hold any Municipal Office in such Borough; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the County, to be by him applied for the Purposes of the Police of the County.

Sect. 13. of  
2 & 3 Vict.  
c. 93. amended.

IV. So much of Section Thirteen of the said Act of the Second and Third Years of Her Majesty, Chapter Ninety-three, as provides that every Constable who shall resign or withdraw himself without such Leave or Notice as therein mentioned shall be liable, on being convicted thereof before any Two Justices of the Peace for the County, to forfeit all Arrears of Pay then due to him, or to a Penalty not more than Five Pounds, shall be repealed; and in case any Constable under the said Acts of the Second and Third Years, Third and Fourth Years, and Nineteenth and Twentieth Years of Her Majesty, or any of them, shall resign or withdraw himself from his Duty without such Leave or Notice as is required by the said Section, such Resignation or Withdrawal shall be notified in Writing, by the Chief Constable or by the Superintendent under whom the offending Constable may have been placed, to the Treasurer of the County or the Paymaster of the Constabulary Force, and all Arrears of Pay then due to such Constable so resigning or withdrawing shall, without further Proceeding in respect of his Offence, be forfeited; and upon summary Conviction of such Offence before any Two Justices of the Peace for the County such Constable shall be liable to a Penalty not exceeding Five Pounds.

Limitation of  
Borough Watch  
Rate under

V. So much of the Acts passed in the Second and Third Years of Her Majesty, Chapter Twenty-eight, for more equally assessing Watch Rates in certain Boroughs, and of the Act passed in

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in the Third and Fourth Years of Her Majesty, Chapter Twenty-eight, to explain and amend the previously mentioned Act, as provides that the Amount of Watch Rate to be levied by the Council of any Borough shall not exceed in any One Year the Rate or Sum of Sixpence in the Pound, or otherwise limits the Discretion of the said Council in relation to the Amount of such Rates, shall be repealed.

2 & 3 Vict.  
c. 28. and  
3 & 4 Vict. c. 28.  
repealed.

VI. The Watch Rates levied under the Authority of the said Act may be of any Amount, at the Discretion of the Council, not exceeding in any One Year the Sum of Eightpence in the Pound.

Rates not to  
exceed 8d. in  
the Pound.

VII. The Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, "for authorizing a Borough Police Superannuation Fund," shall be repealed; but any Superannuation Fund created or applied under that Act shall be transferred to and form Part of the Superannuation Fund to be created or applied under this Act.

11 & 12 Vict.  
c. 14. repealed.

VIII. There shall be deducted from the Pay of every Constable belonging to the Police Force established in any Borough under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, a Sum after such yearly Rate as the Council of the Borough may direct, not exceeding the Rate of Two Pounds Ten Shillings in a Hundred Pounds for a Year, which Sum so deducted, and also the Moneys accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers (being Police Constables) on summary Convictions as shall be directed by such Justice to be paid for the Benefit of this Fund, and all Moneys arising from the Sale of worn or cast Clothing supplied for the Use of the said Constables, shall from Time to Time be invested in such Manner as the Council may direct, and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Watch Committee, as herein-after provided; and the Council shall guarantee the Security of the Superannuation Fund of their Borough, and make good out of the Borough Fund or the Borough Rates any Deficiency which may arise in such Superannuation Fund from the Default of any Treasurer or other Person intrusted with the Custody or Management thereof.

Superannuation  
Fund to be  
provided for  
Constables.

IX. It shall be lawful for the Watch Committee of any Borough, with the Approbation of the Council, to order that any of the said Constables who may be worn out or otherwise disabled from Infirmity of Mind or Body be superannuated, and receive thereupon, out of the Superannuation Fund, a yearly Allowance,

Rates of Allow-  
ance from the  
said Fund.

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Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) if the Constable has served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay; provided that if he be under Sixty Years of Age it shall not be lawful to grant any such Allowance unless upon the Certificate of the Chief or Head Constable that the Constable to be superannuated is incapable from Infirmary of Mind or Body to discharge the Duties of his Office; provided also, that if any Constable be disabled, from any Wound or Injury received in the actual Execution of the Duty of his Office, it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent his being dismissed without Superannuation Allowance.

Power to grant  
Gratuities to  
incapacitated  
Constables who  
have not served  
Fifteen Years.

X. It shall be lawful for the Watch Committee of any Borough, if they think fit, with the Approbation of the Council, and upon the Recommendation of the Chief or Head Constable, and upon his certifying that any Constable belonging to the Police Force of the Borough who has not served so long as Fifteen Years is incapable from Infirmary of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund such Sum in gross as a Gratuity upon his Retirement as to the said Watch Committee may seem proper.

Fees received  
by Constables  
to be paid to  
the Superannu-  
ation Fund.

XI. Any Fee payable to any Constable appointed for any Borough, for the Performance of any Act done in the Execution of his Duty as such Constable, shall be received in such Manner as the Watch Committee, subject to the Approbation of the Council, may direct, and shall be paid over to the Superannuation Fund.

Provision for  
Insufficiency of  
Superannuation  
Fund.

XII. If at any Time the Superannuation Fund to be created under this Act for any Borough be found insufficient to pay the Allowances granted upon it, the Amount in which the Fund shall from Time to Time be found insufficient shall be made good from the Borough Fund, or where such Fund be inadequate then from the Borough Rates.

Superannuation  
Fund to vest  
in Borough  
Treasurer.

XIII. The Superannuation Fund created under this Act in any Borough shall vest in the Treasurer of the Borough, and such Treasurer shall keep a separate Account of all Sums of Money by him received and paid in respect of such Superannuation Fund or for Superannuations, and of the several Matters for which such Sums have been received and paid, and all Provisions concerning the keeping, auditing, and publishing, and otherwise in relation to the Accounts kept by such Treasurer, under the said Act of the Fifth and Sixth Years of King *William* the Fourth, shall be applied to the Accounts kept under this Enactment.

Moiety of  
Penalty on  
summary Con-

XIV. That a Moiety of any Penalty imposed on summary Conviction by the Act of the Eighteenth and Nineteenth Years  
of



*Police (Counties and Boroughs).*

of Her present Majesty, intituled *An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof*, may be directed by the Justice imposing the Penalty to be paid for the Benefit of the Superannuation Fund herein-before mentioned of the County or Borough, according as the Offence so punished shall be committed within the Limits of the County or Borough, and shall be invested and otherwise dealt with accordingly.

XV. Allowances heretofore granted to Constables, or which might have been granted to Constables appointed previous to the passing of this Act, under the said Act of the Eleventh and Twelfth Years of Her Majesty, shall be paid from the Superannuation Fund to be applicable under this Act; and all Constables now appointed in any Borough in which the Provisions of the said last-mentioned Act are now in force shall be entitled to receive from the Superannuation Fund all such Allowances, payable at such Times, and with and under the same Rights and Conditions, as they would have been entitled to if this Act had not passed.

XVI. The Periods of Service during which Constables have been subjected to Deductions from their Pay towards a Superannuation Fund under the said Act of the Eleventh and Twelfth Years of Her Majesty shall, in determining what Superannuation Allowances may be granted to them, be reckoned and allowed to such Constables, and in the Case of Constables permanently appointed in any Borough for which no Superannuation Fund has been provided, and from whose Pay no such Deduction has been paid, One Half only of the respective Periods of Service of such Constables before the passing of this Act shall be reckoned or allowed to such Constables in determining what Superannuation Allowances may be granted under this Act.

XVII. On the Consolidation of the Police of any Borough with the Police of any County, under the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, the Superannuation Allowance previously granted to any Borough Constable shall be charged on the Borough Fund or the Borough Rates of the Borough, and the Superannuation Allowance to be thereafter granted to any Borough Constable transferred under such Consolidation shall be charged upon the Superannuation Fund of the County; and in determining the Amount of any such Allowance the Period of Service of any such Constable in the Borough shall be reckoned as if the same had been in the County Police; and this Charge, and the Disposal of the Borough Superannuation Fund, shall form a Part of the Agreement to be entered into on the Consolidation.

XVIII. It shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, if they shall think fit, to direct that a sufficient Number of Police Constables

viction may be directed to be paid for Benefit of Superannuation Fund.

Provision for Payment of Allowances heretofore granted. Rights, &c. under repealed Act reserved.

How past Services of existing Constables to be reckoned for Superannuation Allowance.

Provision for the Case of Consolidation of County and Borough Police.

Justices may direct Police to keep Order

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in Court of  
Assize.

of the said County shall be employed to keep Order in and within the Precincts of the Court of Assize, and the Chief Constable of the County shall thereupon employ a sufficient Number of such Constables for such Purpose, and in that Case it shall not be necessary for the High Sheriff to provide and maintain any Javelin Men, or other Men Servants with Liveries, at the Assizes, anything contained in the Act of the Thirteenth and Fourteenth Years of His Majesty King *Charles* the Second, Chapter Twenty-one, notwithstanding.

On Promotion  
of Constables  
from one Force  
to another,  
Half of past  
Service may  
be reckoned as  
Service in the  
latter Force.

XIX. In order to provide the most meritorious and fit Men to fill the superior Ranks in the Police, any Constable or Officer promoted from one Force to another, either of a County or a Borough, who shall have served in his last Force for a Period of Seven Years, shall, for the Purposes of Superannuation, reckon as Service in the Force to which he is promoted One Half of the Period of his previous Service, provided that the Promotion be made, in the Case of a County Constable, on the Recommendation of the Chief Constable, with the Sanction of the Court of Quarter Sessions, and in the Case of a Borough Constable on the Recommendation of the Head Constable of the Borough, with the Sanction of the Council, and that in both Cases the Service be formally certified at the Time of Promotion.

General or  
Quarter Ses-  
sions of Coun-  
ties, &c. may  
grant Gratuities  
to Widows of  
Constables.

XX. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the Council for any Borough, may, upon the Recommendation of the Chief or Head Constable, grant a Gratuity out of the Superannuation Fund of their County or Borough to the Widow of any Constable who has died in the Service, provided the Sum so granted do not exceed the Amount of One Year's Pay of such Constable, and that he have contributed to the Superannuation Fund for a Period of not less than Three Years.

Act not to ap-  
ply, as to Super-  
annuation Fund,  
to Places where  
one exists.

XXI. None of the Provisions of this Act relating to a Police Superannuation Fund, or Contributions thereto or Payments thereout, shall apply to any County, City, or Borough in which a Police Superannuation Fund has at the Time of the passing of this Act been established under the Provisions of any Local Act now in force.

Superannua-  
tion Fund for  
the whole  
County of Lin-  
coln to be  
One common  
Fund.

XXII. 'Whereas the County of *Lincoln* is under Three separate Commissions of the Peace, namely, *Lindsey*, *Kesteven*, and *Holland*, but is for Police Superintendence under One Chief Constable, and it is found inconvenient and unjust that the Superannuation Fund should be separate: Be it enacted, That after the passing of this Act the said Superannuation Fund shall be One common Account, so long as the Police Force for the said County of *Lincoln* shall be under the Direction of One Chief Constable for the Three Divisions; but if the said Force shall hereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of *Lincoln* at that Time serving in the

*Police (Counties and Boroughs).*

the said Force, the said Superannuation Fund to be under the Management of the Joint Committee for the Three Divisions, and invested by them from Time to Time.

XXIII. 'And whereas under and by virtue of an Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the better regulating, paving, improving, and managing the Town of Brighthelmston in the County of Sussex, and the Poor thereof*, the Commissioners therein named appointed Watchmen under the Power of that Act to keep Watch and Ward within the Limits thereof (such Limits being the same as those of the Borough); and such Watchmen were sworn in as Constables, and such Watchmen contributed from their weekly Wages Sums to form a Fund in the Nature of a Police Superannuation Fund: And whereas Her present Majesty, by the Advice of Her Privy Council, by certain Letters Patent under the Great Seal of *Great Britain and Ireland*, bearing Date the First Day of *April* in the Seventeenth Year of Her Reign, granted that the Inhabitants of the said Town should be for ever thereafter One Body Politie and Corporate, and should be called "The Mayor, Aldermen, and Burgesses of the Borough of *Brighton*," and should have perpetual Succession and a Common Seal, and the Mayor, Aldermen, and Councillors of the said Borough have been duly elected, and the Council thereof duly established, pursuant to the Charter: And whereas at the Time when the said recited Charter of Incorporation came into operation within the Borough the said Fund amounted to a considerable Sum, which was deposited in the Hands of Trustees, and had been invested by them in Government Securities, and the same now remains vested in such Securities: And whereas the Watch Committee of the Borough, on their first Appointment of Constables for the Borough, appointed all the said Watchmen who were then in Office to be such Constables: And whereas, under the Powers and Provisions of an Act made and passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for authorizing a Borough Police Superannuation Fund*, the Council have established a Police Superannuation Fund in and for the Borough: And whereas it is expedient that the Fund so contributed as aforesaid, and the Securities wherein the same is invested, should be added to the Borough of *Brighton* Police Superannuation Fund: Be it enacted, That the Fund so contributed as aforesaid by the Watchmen appointed by the said Commissioners, and the Securities wherein the same is invested, and all Arrears of Dividends thereon, shall be and the same is hereby vested in the Treasurer of the said Borough for the Time being, and shall be transferred and paid to such Treasurer accordingly, who shall hold the same as Part of the Police Superannuation Fund of the said Borough so as aforesaid established under the Authority of the said Act for authorizing a Borough Police Superannuation Fund.

Brighton Watchmen's Superannuation Fund to be transferred to Brighton Police Superannuation Fund.

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Gratuities may be granted as Reward for good Service to Police out of Police Rates, &c.

XXIV. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the Council for any Borough, may, upon the Recommendation of the Chief Constable of any County Police Force, or of the Superintendent of the Police for the said Borough, grant to any Constable in the said County or Borough, out of the Police Rate or Borough Fund, a Gratuity in Money not exceeding Three Pounds, in respect of and as a Reward for any meritorious Act done by the said Constable in the Execution of his Duty.

Embezzlement by Constables punishable under 2 & 3 W. 4. c. 4.

XXV. All the Penalties and Provisions of the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Four, "for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty," shall extend and be applicable to Constables and other Persons employed in the Police of any County, City, Borough, District, or Place whatsoever, in like Manner as to any Person employed in the Public Service of Her Majesty within the Meaning of that Act, and for all the Purposes of the said Act the Employment of Constable or any other such Employment in the Police shall be deemed an Employment in the Public Service of Her Majesty.

Chief Constable empowered to suspend Constables.

XXVI. The Chief Constable of any County Police Force, and the Watch Committee of any City, Borough, District, or Place, is and are hereby empowered to suspend any Constable, within their respective Jurisdiction, whom he or they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and the said Chief Constable or Watch Committee is and are hereby also empowered, at his or their Discretion, to fine any such Constable in a Sum of Money not exceeding One Week's Pay, and to reduce the said Constable from a superior to an inferior Rank, such Fine and Reduction in Rank to be in addition to any other Punishment to which the said Constable may be liable; and all Punishment, Penalties, and Fines, such as above enumerated, heretofore imposed or inflicted under Rules framed under and by virtue of the Third Section of the Act of the Second and Third *Victoria*, Chapter Ninety-three, shall be deemed to have been legally imposed or inflicted.

Inspectors still entitled to Half Pay.

XXVII. The Office or Employment of Inspector under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, shall not prevent the Holder thereof from receiving any Half Pay to which if he did not hold such Office or Employment he might be or become entitled.

Repeal of Parts of 3 & 4 Vict. c. 88. as to local Constables.

XXVIII. That Sections Sixteen, Seventeen, and Eighteen of the Act, Third and Fourth *Victoria*, Chapter Eighty-eight, be repealed as far as relates to local Constables; provided that the Power of Justices of the County in General or Quarter Session assembled, subject to the Approval of One of Her Majesty's Principal Secretaries of State, to settle Tables of Fees and Allowances, shall be retained as far as relates to the County Constabulary.

*Turnpike Trusts Arrangements.*

C A P. XXXIII.

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.

[13th August 1859.]

‘ WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, “to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls,” certain Provisional Orders have been made for reducing the Rate of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette* and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day from which the Interest on such Debts is to be reduced by such Orders, are mentioned in the Schedule to this Act, and the First and Second of the said Orders bearing Date in the Year One thousand eight hundred and fifty-eight were made by the Right Honourable *Spencer Horatio Walpole*, who at the Date thereof was One of Her Majesty’s Principal Secretaries of State, and the Third of the said Orders bearing Date in the Year One thousand eight hundred and fifty-nine was made by the Right Honourable *Thomas Henry Sutton Sotheron Estcourt*, who at the Date thereof was One of such Secretaries of State : And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute :’ 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 :

14 & 15 Vict.  
c. 38.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

Provisional  
Orders 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.	Interest to be reduced from the following Dates.
1858. 9 Nov.	1 & 2 G. 4. c. xvi., “ An Act for continuing the Term and altering and enlarging the Powers granted by Two Acts of His late Majesty, for	£   s.   d. 3,565   0   0	4l. per Cent.	24 June 1858.

*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.	Interest to be reduced from the following Dates.
	"repairing and widening the Road from Skipton to the Turnpike Road leading from Leeds to Ripon near Ockbeck in the Township of Bilton with Harrogate, and from thence to communicate with the Road leading from Knaresborough to Wetherby, in the West Riding of the County of York."	£ s. d.		
1858. 21 Dec.	9 G. 4. c. lxxvii., "An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from Chester to Wrexham in the City and County of Chester and the Counties of Flint and Denbigh."	4,800 0 0	4l. per Cent.	31 Dec. 1858.
1859. 31 March	9 G. 4. c. lxxxiv., "An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads in the Counties of Somerset and Devon; and for making and repairing several other Roads communicating with the same Districts of Road, or some of them."	8,449 10 0	3l. per Cent.	1 Jan. 1859.

## C A P. XXXIV.

An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of *Cambridge* and the College of King *Henry* the Sixth at *Eton*.

[13th August 1859.]

[Section 1 continues the Powers of 19 & 20 Vict. c. 88. until 1st January 1861; § 2 postpones the Repeal of the University Statutes of Queen Elizabeth to the same Time.]

*Law of Property and Trustees Relief Amendment.*

## C A P. XXXV.

An Act to further amend the Law of Property, and to relieve Trustees. [13th August 1859.]

**B**E 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 :

*Leases.*

I. Where any Licence to do any Act which without such Licence would create a Forfeiture, or give a Right to re-enter, under a Condition or Power reserved in any Lease heretofore granted or to be hereafter granted, shall at any Time after the passing of this Act be given to any Lessee or his Assigns, every such Licence shall, unless otherwise expressed, extend only to the Permission actually given, or to any specific Breach of any Proviso or Covenant made or to be made, or to the actual Assignment, Under-lease, or other Matter thereby specifically authorized to be done, but not so as to prevent any Proceeding for any subsequent Breach (unless otherwise specified in such Licence); and all Rights under Covenants and Powers of Forfeiture and Re-entry in the Lease contained shall remain in full force and virtue, and shall be available as against any subsequent Breach of Covenant or Condition, Assignment, Under-lease, or other Matter not specifically authorized or made dispensable by such Licence, in the same Manner as if no such Licence had been given; and the Condition or Right of Re-entry shall be and remain in all respects as if such Licence had not been given, except in respect of the particular Matter authorized to be done.

Restriction on Effect of Licence to alien.

II. Where in any Lease heretofore granted or to be hereafter granted there is or shall be a Power or Condition of Re-entry on assigning or underletting or doing any other specified Act without Licence, and a Licence at any Time after the passing of this Act shall be given to One of several Lessees or Co-Owners to assign or underlet his Share or Interest, or to do any other Act prohibited to be done without Licence, or shall be given to any Lessee or Owner, or any One of several Lessees or Owners, to assign or underlet Part only of the Property, or to do any other such Act as aforesaid in respect of Part only of such Property, such Licence shall not operate to destroy or extinguish the Right of Re-entry in case of any Breach of the Covenant or Condition by the Co-Lessee or Co-Lessees, or Owner or Owners, of the other Shares or Interests in the Property, or by the Lessee or Owner of the rest of the Property (as the Case may be) over or in respect of such Shares or Interests or remaining Property, but such Right of Re-entry shall remain in full Force over or in respect of the Shares or Interests or Property not the Subject of such Licence.

Restricted Operation of partial Licences.

III. Where the Reversion upon a Lease is severed, and the Rent or other Reservation is legally apportioned, the Assignee

Apportionment of Conditions

*Law of Property and Trustees Relief Amendment.*

of Re-entry in certain Cases.

of each Part of the Reversion shall, in respect of the apportioned Rent or other Reservation allotted or belonging to him, have and be entitled to the Benefit of all Conditions or Powers of Re-entry for Nonpayment of the original Rent or other Reservation, 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 or other Reservation allotted or belonging to him.

*Policies of Insurance.*

Relief against Forfeiture for Breach of Covenant to insure in certain Cases.

IV. A Court of Equity shall have Power to relieve against a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, where no Loss or Damage by Fire has happened, and the Breach has, in the Opinion of the Court, been committed through Accident or Mistake, or otherwise without Fraud or gross Negligence, and there is an Insurance on foot at the Time of the Application to the Court in conformity with the Covenant to insure, upon such Terms as to the Court may seem fit.

Record of Relief granted.

V. The Court, where Relief shall be granted, shall direct a Record of such Relief having been granted to be made by Endorsement on the Lease or otherwise.

Court not to relieve more than once in respect of same Covenant, &c.

VI. The Court shall not have Power under this Act to relieve the same Person more than once in respect of the same Covenant or Condition; nor shall it have Power to grant any Relief under this Act where a Forfeiture under the Covenant in respect of which Relief is sought shall have been already waived out of Court in favour of the Person seeking the Relief.

Lessor to have Benefit of an informal Insurance.

VII. The Person entitled to the Benefit of a Covenant on the Part of a Lessee or Mortgagor to insure against Loss or Damage by Fire shall, on Loss or Damage by Fire happening, have the same Advantage from any then subsisting Insurance relating to the Building covenanted to be insured, effected by the Lessee or Mortgagor in respect of his Interest under the Lease or in the Property, or by any Person claiming under him, but not effected in conformity with the Covenant, as he would have from an Insurance effected in conformity with the Covenant.

Protection of Purchaser against Forfeiture under Covenant for Insurance against Fire in certain Cases.

VIII. Where, on the *bonâ fide* Purchase after the passing of this Act of a Leasehold Interest under a Lease containing a Covenant on the Part of the Lessee to insure against Loss or Damage by Fire, the Purchaser is furnished with the written Receipt of the Person entitled to receive the Rent, or his Agent, for the last Payment of Rent accrued due before the Completion of the Purchase, and there is subsisting at the Time of the Completion of the Purchase an Insurance in conformity with the Covenant, the Purchaser or any Person claiming under him shall not be subject to any Liability by way of Forfeiture or Damages or otherwise, in respect of any Breach of the Covenant committed at any Time before the Completion of the Purchase, of which the Purchaser had not Notice before the Completion of the Purchase; but this Provision is not to take away any Remedy which the Lessor or his legal Representatives may



*Law of Property and Trustees Relief Amendment.*

may have against the Lessee or his legal Representatives for Breach of Covenant.

IX. The preceding Provisions shall be applicable to Leases for a Term of Years absolute, or determinable on a Life or Lives or otherwise, and also to a Lease for the Life of the Lessee or the Life or Lives of any other Person or Persons.

Preceding Provisions to apply to Leases for a Term of Years absolute, &c.

*Rentcharges.*

X. The Release from a Rentcharge of Part of the Hereditaments charged therewith shall not extinguish the whole Rentcharge, but shall operate only to bar the Right to recover any Part of the Rentcharge out of the Hereditaments released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments remaining unreleased, and not concurring in or confirming the Release.

Release of Part of Land charged not to be an Extinguishment.

*Judgments.*

XI. The Release from a Judgment of Part of any Hereditaments charged therewith shall not affect the Validity of the Judgment as to the Hereditaments remaining unreleased, or as to any other Property not specifically released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments or Property remaining unreleased, and not concurring in or confirming the Release.

Release of Part of Land charged not to affect Judgment.

*Powers.*

XII. A Deed hereafter executed in the Presence of and attested by Two or more Witnesses in the Manner in which Deeds are ordinarily executed and attested shall, so far as respects the Execution and Attestation thereof, be a valid Execution of a Power of Appointment by Deed or by any Instrument in Writing not testamentary, notwithstanding it shall have been expressly required that a Deed or Instrument in Writing made in exercise of such Power should be executed or attested with some additional or other Form of Execution or Attestation or Solemnity: Provided always, that this Provision shall not operate to defeat any Direction in the Instrument creating the Power that the Consent of any particular Person shall be necessary to a valid Execution, or that any Act shall be performed in order to give Validity to any Appointment, having no Relation to the Mode of executing and attesting the Instrument, and nothing herein contained shall prevent the Donee of a Power from executing it conformably to the Power by Writing or otherwise than by an Instrument executed and attested as an ordinary Deed, and to any such Execution of a Power this Provision shall not extend.

Mode of Execution of Powers.

XIII. Where under a Power of Sale a *bonâ fide* Sale shall be made of an Estate with the Timber thereon, or any other Articles attached thereto, and the Tenant for Life or any other Party to the Transaction shall by Mistake be allowed to receive for his own Benefit a Portion of the Purchase Money as the Value

Sale under Power not to be avoided by reason of mistaken Payment to Tenant for Life.

*Law of Property and Trustees Relief Amendment.*

Value of the Timber or other Articles, it shall be lawful for the Court of Chancery, upon any Bill or Claim or Application in a summary Way, as the Case may require or permit, to declare that upon Payment by the Purchaser, or the Claimant under him, of the full Value of the Timber and Articles at the Time of Sale, with such Interest thereon as the Court shall direct, and the Settlement of the said Principal Moneys and Interest under the Direction of the Court upon such Parties as in the Opinion of the Court shall be entitled thereto, the said Sale ought to be established; and upon such Payment and Settlement being made accordingly the Court may declare that the said Sale is valid, and thereupon the legal Estate shall vest and go in like Manner as if the Power had been duly executed, and the Costs of the said Application as between Solicitor and Client shall be paid by the Purchaser or the Claimant under him.

Devisee in Trust may raise Money by Sale, notwithstanding Want of express Power in the Will.

XIV. Where by any Will which shall come into operation after the passing of this Act the Testator shall have charged his Real Estate or any specific Portion thereof with the Payments of his Debts, or with the Payment of any Legacy or other specific Sum of Money, and shall have devised the Estate so charged to any Trustee or Trustees for the whole of his Estate or Interest therein, and shall not have made any express Provision for the raising of such Debt, Legacy, or Sum of Money out of such Estate, it shall be lawful for the said Devisee or Devisees in Trust, notwithstanding any Trusts actually declared by the Testator, to raise such Debts, Legacy, or Money as aforesaid by a Sale and absolute Disposition by Public Auction or Private Contract of the said Hereditaments or any Part thereof, or by a Mortgage of the same, or partly in one Mode and partly in the other, and any Deed or Deeds of Mortgage so executed may reserve such Rate of Interest and fix such Period or Periods of Repayment as the Person or Persons executing the same shall think proper.

Powers given by last Section extended to Survivors, Devisees, &c.

XV. The Powers conferred by the last Section shall extend to all and every Person or Persons in whom the Estate devised shall for the Time being be vested by Survivorship, Descent, or Devise, or to any Person or Persons who may be appointed under any Power in the Will, or by the Court of Chancery, to succeed to the Trusteeship vested in such Devisee or Devisees in Trust as aforesaid.

Executors to have Power of raising Money, &c. where there is no sufficient Devise.

XVI. If any Testator who shall have created such a Charge as is described in the Fourteenth Section shall not have devised the Hereditaments charged as aforesaid in such Terms as that his whole Estate and Interest therein shall become vested in any Trustee or Trustees, the Executor or Executors for the Time being named in such Will (if any) shall have the same or the like Power of raising the said Moneys as is herein-before vested in the Devisee or Devisees in Trust of the said Hereditaments, and such Power shall from Time to Time devolve to and become vested in the Person or Persons (if any) in whom the Executorship shall for the Time being be vested; but any Sale or Mortgage under this Act shall operate only on the Estate and Interest,

*Law of Property and Trustees Relief Amendment.*

Interest, whether legal or equitable, of the Testator, and shall not render it unnecessary to get in any outstanding subsisting legal Estate.

XVII. Purchasers or Mortgagees shall not be bound to inquire whether the Powers conferred by Sections Fourteen, Fifteen, and Sixteen of this Act, or either of them, shall have been duly and correctly exercised by the Person or Persons acting in virtue thereof.

Purchasers, &c. not bound to inquire as to Powers.

XVIII. The Provisions contained in Sections Fourteen, Fifteen, and Sixteen shall not in any way prejudice or affect any Sale or Mortgage already made or hereafter to be made, under or in pursuance of any Will coming into operation before the passing of this Act, but the Validity of any such Sale or Mortgage shall be ascertained and determined in all respects as if this Act had not passed; and the said several Sections shall not extend to a Devise to any Person or Persons in Fee or in Tail, or for the Testator's whole Estate and Interest charged with Debts or Legacies, nor shall they affect the Power of any such Devisee or Devisees to sell or mortgage as he or they may by Law now do.

Sections 14, 15, and 16 not to affect certain Sales, &c. nor to extend to Devises in Fee or in Tail.

*Inheritance.*

XIX. Where there shall be a total Failure of Heirs of the Purchaser, or where any Land shall be descendible as if an Ancestor had been the Purchaser thereof, and there shall be a total Failure of the Heirs of such Ancestor, then and in every such Case the Land shall descend and the Descent shall thenceforth be traced from the Person last entitled to the Land as if he had been the Purchaser thereof.

Descent how to be traced.

XX. The last preceding Section shall be read as Part of the Act "For the Amendment of the Law of Inheritance," of the Session of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter One hundred and six.

Preceding Section incorporated with 3 & 4 W. 4. c. 106.

*Assignment of Personalty.*

XXI. Any Person shall have Power to assign Personal Property, now by Law assignable, including Chattels Real, directly to himself and another Person or other Persons or Corporation, by the like Means as he might assign the same to another.

Assignment to self and others.

*Purchasers.*

XXII. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-nine the Provision for Registry of Judgments, Decrees or Orders, Rules or Orders, contained in the Act of the Session of the Second and Third Years of Queen *Victoria*, Chapter Eleven, as explained and amended by the Act of the Session of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Fifteen, shall extend and apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as is by Section Eight of the first-mentioned Act required to be registered,

After Dec. 31, 1859, Provision as to Registry, contained in 2 & 3 Vict. c. 11. and 18 & 19 Vict. c. 15., to apply to Crown Debts.

*Law of Property and Trustees Relief Amendment.*

tered, so that it shall be obligatory on the Crown, in order to bind the Lands, Tenements, or Hereditaments of its Debtors or Accountants, as against Purchasers, Mortgagees, or Creditors becoming such after the Thirty-first Day of *December* One thousand eight hundred and fifty-nine, to re-register, in like Manner as it is obligatory on a private Person, and so that Notice of any such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors becoming such after the Thirty-first Day of *December* One thousand eight hundred and fifty-nine, as to Lands, Tenements, or Hereditaments; and this Provision shall apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as since the passing of the first-mentioned Act has been registered under the Provisions therein contained, or as shall hereafter be so registered: This Section shall not extend to *Ireland*.

Not to be bound to see to the Application of Purchase Money

XXIII. The *bonâ fide* Payment to and the Receipt of any Person to whom any Purchase or Mortgage Money shall be payable upon any express or implied Trust shall effectually discharge the Person paying the same from seeing to the Application or being answerable for the Misapplication thereof, unless the contrary shall be expressly declared by the Instrument creating the Trust or Security.

Punishment of Vendor, &c. for fraudulent Concealment of Deeds, &c. or falsifying Pedigree.

XXIV. Any Seller or Mortgagor of Land, or of any Chattels, Real or Personal, or Choses in Action conveyed or assigned to a Purchaser, or the Solicitor or Agent of any such Seller or Mortgagor, who shall after the passing of this Act conceal any Settlement, Deed, Will, or other Instrument material to the Title or any Incumbrance from the Purchaser, or falsify any Pedigree upon which the Title does or may depend, in order to induce him to accept the Title offered or produced to him, with Intent in any of such Cases to defraud, shall be guilty of a Misdemeanor, and being found guilty shall be liable, at the Discretion of the Court, to suffer such Punishment, by Fine or Imprisonment for any Time not exceeding Two Years, with or without Hard Labour, or by both, as the Court shall award, and shall also be liable to an Action for Damages at the Suit of the Purchaser or Mortgagee, or those claiming under the Purchaser or Mortgagee, for any Loss sustained by them or either or any of them in consequence of the Settlement, Deed, Will, or other Instruments or Incumbrance so concealed, or of any Claim made by any Person under such Pedigree, but whose Right was concealed by the Falsification of such Pedigree; and in estimating such Damages, where the Estate shall be recovered from such Purchaser or Mortgagee, or from those claiming under the Purchaser or Mortgagee, regard shall be had to any Expenditure by them or either or any of them in Improvements on the Land; but no Prosecution for any Offence included in this Section against any Seller or Mortgagor, or any Solicitor or Agent, shall be commenced without the Sanction of Her Majesty's Attorney General, or in case that Office be vacant of Her Majesty's Solicitor General;

Law of Property and Trustees Relief Amendment.

General ; and no such Sanction shall be given without such previous Notice of the Application for Leave to prosecute to the Person intended to be prosecuted as the Attorney General or the Solicitor General (as the Case may be) shall direct.

XXV. In the Construction of the previous Provisions in this Act the Term "Land" shall be taken to include all Tenements and Hereditaments, and any Part or Share of or Estate or Interest in any Tenements or Hereditaments, of what Tenure or Kind soever ; and

Interpretation  
of Terms.

The Term "Mortgage" shall be taken to include every Instrument by virtue whereof Land is in any Manner conveyed, assigned, pledged, or charged as Security for the Repayment of Money or Money's Worth lent, and to be reconveyed, re-assigned, or released on Satisfaction of the Debt ; and

The Term "Mortgagor" shall be taken to include every Person by whom any such Conveyance, Assignment, Pledge, or Charge as aforesaid shall be made ; and

The Term "Mortgagee" shall be taken to include every Person to whom or in whose Favour any such Conveyance, Assignment, Pledge, or Charge as aforesaid is made or transferred :

The Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of Judgments.

*Trustees and Executors.*

XXVI. No Trustee, Executor, or Administrator making any Payment or doing any Act *bonâ fide* under or in pursuance of any Power of Attorney shall be liable for the Moneys so paid or the Act so done, by reason that the Person who gave the Power of Attorney was dead at the Time of such Payment or Act, or had done some Act to avoid the Power, provided that the Fact of the Death, or of the doing of such Act as last aforesaid, at the Time of such Payment or Act *bonâ fide* done as aforesaid by such Trustee, Executor, or Administrator, was not known to him : Provided always, that nothing herein contained shall in any Manner affect or prejudice the Right of any Person entitled to the Money against the Person to whom such Payment shall have been made, but that such Person so entitled shall have the same Remedy against such Person to whom such Payment shall be made as he would have had against the Trustee, Executor, or Administrator if the Money had not been paid away under such Power of Attorney.

Trustee, &c.  
making Pay-  
ment under  
Power of  
Attorney not  
to be liable  
by reason of  
Death of  
Party giving  
such Power.

XXVII. Where an Executor or Administrator, liable as such to the Rents, Covenants, or Agreements contained in any Lease or Agreement for a Lease granted or assigned to the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities under the said Lease or Agreement for a Lease as may have accrued due and been claimed up to the Time of the Assignment hereafter mentioned, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Lessee to be laid out on the Property demised or agreed to

As to Liability  
of Executor or  
Administrator  
in respect of  
Rents, Cove-  
nants, or  
Agreements.

*Law of Property and Trustees Relief Amendment.*

to be demised, although the Period for laying out the same may not have arrived, and shall have assigned the Lease or Agreement for a Lease to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the Parties entitled thereto respectively, without appropriating any Part, or any further Part, (as the Case may be,) of the Personal Estate of the Deceased to meet any future Liability under the said Lease or Agreement for a Lease; and the Executor or Administrator so distributing the Residuary Estate shall not, after having assigned the said Lease or Agreement for a Lease, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Lease or Agreement for a Lease; but nothing herein contained shall prejudice the Right of the Lessor or those claiming under him to follow the Assets of the Deceased into the Hands of the Person or Persons to or amongst whom the said Assets may have been distributed.

As to Liability of Executor, &c. in respect of Rents, &c. in Conveyances on Rents-charge.

XXVIII. In like Manner, where an Executor or Administrator liable as such to the Rent, Covenants, or Agreements contained in any Conveyance on Chief Rent or Rentcharge (whether any such Rent be by Limitation of Use, Grant, or Reservation,) or Agreement for such Conveyance; granted or assigned to or made and entered into with the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities under the said Conveyance, or Agreement for a Conveyance, as may have accrued due and been claimed up to the Time of the Conveyance hereafter mentioned, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Grantee to be laid out on the Property conveyed, or agreed to be conveyed, although the Period for laying out the same may not have arrived, and shall have conveyed such Property, or assigned the said Agreement for such Conveyance as aforesaid, to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the Parties entitled thereto respectively, without appropriating any Part or any further Part (as the Case may be) of the Personal Estate of the Deceased to meet any future Liability under the said Conveyance or Agreement for a Conveyance; and the Executor or Administrator so distributing the Residuary Estate shall not, after having made or executed such Conveyance or Assignment, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Conveyance, or Agreement for Conveyance; but nothing herein contained shall prejudice the Right of the Grantor, or those claiming under him, to follow the Assets of the Deceased into the Hands of the Person or Persons to or among whom the said Assets may have been distributed.

As to Distribution of the Assets of Testator or Intestate after

XXIX. Where an Executor or Administrator shall have given such or the like Notices as in the Opinion of the Court in which such Executor or Administrator is sought to be charged would have been given by the Court of Chancery in an Administration Suit,

*Law of Property and Trustees Relief Amendment.*

Suit, for Creditors and others to send in to the Executor or Administrator their Claims against the Estate of the Testator or Intestate, such Executor or Administrator shall, at the Expiration of the Time named in the said Notices or the last of the said Notices for sending in such Claims, be at liberty to distribute the Assets of the Testator or Intestate, or any Part thereof, amongst the Parties entitled thereto, having regard to the Claims of which such Executor or Administrator has then Notice, and shall not be liable for the Assets or any Part thereof so distributed to any Person of whose Claim such Executor or Administrator shall not have had Notice at the Time of Distribution of the said Assets or a Part thereof, as the Case may be ; but nothing in the present Act contained shall prejudice the Right of any Creditor or Claimant to follow the Assets or any Part thereof into the Hands of the Person or Persons who may have received the same respectively.

Notice given by Executor or Administrator.

XXX. Any Trustee, Executor, or Administrator shall be at liberty, without the Institution of a Suit, to apply by Petition to any Judge of the High Court of Chancery, or by Summons upon a written Statement to any such Judge at Chambers, for the Opinion, Advice, or Direction of such Judge on any Question respecting the Management or Administration of the Trust Property or the Assets of any Testator or Intestate, such Application to be served upon or the Hearing thereof to be attended by all Persons interested in such Application, or such of them as the said Judge shall think expedient ; and the Trustee, Executor, or Administrator acting upon the Opinion, Advice, or Direction given by the said Judge shall be deemed, so far as regards his own Responsibility, to have discharged his Duty as such Trustee, Executor, or Administrator in the Subject Matter of the said Application ; provided nevertheless, that this Act shall not extend to indemnify any Trustee, Executor, or Administrator in respect of any Act done in accordance with such Opinion, Advice, or Direction as aforesaid, if such Trustee, Executor, or Administrator shall have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion, Advice, or Direction ; and the Costs of such Application as aforesaid shall be in the Discretion of the Judge to whom the said Application shall be made.

Trustee, Executor, &c. may apply by Petition to Judge of Chancery for Opinion, Advice, &c. in Management, &c. of Trust Property.

XXXI. Every Deed, Will, or other Instrument creating a Trust either expressly or by Implication shall, without Prejudice to the Clauses actually contained therein, be deemed to contain a Clause in the Words or to the Effect following ; that is to say, " That the Trustees or Trustee for the Time being of the said Deed, Will, or other Instrument shall be respectively chargeable only for such Moneys, Stocks, Funds, and Securities as they shall respectively actually receive notwithstanding their respectively signing any Receipt for the sake of Conformity, and shall be answerable and accountable only for their own Acts, Receipts, Neglects, or Defaults, and not for those of each other, nor for any Banker, Broker, or other Person with whom any Trust Moneys or Securities may be deposited, nor for the

Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.

" Insufficiency

*Law of Property and Trustees Relief Amendt. Stamp Duties.*

“ Insufficiency or Deficiency of any Stocks, Funds, or Securities, nor for any other Loss, unless the same shall happen through their own wilful Default respectively ; and also that it shall be lawful for the Trustees or Trustee for the Time being of the said Deed, Will, or other Instrument to reimburse themselves or himself, or pay or discharge out of the Trust Premises all Expenses incurred in or about the Execution of the Trusts or Powers of the said Deed, Will, or other Instrument.”

As to Investments by Trustees.

XXXII. When a Trustee, Executor, or Administrator shall not, by some Instruments creating his Trust, be expressly forbidden to invest any Trust Fund on Real Securities, in any Part of the United Kingdom, or on the Stock of the Bank of *England* or *Ireland*, or on *East India* Stock, it shall be lawful for such Trustee, Executor, or Administrator to invest such Trust Fund on such Securities or Stock ; and he shall not be liable on that Account as for a Breach of Trust, provided that such Investment shall in other respects be reasonable and proper.

*Extent of Act.*

Not to extend to Scotland.

XXXIII. This Act shall not extend to *Scotland*.

## C A P. XXXVI.

An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars.

[13th August 1859.]

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 making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Stamp 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 :

Graduated Scales of Stamp Duties on Probates, &c. continued on Property above the Value of 1,000,000.

I. Whereas certain Stamp Duties contained in the Schedule to the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, are now payable upon Probates of Wills and Letters of Administration in *England* and *Ireland*, and upon Inventories to be exhibited and recorded in any Commissary Court in *Scotland*, and are imposed by certain graduated Scales according to the Value of the Estate and Effects for or in respect of which such Probate or Letters of Administration are granted, or whereof such Inventory is exhibited or recorded, but such graduated Scales of Duty cease where such Value amounts to One million Pounds and upwards ; and it is expedient to extend and continue



*Stamp Duties.*

‘ *tinue such Graduation of Duty as herein-after mentioned :*’ Be it enacted, That in lieu of the said Stamp Duties upon such Probates and Letters of Administration and Inventories respectively, where such Value as aforesaid shall amount to One million Pounds or upwards, there shall be charged and paid the following Duties respectively ; that is to say,

For every One hundred thousand Pounds of the whole Value of such Estate and Effects, and any fractional Part of One hundred thousand Pounds,

Where the Deceased shall have left any Will or Testament or Testamentary Disposition of his Personal or Moveable Estate and Effects, the Stamp Duty of One thousand five hundred Pounds ;

And where the Deceased shall not have left any such Will or Testament or Testamentary Disposition, the Stamp Duty of Two thousand two hundred and fifty Pounds.

II. The Stamp of Fifteen Pounds for and in respect of the Admission or Licence of any Person by the College of Physicians in *England* or *Scotland* to exercise the Faculty of Physic, or practise as a Licentiate, granted by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and the like Duty now payable in *Ireland* by and under an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, shall from and after the passing of this Act be and the same are hereby repealed.

The Stamp Duty on Licences to exercise the Faculty of Physic repealed.

III. ‘ And whereas an Act was passed in the Fiftieth Year of the Reign of the late King *George* the Third, Chapter Forty-one, intituled *An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches*, by which certain Rates and Duties (now under the Care and Management of the Commissioners of Inland Revenue) are required to be paid by every Hawker, Pedlar, Petty Chapman, and other trading Person going from Town to Town or to other Men’s Houses in *England*, *Wales*, or *Berwick-upon-Tweed* ; and every such Person is thereby required to take out a Licence as therein mentioned ; and it is by the said Act provided, that nothing therein contained shall extend to hinder the real Worker or Workers, Maker or Makers, of any Goods, Wares, or Manufactures of *Great Britain*, or his, her, or their Children, Apprentices, or known Agents or Servants, usually residing with such real Workers or Makers only, from carrying abroad or exposing to Sale and selling by Retail or otherwise any of the said Goods, Wares, or Manufactures of his, her, or their own making, in any Mart, Market, or Fair, and in every City, Borough, Town Corporate, and Market Town : And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter Seventy-one, to regulate Hawkers and Pedlars in *Scotland*, Licences chargeable with certain Duties (now likewise under the Care and Management of the said Commissioners) are required to be

Nothing in 50 G. 3. c. 41. or 55 G. 3. c. 71. to hinder Maker of Goods, or his Children, &c., from carrying abroad or exposing to Sale such Goods.

*Stamp Duties.**Customs.*

' taken out by every such trading Person in *Scotland*, with a ' similar Proviso: ' Be it also enacted, That nothing in the said Two last-mentioned Acts respectively shall extend to hinder any such real Worker or Maker, or his Children, Apprentices, or known Agents or Servants aforesaid, from carrying abroad or exposing to Sale any of the said Goods, Wares, or Manufactures of his own making, at any Place whatever in *Great Britain*.

Power to  
Justices, on  
Conviction  
of a Hawker,  
to mitigate the  
Penalty to  
One Fourth.

IV. Where any Person shall be convicted of an Offence under either of the aforesaid Acts relating to Hawkers and Pedlars whereby a pecuniary Penalty has become forfeited, it shall be lawful for the Justice of the Peace, or other Person before whom the Information or Complaint is heard, and he is hereby authorized and empowered, if he shall think fit so to do, to mitigate the Penalty to any Sum not less than One Fourth Part thereof, over and above the necessary Costs of the Proceedings to be allowed by him.

## C A P. XXXVII.

An Act for the Amendment of the Laws relating to the Customs. [13th August 1859.]

**B**E 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 :

Repeal of  
3 & 4 W. 4.  
c. 101.

Freight to be  
paid before  
Delivery of  
Goods.

I. The Act of Third and Fourth *William* the Fourth, Chapter One hundred and one, is hereby repealed.

II. Any Officer of the Customs having the Charge or Custody of any Goods which shall have come to his Hands under the Laws relating to the Customs is hereby authorized and empowered to refuse Delivery thereof from the Queen's Warehouse or other Place in which the same shall be deposited until Proof shall be given to his Satisfaction that the Freight due upon such Goods has been paid.

Goods under  
Bond for Ex-  
portation to be  
duly shipped.

III. If any Goods delivered from any Warehouse for Exportation, or for Removal from one Port to another in the United Kingdom, or otherwise, under any Bond required by the Laws relating to the Customs on the Exportation or Removal of such Goods, shall be illegally removed or carried away from any Carriage, Cart, Boat, Lighter, Quay, Wharf, or other Place, prior to the Shipment thereof on board the exporting or removing Vessel, or from any Ship, Cart, or Carriage in or on which the same shall have been shipped or laden, such Bond shall be forfeited, and may forthwith be put in Suit for the Penalty thereof, although the Time prescribed in such Bond for the landing or Removal and re-warehousing of such Goods at the Place of Destination shall not have expired.

Goods to be  
correctly stated  
in the De-  
claration on  
Shipping Bills.

IV. In addition to the Declaration upon the Shipping Bill required by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," the Exporter or his Agent shall declare that the Quantity and Description of the Goods mentioned in any such Shipping Bill delivered by him in pur-  
suance

*Customs.*

suance of the said Act are correctly stated, and the Declaration hereby required shall be deemed and taken to be a Part of such Shipping Bill, as fully as if the same had been required by the said Act, and if the same shall be false in any Particular the Person making the same shall forfeit the Sum of Twenty Pounds.

V. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," and this Act, or who, having delivered such Shipping Bill and Duplicates, shall, in the event of the Goods or any Part thereof comprised therein not being duly shipped, in pursuance thereof, fail within Three Days after the final Clearance Outwards of the Ship in which such Goods were in such Shipping Bill entered to be shipped, to attend the proper Officer of Customs, either by himself or his Agent, and correct and make perfect such Shipping Bill, by striking out of the same such of the Goods entered therein as shall not have been shipped in pursuance thereof, shall forfeit the Sum of Twenty Pounds.

VI. If any Person shall cause to be imported Goods of one Denomination concealed in Packages of Goods of any other Denomination, or shall directly or indirectly cause to be imported or entered any Package of Goods as of one Denomination, but which shall afterwards be discovered, either before or after Delivery thereof, to contain other Goods subject to a higher Rate or Amount of Duty than those of the Denomination by which such Package was entered, such Package and all Goods contained therein shall be forfeited, and every Person shall forfeit and pay for every such Offence a Penalty of One hundred Pounds, or treble the Value of the Goods contained in such Package at the Option of the Commissioners of Customs.

VII. 'Whereas by Section Forty-three of "The Customs Consolidation Act, 1853," it is enacted, "that no Goods shall be deemed to be imported from any particular Place unless they be imported direct from such Place, and shall have been there laden on board the importing Ship either as the first Shipment of such Goods or after the same shall have been actually landed at such Place;" and by Section Seventy-seven of the same Act it is further enacted, "that no Goods shall be entered as being of or from any British Possession abroad (if any Benefit attach to such Distinction), (except as therein excepted), unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller a Certificate under the Hand of the proper Officer of the Place where such Goods were taken on Board of the due Clearance of such Ship from thence, containing an Account of such Goods;" and by "The Customs Tariff Act, 1855," certain Goods of and from a *British Possession* are entitled to Entry upon Importation into the United Kingdom at a lower Rate of Duty than when imported from a Foreign Country, but are, under the Provisions of Section Forty-three of "The Customs Consolidation Act, 1853," required to be imported direct from

Shipping Bills on Exportation to be delivered, and if not acted upon to be notified.

Penalty on fraudulent Import Entries and Concealments.

Butter and Deals from Canada may be imported via Portland.

*Customs.**Militia Laws Amendment.*

‘ the Place of Growth or Produce : And whereas it is expedient  
 ‘ to relax the Provisions of the said Act in regard to Butter and  
 ‘ Deals the Produce of *Canada* imported from thence into the  
 ‘ United Kingdom *viâ Portland* in the United States of *Ame-*  
 ‘ *rica*.’ Be it therefore enacted, That notwithstanding anything  
 in the said Acts contained to the contrary, it shall and may be  
 lawful to import Butter and Deals into the United Kingdom  
 from *Canada viâ Portland*, under such Rules and Regulations  
 as the Commissioners of the Treasury or the Commissioners of  
 Customs may from Time to Time direct and appoint ; and that  
 such Goods so imported shall be entitled to the same Privileges,  
 and admissible at the same Rate of Duty, as if imported direct  
 from *Canada*.

Interpretation  
 of Terms.

VIII. For the Removal of Doubts as to the Meaning and  
 Application of the Word “Importer,” as used in the Customs  
 Acts, the Word “Importer” in any Act relating to the Customs  
 is hereby declared to apply to and include any Owner or other  
 Person for the Time being possessed of or beneficially interested  
 in any Goods imported into the United Kingdom, from the Time  
 of the Importation thereof until they shall, on Payment of the  
 Duties thereon or otherwise, be duly delivered or discharged  
 from the Custody or Control of the Customs.

Short Title.

IX. In citing this Act in other Acts and in legal Instru-  
 ments it shall be sufficient to use the Expression “The Customs  
 Amendment Act, 1859.”

## C A P. XXXVIII.

An Act further to amend the Laws relating to the Militia.

[13th August 1859.]

51 G. 3. c. 118.

‘ **W**HEREAS an Act was passed in the Fifty-first Year of  
 ‘ King *George* the Third, Chapter One hundred and  
 ‘ eighteen, “to permit the Interchange of the *British* and *Irish*  
 ‘ “Militias respectively;” and by Section Eight of that Act it  
 ‘ was enacted, that no Regiment, Battalion, or Corps of *British*  
 ‘ or *Irish* Militia should continue to serve in *Ireland* or *Great*  
 ‘ *Britain* respectively for any longer Period than Two Years  
 ‘ successively, and that no greater Number than One Fourth  
 ‘ Part of the Militia of *Great Britain* should at any One Time  
 ‘ be employed in *Ireland*, nor any greater Number than One  
 ‘ Third Part of the Militia of *Ireland* be at One Time employed  
 ‘ in *Great Britain*, except in case of Invasion or Rebellion, as  
 ‘ therein mentioned ; and by Section Nine of that Act it was  
 ‘ enacted, that no Regiment, Battalion, or Corps of *British* or  
 ‘ *Irish* Militia, having once performed its Period of Service in  
 ‘ *Ireland* or *Great Britain* respectively, should be again liable to  
 ‘ serve in *Ireland* or *Great Britain* respectively until the Ex-  
 ‘ piration of Six or Four Years respectively, to be calculated  
 ‘ from the Termination of such Period of Service, except in  
 ‘ case of Invasion or Rebellion, as therein mentioned : And  
 ‘ whereas it is expedient that the Restrictions contained in the  
 ‘ said Sections on the Interchange of the Militia in different  
 ‘ Parts

*Militia Laws Amendment.*

' Parts of the United Kingdom should, except as to Persons now serving in the Militia, be repealed, and that the Laws relating to the Militia should be otherwise amended.' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. All Persons who may be commissioned, raised, and enrolled in and for the regular Militia in *Great Britain* and *Ireland* respectively at any Time after the passing of this Act, under any Act now in force or which may hereafter be in force for raising Men for the Militia, shall be liable to serve in all Parts of the United Kingdom of *Great Britain* and *Ireland* during all or any Part of their Terms of Service in the Militia ; and as respects such Persons as aforesaid, Sections Eight and Nine of the said Act of the Fifty-first Year of King *George* the Third shall be repealed.

Sections 8 and 9 of the Act 51 G. 3. c. 118. repealed as to Men hereafter raised for the Militia.

II. It shall be lawful for Her Majesty to employ, in *Ireland* or *Great Britain* respectively, beyond the Period of Two Years mentioned in Section Eight of the said Act, or before the Expiration of Six or Four Years mentioned in Section Nine of the said Act, such Part of the *British* and *Irish* Militia respectively raised before the passing of this Act, as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid ; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the said *British* or *Irish* Militia respectively, to propose to such Regiment, Battalion, or Corps to extend the Period of their Services in *Ireland* or *Great Britain*, as the Case may be, beyond the said Term of Two Years, or before the Expiration of the said Six Years or Four Years respectively, under such Rules and Regulations as Her Majesty may think fit and appoint.

Her Majesty may employ the present Militia making voluntary Offers beyond the limited Period of Interchange.

III. In reckoning the One Fourth Part of the *British* Militia which may at One Time be employed in *Ireland*, or the One Third Part of the *Irish* Militia which may at One Time be employed in *Great Britain*, any Part of the present *British* or *Irish* Militia respectively which shall have volunteered to serve in *Ireland* or *Great Britain* respectively beyond the said Period of Two Years, or before the Expiration of such Six Years or Four Years, shall be excluded, and may be so employed in addition to such One Fourth Part or One Third Part of the same Militia, as the Case may be.

The Militia who volunteer may be employed in addition to the Proportion now limited.

IV. It shall be lawful for Her Majesty to employ in any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the *Isle of Man* such Part of the Militia now raised or hereafter to be raised in any Part of the United Kingdom as may make a voluntary Offer, duly certified by their respective Commanding Officers, so

Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands.

*Militia Laws Amendment.*

to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the said Militia respectively, to propose to such Regiment, Battalion, or Corps to extend their Services to the said Isles of *Guernsey, Jersey, Alderney, Sark, and Man*, under such Rules and Regulations as Her Majesty may think fit and appoint.

Commanding  
Officer to explain the Offer to be voluntary.

V. No Person serving in the said Militia raised before the passing of this Act shall be compelled to make an Offer to serve or be engaged to serve, except by his own Consent, beyond the said Period of Two Years, or before the Expiration of the said Six Years or Four Years respectively, out of that Part of the United Kingdom in or for which he was enrolled; and no Person now serving, or hereafter serving in such Militia, shall be compelled to make an Offer to serve in the said *Channel Isles*, or be engaged so to serve, except by his own Consent; and no Commanding Officer shall certify according to this Act any voluntary Offer previously to his having explained to every Person of the Militia offering so to serve that the Offer is to be purely voluntary on his Part.

Qualification for Adjutants in *Ireland* and Great Britain assimilated. Service in the *East India Army* to be a Qualification.

VI. Where under the Enactments respecting the Appointment of Adjutants in the Militia in *Ireland*, Three Years Service in Her Majesty's Regular Forces or the Forces of the *East India Company* is a Qualification, Five Years Service shall be required for Adjutants hereafter to be appointed; and for the Qualification of Persons to be appointed Adjutants in the Militia, as well in *England* and *Scotland* as in *Ireland*, Service in the Army of the *East India Company* and in Her Majesty's *Indian Army* or in either of them shall be deemed equivalent to Service for the like Term in Her Majesty's Regular Army.

Powers vested in Her Majesty for uniting the Militias of Counties extended.

VII. The Power vested in Her Majesty to direct the Militia of a County, Riding, or Place in *England* to be united with a Militia of any County, Riding, or Place adjoining, and the like Power vested in the Lord Lieutenant of *Ireland* as to the Militia of a County in *Ireland*, may be exercised not only where the Number of Militiamen required to be raised for the County, Riding, or Place appears insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, but also where the Number of Militiamen actually raised, and serving for such County, Riding, or Place appears to Her Majesty or (in *Ireland*) to the Lord Lieutenant insufficient to be conveniently formed into or continued as a separate Regiment, Battalion, or Corps; and in every Case where the Militia of Two or more Counties, Ridings, or Places are united, it shall be lawful for Her Majesty or (in *Ireland*) for the Lord Lieutenant to direct what Officers shall be appointed by the Lieutenants of such respective Counties, Ridings, or Places, and what Officers already appointed for the separate Militias shall serve in the United Militia, and generally to give such

*Militia Laws Amendment.*

such Orders and Directions in relation to the Organization of the United Militia as to Her Majesty or (in *Ireland*) to the Lord Lieutenant may seem convenient.

VIII. So much of the following Sections of the Acts passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, *videlicet*, Chapter One hundred and five, Section Thirty-eight, Chapter One hundred and six, Section Forty-four, and Chapter One hundred and seven, Section Seventeen, as provides for the Appointment of the Times and Places of Training and Exercise of Militiamen in *England, Scotland, and Ireland* respectively shall be repealed; and the Times and Places of Training and Exercise of the Militiamen in *England and Scotland* respectively shall be appointed by Her Majesty, by Order signified by One of Her Principal Secretaries of State; and the Times and Places of Training and Exercise of the Militiamen in *Ireland* shall be appointed by the Lord Lieutenant, by Order signified by his Chief or Under Secretary; and the Powers vested in the Lord Lieutenant under this and the preceding Section may be exercised by the other Chief Governor or Governors of *Ireland* for the Time being.

IX. Any Militia Volunteer who unlawfully absents himself during the whole of the Time of Training and Exercise in any Year, or during any Part of such Time exceeding Fourteen Days, shall, whether he shall or shall not have been punished for his Offence, be liable to serve, after the Expiration of the Term for which he may have been enrolled, for an additional Year for every annual Period of Training and Exercise from or during which he so absents himself; and in every such Case the Colonel or Commanding Officer shall make an Entry on the Roll in which such Volunteer is enrolled of his Absence as aforesaid, and such Entry shall be conclusive Evidence of the Fact of such Volunteer having so absented himself.

X. Any Militia Volunteer who before the Expiration of his Engagement as a Militiaman in any Regiment, Battalion, or Corps, enrolls or offers to enrol himself in any other Regiment, Battalion, or Corps of the Militia raised in any Part of the United Kingdom, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement,) shall be deemed a Deserter.

XI. Any Militia Volunteer who before the Expiration of his Engagement enrolls or offers to enrol himself as aforesaid, may, by Order of the Secretary-at-War, be required to serve in any Regiment, Battalion, or Corps of Militia in which he may have fraudulently enrolled or offered to enrol himself, and thereupon such Militia Volunteer shall be liable to serve in such Regiment, Battalion, or Corps for the same Term and in the same Manner as if his Enrolment therein had been lawful, or he had been lawfully enrolled pursuant to his Offer; and such Order may be made upon any such Militia Volunteer in lieu of or in addition to any Punishment to which he may be otherwise liable, whether he may have been tried by a Court-martial or before a Justice of the Peace; and every such Offender shall forfeit all Bounty due or

Times and Places of Training in Great Britain to be appointed by Her Majesty; in *Ireland* by the Lord Lieutenant.

Term of Service of Militiamen absent from annual Training to be extended.

Fraudulent Re-enlistment to be deemed Desertion.

Volunteer fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to be subject to Stoppages.

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which would have become due to him, and shall be subjected to such Stoppages from his daily Pay, and for such Time, and to be applied in such Manner, as the Secretary-at-War may direct, to meet the Loss or Expense occasioned by the fraudulent Conduct of the Offender.

Deserters may be tried by Court-martial or may be proceeded against summarily before Justices.

XII. Every Deserter from the Militia in any Part of the United Kingdom, and every Person who in respect of any Offence against the Militia Laws is deemed a Deserter, may, whenever he is apprehended, and whether his Term of Service shall or shall not have expired, be tried by a Regimental Court-martial, and punished in manner provided for the Punishment of Deserters by any Act in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War for the Time being in force, with regard to Persons subject to such Act and Articles of War who are tried by District Court-martial, but so that no Punishment shall extend to the Loss of Life or Limb; or such Deserter may, whenever he is apprehended as aforesaid or within One Month thereafter, be tried summarily by any Justice or Justices of the Peace in any Part of the United Kingdom where such Deserter may be when summary Proceedings against him are instituted, and upon summary Conviction before any such Justice or Justices shall forfeit and pay any Sum not less than Forty Shillings and not exceeding Twenty Pounds, and in default of Payment shall be committed to the Common Gaol or House of Correction, to be imprisoned, with or without Hard Labour, for any Time not less than Two Months and not exceeding Six Months; and it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried.

17 & 18 Vict. c. 105. s. 40.,  
17 & 18 Vict. c. 106. s. 59.  
17 & 18 Vict. c. 107. s. 23.  
repealed.

XIII. Section Forty of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and five; Section Fifty-nine of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six; and Section Twenty-three of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, shall be repealed.

Application of Penalties.

XIV. All Penalties imposed by this Act upon Militiamen (except the Stoppages from Pay herein-before provided for, and except the Deductions from Bounty which shall be brought to Public Credit,) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or Corps of Militia to which the Offenders belong, and shall be made and accounted for as Part of the Public Stock of such Regiments, Battalions, or Corps respectively.

## C A P. XXXIX.

An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*. [13th August 1859.]

‘ **W**HEREAS by an Act passed in the Twenty-first Year of Her Majesty, Chapter Three, Power was given to the *East India Company* to raise Money by Bonds and Debentures to



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to the Extent of Eight Millions: And whereas by an Act passed in the last Session, Chapter Eleven, Power was given to the Secretary of State in Council of *India* to raise Money by Bonds and Debentures to the Extent of Seven Millions: And whereas it is expedient that the Secretary of State in Council of *India* should be enabled to raise a further Sum of Money in the United Kingdom on the Credit of the Revenues of *India*: 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:

I. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom, for the Service of the Government of *India*, any Sum or Sums of Money not exceeding in the whole Five Millions, and such Sum or Sums may be raised by the Creation and Issue of Bonds or Debentures, or Capital Stock bearing Interest, or Annuities, or partly by one of such Modes and partly by another or others.

Secretary of State in Council of *India* may raise Five Millions.

II. All Bonds issued under the Authority of this Act, or hereafter issued under the Authority of either of the recited Acts, may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India*, or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest, as the said Secretary of State in Council may think fit.

Bonds may be issued by Two Members of Council, countersigned, &c.

III. All Debentures issued under the Authority of this Act, or hereafter issued under the Authority of either of the recited Acts, may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts and at such Rate or Rates of Interest as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council.

Debentures may be issued.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par, at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Moneys and Interest secured by such Debentures, and by all Debentures issued under the Authority of either of the said recited Acts, shall be payable either at the Treasury of the Secretary of State in Council in *London*, or at the Bank of *England*.

As to Payment of Principal and Interest on Debentures.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Moneys secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture

Debentures transferable by Delivery or Deed;

Coupons by Delivery.

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Debenture issued under the Authority of this Act or under the Authority of either of the recited Acts shall pass by Delivery.

Capital Stock and Annuities may be created and issued.

VI. Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Cent. per Annum*, as the Secretary of State in Council may think fit, and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities.

Transfer Books of such Capital Stock and Annuities to be kept.

VII. In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such 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 such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other Mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law; and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities of such Personal Estate.

VIII. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London* or otherwise.

Amount charged on Revenue of India not to exceed Five Millions.

IX. The whole Amount of the Principal Moneys to be charged on the Revenues of *India* under this Act shall not exceed Five Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty, or if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Moneys previously secured under this Act, as herein-after provided.

Power to raise Money for Payment of Principal Money.

X. Upon or for the Repayment of any Principal Money secured under the Authority of this Act or under the Authority of either of the recited Acts, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid

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repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act or either of the recited Acts may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

XI. All Bonds and Debentures to be issued under this Act, and the Principal Moneys and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under this Act, shall be charged on and payable out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

XII. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

XIII. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

XIV. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Moneys raised on Loan under the Provisions of this Act, also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

XV. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof.

## C A P. XL.

An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same.

[13th August 1859.]

‘ **W**HEREAS it is expedient that there should be a Reserve Volunteer Force of Seamen for Service in Her Majesty’s Fleet in Time of Emergency, and that the Seamen composing such Force should be duly entered and trained:’ Be it therefore enacted

Securities, &c. to be charged on Revenues of *India*.

Provision as to Composition for Stamp Duties on *India* Bonds extended to Bonds, &c. under this Act.

Forgery of Debentures punishable as Forgery of *East India* Bonds.

Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.

Saving Powers of the Secretary of State in Council.

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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 :

Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 Men.

I. It shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, to raise and from Time to Time to keep up a Number of Men not exceeding Thirty thousand, to be called "The Royal Naval Volunteers," such Men to be raised by voluntary Entry from among seafaring Men and others who may be deemed suitable for the Services in which such Volunteers may be employed, and to be so raised and entered at such Times and in such Places in the United Kingdom and the Islands of *Man, Guernsey, Jersey, Alderney, and Sark*, or any of them, by such Persons and in such Manner as the said Lord High Admiral or Commissioners shall from Time to Time direct.

Term of Service.

II. Every Volunteer raised under this Act shall be entered for the Term of Five Years, and shall continue subject as a Volunteer to the Provisions of this Act during such Term, and no longer, save as herein-after otherwise provided ; and at the Expiration of every Fifth Year of the Period of his Service as a Volunteer he shall be entitled to claim his Discharge, save as herein-after provided ; but when any Volunteer shall be entitled to claim his Discharge as aforesaid, he shall continue liable to the Provisions of this Act until actually discharged from such Volunteers by the said Lord High Admiral or Commissioners, or by some Officer duly appointed by him or them to give such Discharges.

Volunteers may be trained and exercised for 28 Days in each Year, and on shore or on board Ship.

III. The Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, may cause all or any of the Volunteers under this Act to be instructed, trained, and exercised on shore or on board any Ships or Vessels, or partly on shore and partly on board any Ships or Vessels ; and for the Purpose of such Instruction, Training, and Exercise all or any of such Volunteers may be called out, and may be required to attend at such Times and Places, and may be placed under the Command of such Officers as the said Lord High Admiral or Commissioners may think fit, and may form Part of and be under the like Command as the respective Crews of any of Her Majesty's Ships or Vessels of War which the said Lord High Admiral or Commissioners may see fit to cause them to join : Provided always, that no Volunteer shall under this Enactment be required to attend Instruction, Training, and Exercise more than Twenty-eight Days in the whole in any One Year.

Her Majesty may order the Volunteers to be called into actual Service.

IV. It shall be lawful for Her Majesty, on such Occasions as She shall deem fit (the Occasion being first communicated to Parliament if Parliament be sitting, or declared in Council and notified by Proclamation if Parliament be not sitting or in being,) to order and direct that the Volunteers under this Act, or so many or such Part of them as Her Majesty may deem necessary, shall be called into actual Service.

Volunteers to be called into

V. Whenever Her Majesty shall as aforesaid order all or any Number or Part of the Volunteers under this Act to be called into actual

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actual Service, the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, shall cause the said Volunteers, or such Number or Part of them as Her Majesty may have ordered, to be called into actual Service accordingly; and the Volunteers so called into actual Service shall be liable to serve on shore or on board any Ships or Vessels, or partly on shore and partly on board any Ships or Vessels, as the said Lord High Admiral or Commissioners may direct; and such Volunteers shall be placed under the Command of such Officers as the said Lord High Admiral or Commissioners may direct, and where he or they may so direct, shall form Part of the Crews, and be under the like Command as the respective Crews of any of Her Majesty's Ships or Vessels of War which the said Lord High Admiral or Commissioners may see fit to cause them to join; and every such Volunteer so called into actual Service shall be liable to such Service for the Term of Three Years from the Time of his coming into actual Service, and at the Expiration of such Period he shall be entitled to be discharged from actual Service: Provided always, that it shall be lawful for Her Majesty, in case She see fit, on any Emergency by Proclamation to declare that such Volunteers as may at the Date of such Proclamation be in actual Service as aforesaid shall continue in such actual Service for the Period of Five Years from the Date of their respectively coming into actual Service, if their Services be so long required, and such Volunteers shall not be entitled to claim their Discharge during such Period, and every such Volunteer who may be in actual Service at the Date of such Proclamation shall be liable to such Service accordingly; and every Volunteer whose Period of actual Service is extended under or in consequence of such Proclamation shall, beyond Three Years from the Date of his coming into actual Service, be entitled to receive for his Services during the extra Period for which they are required beyond such Three Years Twopence *per* Day in addition to his ordinary Pay: Provided also, that in case any such Volunteer be called into actual Service, and shall be detained in such Service for a Period of less than Five Years, he shall, during the Period of Five Years from the Date of his joining the Royal Naval Volunteers, be liable from Time to Time to be again called into actual Service, and to serve therein for such Period as with his former actual Service will make up a Period of Five Years actual Service, but after Three Years actual Service, either continuously or from Time to Time during his Engagement as a Royal Naval Volunteer, he will be entitled as aforesaid to Twopence *per* Day, in addition to his ordinary Pay, for the Period of his actual Service beyond Three Years.

actual Service accordingly.

Volunteers to serve in Navy Three Years.

The Service of Volunteers in actual Service may be extended Two Years by Proclamation.

Volunteers whose Services are extended entitled to extra Pay.

As to serving in the Navy at Intervals.

VI. The Volunteers under this Act shall, for such Time as they shall be called out for, and shall attend Instruction, Training, and Exercise, be victualled in the same Manner as Seamen of the Fleet; or if trained on shore and not victualled, they shall be entitled to a Money Allowance in lieu of Provisions, at such Rate *per Diem* each as may be established on this Behalf by the Lord High Admiral, or the Commissioners for executing

Volunteers when called out to be victualled in the same Manner as Seamen of the Fleet.

the

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the Office of Lord High Admiral ; and for such Time as they shall be in actual Service under this Act they shall be entitled when on shore or afloat to the Pay and other Advantages of Petty Officers or Seamen in the Royal Navy entered for Ten Years continuous and general Service, according to the Rating which they may be found qualified to fill ; and they shall be entitled to such Conduct Money in respect of travelling to and from any Place at which they may be required to attend for Instruction, Training, and Exercise, or for the Purpose of entering into actual Service as aforesaid, as may be allowed by the Regulations made under this Act : Provided always, that any such Volunteer who may be appointed, and be or perform the Duties of a Petty Officer, shall be entitled to the Pay and Allowances of a Petty Officer in the Royal Navy of the same Rank, in lieu of the Pay and Allowances of an Able Seaman in the Navy.

Volunteer exempt from Militia, &c. ; and eligible for Greenwich Hospital.

VII. Every Volunteer under this Act shall, while he shall be such Volunteer, be exempt from Service in the Militia, and from serving as a Peace or Parish Officer, and upon his entering the Royal Naval Volunteers he shall cease to be a Royal Naval Coast Volunteer, if then belonging to that Force ; and every such Volunteer shall under such Regulations as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may from Time to Time establish, be eligible for Admission into the Royal Hospital at *Greenwich*, and be thereupon entitled to the same Privileges and Advantages as Men who are, or may be, or have been in Her Majesty's Navy.

Provisions relating to billeting Marines to extend to Volunteers.

VIII. All Provisions for the Time being in force for and in relation to the billeting of the Royal Marines shall extend and be applicable to the Volunteers under this Act during such Time as they shall attend Instruction, Training, and Exercise, or be in actual Service ; and all Powers and Authorities for or in relation to the billeting of the Royal Marines, which may be exercised by any Colonel, Commandant, or Commanding Officer of any Division of Royal Marines, may, for the Purpose of billeting such Volunteers, be exercised by any Officer in the Royal Navy holding the Rank of Commander, or any higher Rank authorized in this Behalf by the Regulations made under this Act.

Admiralty to make Regulations as to Sums to be paid to Volunteers for entering or re-entering under this Act.

IX. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, from Time to Time to make Regulations as to the Sums to be paid to Volunteers under this Act, by way of periodical Payment or Allowance, in consideration of their entering under this Act, and to Volunteers or Persons who may have served as Volunteers, in consideration of their re-entering under this Act, such periodical Payment or Allowance, during the Term of Service for which the Volunteer is entered, to be paid in such Portions, at such Times, by such Persons, and under such Conditions as the said Lord High Admiral or the Commissioners may from Time to Time direct : Provided always, that such periodical Payments shall be paid in the United Kingdom, or in the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and nowhere else, and only to the Volunteer himself, and not to his Attorney, Agent, or Assign.

*Reserve Volunteer Force of Seamen.*

X. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to grant Pensions to Volunteers under this Act, with the Consent of the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Lord High Admiral or Commissioners to make Regulations as to the Amount, the Time or respective Times, and the Manner of the Payment of such Pensions, and at what Ages such Pensions shall be payable: Provided always, that any Pension conferred under this Act shall be paid to the Pensioner himself only, and not to his Agent, Attorney, or Assign.

Admiralty to grant Pensions to Volunteers.

XI. Whenever any Emergency shall arise which, in the Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, renders it advisable to require the Services in Her Majesty's Navy of any of the Persons who may have been pensioned, and be in the Receipt of Pensions, under this Act, it shall be lawful for such Lord High Admiral or Commissioners to order any of such Persons to join Her Majesty's Navy; and those so ordered shall join such of Her Majesty's Ships or Vessels of War as the said Lord High Admiral or Commissioners may at any Time or Times direct, and shall form the Crews or Parts of the Crews of such Ships or Vessels, and shall continue to serve in Her Majesty's Navy during such Time as such Emergency may in the Opinion of the said Lord High Admiral or Commissioners continue; and while so serving shall be entitled to the same Pay and Allowances, according to their respective Ratings on board such Ships or Vessels, as Petty Officers in Her Majesty's Navy and Men in Her Majesty's Navy entered for Ten Years continuous and general Service, and shall also continue to receive their Pensions.

In Cases of Emergency Pensioners to join Her Majesty's Navy.

XII. All the Laws and Customs for the Time being in force for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and applicable to any Person in or belonging to the Fleet or to any Person being in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels, shall be applicable in like Manner to every Person pensioned under this Act during such Period as he shall be in actual Service, either on board any Ship or Vessel or otherwise under this Act; and every such Person as aforesaid required to serve in the Navy under this Act who shall not at or within such Time as may be appointed by any Order of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, made under this Act, appear for the Purpose of entering into actual Service, or join any of Her Majesty's Ships or Vessels which he may be required to join for that Purpose, shall be liable to be apprehended and punished in the same Manner as any Person belonging to Her Majesty's Navy, and deserting or improperly absenting himself from Duty.

Laws and Customs in force for the Government of Her Majesty's Fleet to be applicable to Pensioners while on actual Service.

XIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, from Time to Time to make Regulations as to the Manner or Form in which Volunteers under this Act shall be entered to serve; and generally as to the entering and re-entering of Men as

Admiralty to make Regulations as to the Manner or Form in which Volunteers shall

such

*Reserve Volunteer Force of Seamen.*

be entered to serve.

such Volunteers; and as to the Arms, Clothing, and Accoutrements with which such Volunteers are to be provided; and for forming such Volunteers into Divisions or Classes, or other Bodies, and assigning Numbers to them; and as to the Manner in which Notices of the Times and Places at which such Volunteers may be required to attend Instruction, Training, and Exercise; and for the Purpose of their entering into actual Service under the Provisions of this Act; and for securing and enforcing the Attendance, good Conduct, and Discipline of and among such Volunteers; and for imposing Fines or Forfeitures of Pay, Allowances, or Pensions for Misconduct and Breach of Discipline or of any such Regulations; and as to the Pay and Allowances to Officers commanding such Volunteers; and generally as to all other Matters and Proceedings under this Act.

Admiralty may discharge Volunteers.

XIV. It shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, in his or their Discretion at any Time to discharge any of the Volunteers raised under this Act.

Laws relating to the Government of the Navy extended to Volunteers during Exercise, and to such Volunteers and others when in actual Service.

XV. All the Laws and Customs for the Time being in force for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and applicable to any Person in or belonging to the Fleet, or to any Person being in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels, shall be applicable in like Manner to every Volunteer under this Act during such Period as he shall be on board any Ship or Vessel for the Purpose of Instruction, Training, and Exercise, or shall be otherwise under Instruction, Training, and Exercise; and to every such Volunteer during such Time as he shall be in actual Service, either on board any Ship or Vessel or otherwise under this Act; and to all Officers having any Command over any such Volunteers during the Time of Instruction, Training, and Exercise, or while in actual Service; and the said Volunteers under this Act shall while in actual Service have the same Privileges of making Allotments of Wages and of making Remittances, and otherwise have the Benefit of and be subject to the Provisions of the Laws relating to the Pay of the Royal Navy in like Manner as Officers and Men of their respective Ratings in Her Majesty's Navy; and the Laws concerning the Discharge of Seamen serving on board Her Majesty's Ships, and becoming entitled to be discharged, shall be applicable to and for the Discharge of any of the said Volunteers.

Penalty on joining the Forces more than once during the same Period.

XVI. If any Person shall enter or attempt to enter the Royal Naval Volunteers as a new Volunteer more than once during the whole or any Part of the same Period of Service, he shall for every such Act forfeit and pay any Sum not exceeding Twenty Pounds.

Information to be transmitted by Shipping-master.

XVII. Every Shipping-master acting under "The Merchant Shipping Act, 1854," shall give all the Assistance in his Power towards carrying into effect the Objects of this Act in such Manner as the Board of Trade, at the Instance of the Lords Commissioners of the Admiralty, may direct; and every such Shipping-master shall for this Purpose have the Power to call for



*Reserve Volunteer Force of Seamen.*

for such Answers or Information concerning Reserve Men from the Masters of and other Persons belonging to *British* Merchant Ships as may be necessary or desirable in order to enable him to render such Assistance as aforesaid, or to make any Returns, which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every Master of or other Person belonging to a *British* Merchant Ship who, when duly called on by the Shipping-master, omits or refuses to give any such Answer or Information as aforesaid which it is in his Power to give, shall be liable to a Penalty not exceeding Five Pounds.

XVIII. In case any Officer, Serjeant, or other Person enlist any Man to serve in Her Majesty's Regular Forces, or in Her Majesty's *Indian* Forces, or in the Militia, or in the Royal Naval Coast Volunteers, who at the Time of such enlisting is entered to serve as a Volunteer under this Act, such enlisting shall be null and void; and in case any Person enter any Man to serve as a Volunteer under this Act who at the Time of such entering is enrolled to serve in the Militia, or belongs to the Royal Naval Coast Volunteers, such entering shall be null and void; and any such Volunteer under this Act offering himself to be enlisted in Her Majesty's Regular Forces, or in Her Majesty's *Indian* Forces, or who shall be enlisted or enrolled or offer himself to be enlisted or enrolled as a Militiaman, or to serve in the Royal Naval Coast Volunteers, and every Militiaman or any Royal Naval Coast Volunteer offering himself to be entered as a Volunteer under this Act, shall, on Conviction thereof, upon the Oath of One Witness before any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be, be committed to the Common Gaol or House of Correction for any Term not exceeding Six Months; and any Officer or other Person knowingly enlisting or enrolling any Volunteer under this Act to serve in Her Majesty's Regular Forces, or in Her Majesty's *Indian* Forces, or in the Militia, or in the Royal Naval Coast Volunteers, or knowingly entering any Militiaman or Royal Naval Coast Volunteer to serve as a Volunteer under this Act, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds: Provided always, that Men may, on their Application to that Effect, be discharged by proper Authority from the Royal Naval Coast Volunteers to be enrolled as Volunteers under this Act.

XIX. Any Volunteer under this Act who shall sell, pawn, or lose any of his Arms, Clothes, Accoutrements, or Ammunition, Slops or Necessaries, or any of such Articles provided for him under this Act, or refuse or neglect to return the same in good Order to any Person appointed by or under the Authority of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, to receive the same, shall for every such Offence forfeit any Sum not exceeding Three Pounds; and every Person who shall knowingly and wilfully buy, take in exchange, receive in pledge, or otherwise receive or conceal any Arms, Clothes, Accoutrements, or Ammunition, or Slops or Necessaries

22 &amp; 23 VICT.

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Enlistment of  
Volunteers  
under this Act  
in Her Ma-  
jesty's Regular  
or Indian  
Forces, or in  
the Militia, or  
Naval Coast  
Volunteers, and  
entering of Mil-  
itia as Naval  
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teers under this  
Act to be void.

Punishment  
of Persons  
offending.

Penalty on sell-  
ing or buying  
Arms, &c. of  
Volunteers.

*Reserve Volunteer Force of Seamen.*

belonging to any such Volunteer or provided for him under this Act, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and the treble Value of all or any of the Articles so bought, taken in exchange, received, or concealed; and if any Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority, that there is reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any such Arms, Clothes, Accoutrements, or Ammunition, or Slops or Necessaries, such Justice or Person may and he is hereby required to grant a Warrant to search for such Arms, Clothes, Accoutrements, and Ammunition, and Slops and Necessaries, as in the Case of stolen Goods; and if upon Search any such Articles shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, or any Person aiding him therein, who shall bring the Offender in whose Possession or upon whose Premises the same shall be found before such Justice or Person, to be dealt with according to Law.

Penalty on Volunteer for not attending Training and Exercise.

XX. Every Volunteer under this Act, unless absent from the United Kingdom, in conformity with the Regulations that may be made at any Time or Times by the aforesaid Lord High Admiral or Commissioners, or labouring under any Infirmary incapacitating him, who shall not attend at any Time and Place, or on board the Ship at or on board of which he shall be appointed to attend or join for the Purpose of Instruction, Training, and Exercise, according to the Provisions of this Act, Notice of his being required so to attend or join having been given in such Manner as may be provided by any Regulations made under this Act, and any Volunteer who having so attended or joined afterwards deserts or absents himself during the Time of such Instruction, Training, and Exercise, shall be subject to a Penalty not exceeding Twenty Pounds.

Persons not attending when called into actual Service may be apprehended and punished as Deserters from the Navy.

XXI. If any such Volunteer (being in the United Kingdom, and not labouring under any Infirmary incapacitating him) required to serve in the Navy under this Act shall not at or within such Time as may be appointed by any Order of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral made under this Act, appear for the Purpose of entering into actual Service, or join any of Her Majesty's Ships or Vessels which he may be required to join for that Purpose, every such Person so offending shall be liable to be apprehended and punished in the same Manner as any Person belonging to Her Majesty's Navy deserting or improperly absenting himself from Duty.

Penalty for inducing Volunteers to absent themselves, or harbouring or employing Deserters.

XXII. Every Person who by Words or other Means shall persuade any Volunteer under this Act to desert from the Royal Naval Volunteers, or to be improperly absent from his Duty, shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Act, and every Person who shall assist or procure any such Volunteer to desert, or to be improperly absent as aforesaid, or shall conceal or employ or continue to conceal or employ any such Volunteer, knowing him to be such a Deserter or so improperly

*Reserve Volunteer Force of Seamen.*

properly absent, shall for every such Offence forfeit and pay any Sum not exceeding Thirty Pounds.

XXIII. No Man by reason of his entering or serving as a Volunteer under this Act shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his being so entered or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Entry or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Recovery of Penalties.

XXIV. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be, and all such Penalties and Forfeitures, and any Forfeiture of treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in *England or Wales*, under the Provisions of an Act passed in the Twelfth Year of Her Majesty's Reign, intituled *An Act to facilitate the Performance of Duties of Justices of the Peace out of Sessions within England and Wales, with respect to summary Convictions and Orders*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Months, which said Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such pecuniary Penalties and Forfeitures, and Forfeitures of treble Value, as fully to all Intents as if such Act had extended to *Scotland* and *Ireland*, anything in the said Act, or in an Act passed in a Session holden in the Fourteenth and Fifteenth Years of Her Majesty's Reign, 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 in any other Act, to the contrary notwithstanding.

Summary Jurisdiction.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

XXV. One Moiety of every such Penalty or Forfeiture not including the treble Value of any Articles shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the treble Value of any Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such treble Value, shall be paid over and applied in such Manner as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall direct, anything in an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act of Parliament, to the contrary notwithstanding;

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

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withstanding ; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the farthest report the same and his Adjudication thereof to the Secretary of the Admiralty.

## C A P. XLI.

An Act to amend the Act for the better Government of *India*. [13th August 1859.]

‘ WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for the better Government of India* : And whereas it has been considered that, under the Enactment in the Fortieth Section of the said Act, the local Governments in *India* and Officers intrusted with the Charge of Provinces or Districts there respectively cannot enter into and execute such Contracts and Assurances in *India* on behalf of the Secretary of State in Council as before the Commencement of the said Act they were respectively competent to enter into and execute on behalf of the *East India Company*, and it is expedient to give them such Powers : And whereas Doubts have arisen as to the proper Mode of the Execution of Contracts entered into by the Secretary of State in Council pursuant to the Provision of the said Fortieth Section of the said Act, and it is expedient that such Doubts should be removed : And whereas it is expedient to alter so much of the Enactment in the Forty-third Section of the said Act as relates to the Mode of signing and countersigning the Drafts or Orders therein 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 ; that is to say,

Powers to execute Contracts vested in Government of India.

I. The Governor General of *India* in Council, the Governor in Council of *Fort St. George*, the Governor in Council of *Bombay*, the Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William in Bengal*, respectively, or any Officer for the Time being intrusted with the Government, Charge, or Care of any Presidency, Province, or District in *India*, subject to such Provisions or Restrictions as the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall from Time to Time prescribe, are hereby respectively empowered to sell and dispose of all Real and Personal Estate whatsoever in *India* for the Time being vested in Her Majesty under the said Act, within the Limits of their respective Governments, Provinces, or Districts, or to raise Money on any such Real Estate by way of Mortgage, and to make proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interest therein, Stores, Goods, Chattels, and other Property in *India*, within the said respective Limits, and to enter into any Contracts whatsoever, within the said respective Limits, for the Purposes of the

*Government of India Act Amendment.*

the said Act, and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*.

II. The Secretary of State in Council may be named as a Party to any such Deed, Contract, or other Instrument, and it shall be sufficient to use the Designation of Secretary of State in Council in such Deed, Contract, or other Instrument, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by Order of the Governor General in Council, Governor in Council, Lieutenant Governor of the North-western Provinces, or other Officer intrusted as aforesaid, but may be executed in other respects in like Manner as other Instruments executed by or on behalf of him or them respectively in his or their official Capacity, and may be enforced by or against the Secretary of State in Council for the Time being; and neither the Secretary of State, nor any Member of the Council, nor any Person executing such Deed, Contract, or other Instrument, shall be personally liable in respect thereof; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

Mode of executing Contracts in India.

Secretary of State and Council not to be personally liable.

III. Notwithstanding anything contained in the said Act, it shall be lawful for the Governor and Company of the Bank of *England* to pay out all or any of the Moneys paid to the Credit of the Account opened under the said Act by the Governor and Company of the Bank of *England*, intituled "The Account of the Secretary of State in Council of *India*," upon any Drafts or Orders signed by the Accountant General on the Establishment of the Secretary of State in Council, or by either of the Two Senior Clerks in the Department of the said Accountant General, and countersigned in such Manner as the Secretary of State for *India* in Council shall from Time to Time order or establish; and any Draft or Order signed and countersigned as aforesaid, or in manner directed by the said Act, shall effectually discharge the Bank of *England* for all Moneys paid upon the same.

Mode of signing Drafts or Orders on Bank of England.

IV. If before the passing of this Act any Contracts or Assurances shall have been entered into or made on behalf of the Secretary of State in Council, or the Government of *India*, by any Person in *India* who, previously to the Commencement of the said Act, would have been authorized to enter into and make the same on behalf of the *East India* Company, such Contracts or Assurances shall have the same Validity in favour of and against the Secretary of State in Council as they would have had in favour of and against the said Company if made on behalf of the said Company, and if the said Act had not been passed; but neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contracts or Assurances; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

As to Validity of Contracts, &c. entered into before the passing of this Act.

V. All Contracts purporting to be entered into by the Secretary of State in Council which shall have been previous to the passing of this Act made under the Hands and Seals or Hands of Three or more Members of Council shall be as valid and effectual, to all Intents and Purposes whatsoever, as the same would have been if

Mode of executing Contracts.

*Government of India Act Amendment. Reserve Force.*

Section Forty of the said Act had contained an express Provision that the Contracts to be entered into by the Secretary of State in Council pursuant to that Act might be so made ; and from and after the passing of this Act all Contracts in Writing entered into by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, may be expressed to be made by the Secretary of State in Council under that Designation, and if such as if made between private Persons would be by Law required to be under Seal, may be made, varied, or discharged under the Hands and Seals of Two Members of the Council, or if such as if made between private Persons would be by Law required to be signed by the Parties to be charged therewith, may be made, varied, or discharged under the Hands of Two Members of the Council ; and the Benefit and Liability of such Contracts shall pass to the Secretary of State in Council for the Time being.

Actions to be carried on in Name of Secretary of State for India.

VI. All Actions, Suits, and Proceedings in any Court of Justice in respect of any of the Matters aforesaid shall and may be carried on, prosecuted, or defended in the Name of the Secretary of State for *India* in Council.

C A P. XLII.

An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service.

[13th August 1859.]

‘ **WHEREAS** it is expedient that Her Majesty should be enabled to enrol as a Reserve Force for Service within the United Kingdom in Cases of Emergency such of the Men who have served in Her other Forces as may be willing to engage for such Service :’ 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 :

Reserve Force not exceeding 20,000 Men for Service in Great Britain.

I. It shall be lawful for Her Majesty, from Time to Time, to cause to be enrolled and kept up as a Reserve Force in the United Kingdom any Number of Men not exceeding in the whole Twenty thousand, the Men so enrolled to be Persons who shall have previously served in Her Majesty’s other Forces or in the Forces of the *East India* Company, and who may voluntarily engage to serve under this Act ; and such Reserve Force shall be formed into or attached to such Battalions, Corps, or Companies as Her Majesty may think fit.

Term of Service to be prescribed by Regulations, &c.

II. The Men to be enrolled as aforesaid shall be engaged to serve for such Term of Years or for such respective Terms, having regard to their previous Periods of Service, as shall be directed by the Regulations under this Act, and every Person so engaging to serve shall make and sign a Declaration in such Form as with reference to the Terms of his Engagement may be prescribed by such Regulations.

III. It

*Reserve Force.*

III. It shall be lawful for Her Majesty to appoint to the Force under this Act such Officers and Non-commissioned Officers of Her Majesty's other Forces, or of the Forces of the *East India Company*, whether from Full or Half Pay or from the Pension List, as may be deemed expedient, and to put the whole or any Part of the Force under the Command of such General or other Superior Officers of the same Forces as Her Majesty shall please to appoint.

Appointment  
of Officers.

IV. The Men enrolled under this Act shall be called out for Training and Exercise at such Place or Places within the United Kingdom, and for such Time or Times not exceeding Twelve Days in any Year, as Her Majesty through One of Her Principal Secretaries of State shall direct.

Force to be  
called out for  
12 Days in  
each Year.

V. 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 of *Ireland*, at any Time when the Occasion may appear to them respectively to require, to call out the whole or so many of the Force enrolled under this Act as such Secretary of State or Lord Lieutenant or Chief Governor may think necessary, to aid the Civil Power in the Preservation of the Public Peace in *Great Britain* and *Ireland* respectively.

Reserve Force  
may be called  
out in aid  
of the Civil  
Power.

VI. In case of actual Invasion or imminent Danger thereof, or in case a State of War exists between Her Majesty and any Foreign Power, it shall be lawful for Her Majesty, by Proclamation, to direct that the said Reserve Force, or such Part thereof as Her Majesty shall think fit, shall be called out on permanent Service in aid of the Defence of the Realm, in any Part of the United Kingdom where their Services may be required, and the said Forces, or such of them as shall be so called out, shall serve in pursuance of such Proclamation until it shall be signified to them by Her Majesty's Command that their Services are no longer required.

In case of In-  
vasion or War,  
Reserve Force  
may be called  
out for perma-  
nent Service.

VII. It shall also be lawful for Her Majesty to direct that such and so many of the Force enrolled under this Act as volunteer their Services may be kept on Duty and Pay for any Period not exceeding Six Calendar Months, in the same Way as the Regular Forces of Her Majesty's Army, and any Person who shall volunteer for such Service shall be liable to serve accordingly.

Reserve Force  
may volunteer  
for Duty.

VIII. Whenever the Reserve Force under this Act shall be called out for Training and Exercise, or when any of them who may have volunteered their Services for that Purpose shall be kept on Duty as aforesaid, or when the said Force, or any of them, shall be called out on Service in aid of the Civil Power as aforesaid, or shall be called out on permanent Service under Her Majesty's Proclamation, all the Provisions of any Act then in force for the punishing of Mutiny and Desertion and for the better Payment of the Army and their Quarters, as well with regard to billeting as in all other respects whatsoever, and also the Articles of War established or to be established by Her Majesty pursuant to the Provisions of such Act, shall extend and apply to the Men of the said Force and to the Officers and Non-commissioned Officers appointed to command them, and Offences

Reserve Force,  
when on Ser-  
vice, to be sub-  
ject to the  
Mutiny Act.

*Reserve Force.*

committed by such Officers, Non-commissioned Officers, and Men, or any of them, on the Occasions aforesaid, may be inquired of and tried by Court-martial assembled under the Provisions of any such Act according to the usual Discipline of Her Majesty's Army, and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which the said Force shall be so on Duty or at any Time within Twelve Calendar Months after the Offence shall have been committed or the Offender shall have been apprehended.

Punishment for  
Absence from  
Training and  
Exercise.

IX. Every Man enrolled under this Act, and not labouring under certified Infirmary or Incapacity, who shall not appear at the Time and Place appointed for his Training and Exercise, or for permanent or voluntary Service, or for his Service in aid of the Civil Power, or who having appeared or joined the Force at the Place appointed shall desert or absent himself before the Expiration of the Time of Training and Exercise, or before being duly discharged from such permanent or voluntary Service, shall be deemed a Deserter, and shall be liable to be tried and punished by Court-martial under the foregoing Provisions, and shall also be liable to such Forfeiture of Pay, Pension, or Allowance as may be directed by the Regulations under this Act.

Regulations to  
be made by  
Secretary-at-  
War.

X. It shall be lawful for Her Majesty to authorize Her Secretary-at-War to make Regulations concerning the Term or Terms of Service of the Men to be enrolled under this Act, and the Declarations to be made in relation thereto, and for the Pay of the Officers, Non-commissioned Officers, and Men enrolled under this Act, and, if Her Majesty so think fit, for Pensions of Men in respect as well of their Services under this Act as of their previous Services, and also in regard to the Arms, Clothing, Equipment, and Allowances of Men and Officers, and also for the Government of the said Force, and for the Fines and Penalties or Forfeitures for Absence from or Misconduct during Training and Exercise, or during permanent, voluntary, or other Service, or for the Breach of any of the said Regulations, and for the Deduction of such Fines and Penalties from any Pay, Allowance, or Pension which may become due to the Offender; and all Warrants and Regulations to be issued under this Act in every Year shall be laid before both Houses of Parliament in the Month of *February* in every Year, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting of Parliament.

Provisions of  
Turnpike and  
Railway Acts  
as to Soldiers to  
apply to the  
Force under  
this Act.

XI. For the Purposes of all Enactments relating to Turnpike Roads and to Tolls, the Men enrolled and Officers and Non-commissioned Officers appointed under this Act while on Duty, or going to or returning from any Place of Training and Exercise, or of permanent, voluntary, or other Service, shall be deemed Soldiers and Officers of Her Majesty on Duty, and all such Enactments having reference to Officers and Soldiers on Duty shall be construed accordingly; and the Enactments in force concerning the Conveyance by Railway of Her Majesty's Forces of the Line, and their Baggage, Stores, Arms, and Ammunition, shall apply to the Conveyance of the Force under this Act,



*Reserve Force.**Inclosure Acts Amendment.*

Act, their Baggage, Stores, Arms, and Ammunition, and to the Officers and Men of such Force.

XII. Men enrolled and Officers appointed under this Act shall not be liable to serve on any Jury, nor to serve the Office of Constable, or any other Parochial, Township, or Borough Office.

Men to be exempted from serving Parish Offices, &c.

## C A P. XLIII.

An Act to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land.

[13th August 1859.]

‘ WHEREAS it is expedient to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. On any Inclosure where the Mines, Minerals, Stone, or other Substrata under the Land to be inclosed shall be excepted or reserved to the Lord of the Manor or any other Person, the Provisional Order to be made by the Inclosure Commissioners for *England* and *Wales* shall (in addition to the other Matters to be specified therein under the said Acts) specify whether or not a Right to enter the Lands when inclosed for the Purpose of opening, working, or winning such Mines, Minerals, Stone, and other Substrata, is to be reserved to such Lord or other Person, and whether or not any Compensation is to be made by the Persons exercising such last-mentioned Right, for any Damage to the Surface which may thereby be done, and if not, then whether or not any such other Provision for Compensation of such Damage as herein-after mentioned is to be made.

Provisional Order to specify what Rights are reserved as to Mines, &c.

II. For the Purpose of providing for Compensation for any such Damage as aforesaid, it shall be lawful for the Lord of the Manor or other the Person entitled to such Mines, Minerals, Stone, or other Substrata as aforesaid, and for the other Persons interested in the Land proposed to be inclosed, or such Proportion of the Persons so interested as by the Twenty-seventh Section of the Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred and eighteen, are required to Consent to an Inclosure before the Inclosure Commissioners can in any annual General Report certify their Opinion that the proposed Inclosure would be expedient, to agree as to the Mode in which Compensation for Surface Damage from such Entry, and opening, working, or winning, shall be made to the individual Owners whose Allotments may be so damaged, whether wholly by the Lord or such other Person entitled to the Mines, Minerals, Stone, or other Substrata as aforesaid, or wholly by the Owners of Allotments (including the Lord or such other Person) collectively, or partly by the Lord or such other Person and partly by the other Owners of Allotments collectively; and such Agreement, when made, shall, if allowed by the Inclosure Commissioners,

Provision as to Surface Damage.

*Inclosure Acts Amendment.*

missioners, be stated to the Valuer as Part of his Instructions, and its Terms shall be embodied by him in his Report and in his Award of which it shall form Part.

Powers to work  
Mines, &c.

III. In every Case in which the Right and Interest in all or any Mines, Minerals, Stone, and other Substrata are reserved by any Provisional Order to be issued after the passing of this Act to the Lord of the Manor or such other Person entitled to the Soil of the Land enclosed as aforesaid, and with a further Reservation to the Lord or to such other Person of a Right to enter the Lands when inclosed, and work such Mines, Minerals, Stone, and other Substrata, it shall be lawful for the Lord, his Heirs and Assigns, or for such other Person entitled to the Soil as aforesaid, his Heirs and Assigns, at any and at all Time and Times thereafter, by himself or themselves, or his or their Tenants, Agents, or Servants, and with or without Horses or other Animals, or Carriages, and Materials of all Kinds, to enter upon the said Lands or any Part thereof, and to break the Surface thereof, and search for, win, work, take, and carry away the said Mines, Minerals, Stone, and other Substrata, or any of them, and for that Purpose to dig, sink, drive, and make Pits, Shafts, Drifts, Headways, Levels, Adits, Airgates, Watercourses, Soughs, Trenches, Buddles, Fences, and Sluices, and to erect, build, and make Pumps, Engines, Furnaces, Smelting Houses, Stamping Mills, Ore and Store Houses, Sheds, Hovels, and Stables, and other Erections, and to do all other Things necessary or convenient, as well for working the said Mines, as for refining the Metals and Minerals, hewing and working the Stone and other Substrata, and removing all the Water, Slag, and Rubbish from the Works, and for the Accommodation of the Persons employed therein, and to occupy such Part of the said Land as shall be convenient and sufficient for laying, ordering, and dressing the Ores, Minerals, Metals, Stone, and other Substrata, and, if judged necessary, to alter the Course of Streams, and to maintain, repair, and use any Railroads or other Roads for any of the Purposes aforesaid, and generally to do all other Things necessary or convenient for the sinking, winning, working, and carrying away the said Mines, Minerals, Stone, and other Substrata, and for refining the Metals and Minerals, and hewing and working the Stone and other Substrata thereby produced.

How Damages  
to be assessed.

IV. In case it shall be provided that the whole or any Part of such Compensation as aforesaid shall be made by the Owners of Allotments collectively, either including or not including the Lord or such other Person as aforesaid, then all such Damage as may at any Time and from Time to Time be done to any Allotment by any of the Means aforesaid shall be assessed and raised as follows; (that is to say,) it shall be lawful for any Person who may sustain any such Damage as aforesaid to give Information thereof to any Two or more Justices of the Peace for the County or Riding or other Division or Place within which the Lands which shall have been inclosed, or the greater Part thereof, shall be situate (Ten Days previous Notice of such intended Information having been fixed on the Church Door of the Parish

or

*Inclosure Acts Amendment.*

or other Ecclesiastical District); and such Justices shall and are hereby empowered to examine and inquire into such Complaint in a summary Way, and by Examination of Witnesses upon Oath, or by such other Evidence as they shall think proper; and such Justices shall determine the Amount of such Damage, and order the Payment thereof to the Party damaged by the Persons and in the Manner herein-after expressed.

V. Every Sum of Money to be paid in satisfaction of such Damages, and the reasonable Charges of giving and prosecuting such Information, (to be settled by the said Justices,) shall be borne and paid by the Owners for the Time being of all the Allotments on whom it shall by the Award have been imposed, or their Tenants, including the Owner of the Allotment damaged, or his Tenant, by a Rate to be assessed upon them in respect of their Allotments or their Shares therein by such Justices according to the respective yearly Values thereof, which shall be ascertained in manner herein-after in that Behalf directed or referred to.

Payment of Damages.

VI. In case any Person who shall be charged to such Rate as aforesaid shall refuse or neglect to pay the same within a Time to be limited by the said Justices, to the Person for the Time being entitled to such Payment, then any Two or more Justices of such County or Riding, or other District or Place as aforesaid, shall, by Warrant under their Hands and Seals, cause the same to be levied by Distress; and in case any occupying Tenant of any Hereditaments constituting or being Part of any of the said Allotments shall pay any Part of such Rate as aforesaid, every such Occupier shall be at liberty to deduct the same out of his next Rent, and his Landlord shall allow such Deduction, unless there shall be some Provision to the contrary in the Lease or Agreement under which such Hereditaments are held by such Occupier.

To be levied by Distress.

VII. In every Case to which the Provisions of this Act shall be applicable, the Valuer acting in the Matter of the Inclosure shall by his Award ascertain and determine the proportionate Shares of any such Rate as aforesaid to be paid in respect of each of the Allotments to be set out under the Inclosure, and the average annual Value *per* Acre of each Allotment at the Time of making his Award, and such average annual Value shall thereafter be taken to be the yearly Value *per* Acre of such Allotment for the Purpose of the Assessment of the same to the Rate by this Act imposed thereon in the Cases herein-before provided for.

Annual Value of Allotments to be stated in Award.

VIII. Where Instructions shall be given to the Valuer to let the Herbage of any Land to be inclosed, the same shall, at any Time after the Rights of Sheepwalk, Common, or other Rights have been extinguished or the Exercise thereof suspended, be let by the Valuer for such Time and in such Manner and subject to such Conditions as he, with the Approbation of the Inclosure Commissioners, shall think right; and any Person taking such Herbage shall hold the same as Tenant to the Valuer, and all Moneys received by way of Rent shall be applied in and towards Payment of the Expenses of the Inclosure.

Herbage may be let.

IX. Where

*Inclosure Acts Amendment.*

Purchase  
Money of Land  
sold may be  
apportioned.

IX. Where the Sale of any Land proposed to be inclosed, not exceeding Fifty Acres, shall have been authorized by the Commissioners, under the Provisions of the said Acts, the Surplus of the Purchase Money may be either appropriated as provided by the said Acts, or a Majority in Number and Interest of the Persons interested therein may, at a Meeting to be convened by the Commissioners for the Purpose, resolve that such Surplus shall be apportioned, and thereupon the same shall be dealt with in such and the same Manner as if the same were Money received under "The Lands Clauses Consolidation Act, 1845," and paid into the Bank of *England* to the Credit of an Account to be named by the Commissioners, under the Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-seven.

Lessees need  
not join in Ap-  
plication for  
Partition.

X. In Partitions it shall not be necessary that any Lessee, being a Person jointly interested within the Provisions of the said Acts in any Land or other Subject Matter of Partition, should join in the Application to the Commissioners; and whenever any Land or other Subject Matter of such Partition shall be held by One entire Rent, the Order of Partition shall apportion the Rent to be paid to each of the Persons to whom any Part of the same may be allotted in Severalty; and after the Confirmation of such Order all Rents and Services due and owing or thereafter to become due and owing in respect of the Land or other Subject Matter of Partition shall be paid and payable to the Person to whom the same shall be allotted in Severalty: Provided always, that such Lessee shall not have the Power of giving Notice of Dissent, under the Provisions of the said Acts.

In Partitions  
Dissents not to  
apply in certain  
Cases.

XI. Notwithstanding anything therein contained, the Provisions of the said Acts as to Notice of Dissent shall not apply to Partitions in which the Application is made by Two Thirds in Value of the Persons interested in the Land or other Subject Matter of Partition.

Where Patron-  
age vested in  
the Crown, who  
to be deemed  
Patron.

XII. Whenever the Patronage of any Benefice to which the Provisions of the said Acts are applicable shall be vested in Her Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being where the Value of such Benefice is above the yearly Value of Twenty Pounds in the King's Books, and where such Value is of or below the yearly Value of Twenty Pounds in the King's Books the Lord Chancellor or Lord Keeper or First Lord Commissioner of the Great Seal for the Time being, shall for the Purposes of the said Acts be substituted instead of the Patron: Provided nevertheless, that if such Patronage is vested in Her Majesty in right of the Duchy of *Lancaster* the Chancellor for the Time being of such Duchy shall for the Purposes of the said Acts be substituted instead of the Patron.

Tenancies at  
Rackrent.

XIII. Whenever a Valuer acting in the Matter of any Inclosure shall have directed the Allotments to be entered upon by the Persons respectively for whom the same shall be intended, all Leases, Agreements, and Tenancies at Rackrent subsisting of any Part of the Land to be inclosed or exchanged under the Award of the Valuer, or any Common Right thereon, shall, so far

*Inclosure Act Amendt. Exemption of Stock in Trade, &c.*

far only as respects the Land to be divided, allotted, or exchanged, or Common Right, cease and be void, at such Time or Times as the Valuer shall by Writing under his Hand direct or appoint, although the Lessees or Landlords may not have made and paid such Satisfaction to the respective Lessees or Tenants as is by the said Acts provided: Provided always, that Interest at the Rate of Five Pounds *per Centum per Annum* shall be payable from the Day on which such Tenancies shall cease to the Day of Payment, on the Sum which has been or shall thereafter be ascertained to be due to such Lessees or Tenants, and shall, with the Amount ascertained to be due as aforesaid, be recoverable from the Person liable to pay the same in the same Manner as Penalties and Forfeitures are recoverable under the said Acts.

XIV. Where by reason of the Size of the Map or other Circumstances the Commissioners shall be of opinion that it is not expedient that the Valuer should annex to the Engrossment of any Inclosure Award the Map required by the said Acts to be annexed thereto, they may, if they shall see fit, in lieu of such Annexation, certify under their Hands and Seal that the Map not so annexed is the Map referred to in the Award to which the same applies, and thereupon every Map having such Certificate shall have the same Force and Effect and be referred to as if the same were annexed to the said Award.

XV. This Act shall be taken to be Part of the said Acts, and shall be construed therewith, and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

Annexation of Map to an Inclosure Award may be dispensed with.

Act deemed Part of "The Acts for the Inclosure, &c. of Land."

## C A P. XLIV.

An Act to continue the Act for the Exemption of Stock in Trade from Rating. [13th August 1859.]

[Continues 3 & 4 Vict. c. 89. until 1st Oct. 1862, and thence to the End of the next Session of Parliament.]

## C A P. XLV.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

[13th August 1859.]

[Continues such of the Provisions of 10 & 11 Vict. c. 98. as were continued by 21 & 22 Vict. c. 50. until 1st August 1862, and thence to the End of the next Session of Parliament.]

## C A P. XLVI.

An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in *England*. [13th August 1859.]

WHEREAS an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, "to facilitate the Management

14 & 15 Vict. c. 104.

*Episcopal, &c. Estates Act Continuance.**Inclosure.*

17 & 18 Vict.  
c. 116.

20 & 21 Vict.  
c. 74.

Two Commis-  
sioners may  
execute Deeds.

Evidence of  
Appointment of  
Commissioners.

14 & 15 Vict.  
c. 104., as  
amended, con-  
tinued until  
1st Jan. 1861.

“ and Improvement of Episcopal and Capitular Estates in Eng-  
“ *land*,” which Act was limited in Duration to Three Years  
“ from the End of the then Session of Parliament ; and by the  
“ Act of the Session holden in the Seventeenth and Eighteenth  
“ Years of Her Majesty, Chapter One hundred and sixteen, the  
“ said Act of the Fourteenth and Fifteenth Years of Her Majesty  
“ was amended, and, as so amended, has, by the last-mentioned  
“ and other Acts, and ultimately by an Act of the Session holden  
“ in the Twentieth and Twenty-first Years of Her Majesty, Chap-  
“ ter Seventy-four, been further continued until the First Day of  
“ *January* One thousand eight hundred and sixty, and until the  
“ End of the then next Session of Parliament : And whereas it  
“ is expedient that said Act of the Fourteenth and Fifteenth  
“ Years of Her Majesty, as amended as aforesaid, should be fur-  
“ ther continued :’ Be it enacted by the Queen’s most Excellent  
Majesty, by and with the Advice and Consent of the Lords Spiritu-  
al and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, as follows :

I. All such Acts and Deeds as are now by Law required to  
be done or executed by the Church Estates Commissioners, under  
the Authority of this Act or the Acts hereby affected, may be done  
or executed by any Two of such Church Estates Commissioners.

II. The Publication in the *London Gazette* of the Notice of  
the Appointment of any Church Estates Commissioners shall at  
all Times and for all Purposes be full and sufficient Evidence of  
the Fact of such Appointment.

III. The said Act of the Fourteenth and Fifteenth Years of  
Her Majesty, as amended by the said Act of the Seventeenth and  
Eighteenth Years of Her Majesty, shall continue in force until  
the First Day of *January* One thousand eight hundred and sixty-  
one, and until the End of the then next Session of Parliament.

## C A P. XLVII.

An Act to authorize the Inclosure of certain Lands in pur-  
sueance of a Special Report of the Inclosure Commissioners  
of *England* and *Wales*. [13th August 1859.]

“ **W**HEREAS 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 Fourteenth 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 pro-  
“ ceeded 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 :

Inclosures may  
be proceeded  
with.

I. That the said several proposed Inclosures mentioned in  
the Schedule to this Act be proceeded with.

II. In

*Corrupt Practices Prevention Act (1854) Continuance.*

II. 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, 1859," or "The Acts for the Inclosure, Exchange, and Improvement of Land." Short Title.

## SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Titchfield - -	Southampton -	6th January 1859.
Leatherhead Common	Surrey - -	11th October 1850.
Dorchester - -	Oxford - -	24th March 1859.
Holyhead - -	Anglesey - -	21st April 1859.
Margaret Marsh - -	Dorset - -	26th January 1859.
Hawkshead - -	Lancaster - -	3d March 1859.
Marnhull - -	Dorset - -	26th January 1859.
Carnforth - -	Lancaster - -	24th February 1859.
Portslade - -	Sussex - -	5th May 1859.
Chich, St. Osyth - -	Essex - -	3d March 1859.
Crofton Manor - -	Southampton -	14th April 1859.
Newland Manor - -	" - -	14th April 1859.
Wadley - -	Berks - -	29th April 1859.
Swanwick Common - -	Southampton -	9th June 1859.
Leatherhead Common Fields and Down	Surrey - -	18th May 1859.
Whitlaw - -	Northumberland	9th June 1859.

## C A P. XLVIII.

An Act to continue the Corrupt Practices Prevention Act, 1854. [13th August 1859.]

[Continues 17 & 18 Vict. c. 102., as amended by 21 & 22 Vict. c. 87., until 10th August 1860.]

## C A P. XLIX.

An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts. [13th August 1859.]

‘ WHEREAS it is expedient to define and limit the Period during which any Debt hereafter incurred by Guardians of Unions or Parishes or by District Boards of Management in the Administration of the Laws for the Relief of the Poor may be paid, and to make Provision, in respect of Debts heretofore lawfully incurred by them, for Payment of the same :’ 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 With respect to any Debt, Claim, or Demand which may, after the passing of this Act, be lawfully incurred by or become due When Debts in future are to be paid.

*Poor Law Boards (Payment of Debts).*

due from the Guardians of any Union or Parish, or the Board of Management of any School or Asylum District, such Debt, Claim, or Demand shall be paid within the Half Year in which the same shall have been incurred or become due, or within Three Months after the Expiration of such Half Year, but not afterwards, the Commencement of such Half Year to be reckoned from the Time when the last Half Year's Account shall or ought to have been closed according to the Order of the Poor Law Commissioners or Poor Law Board: Provided that the Poor Law Board, by their Order, may, if they see fit, extend the Time within which such Payment shall be made for a Period not exceeding Twelve Months after the Date of such Debt, Claim, or Demand.

Poor Law Board may extend the Time.

As to Payment of Debts incurred before the passing of this Act.

II. With respect to any Debt, Claim, or Demand which may have been lawfully incurred by any such Guardians or Board of Management or on their Account before the passing of this Act, they may, if they think proper, pay within Twelve Months after the passing of this Act, out of the Funds in their Possession, any such Debt, Claim, or Demand which may have been so incurred or have become due within Two Years before the Date of this Act, and may, within the said Period of Twelve Months, make Provision for the Payment of any Debt, Claim, or Demand lawfully incurred as aforesaid which shall have become due from them at some Time beyond Two Years but not beyond Six Years from such Date in full at once, or by equal annual Instalments, not exceeding Five, if the Poor Law Board, after open and public Investigation, during which Counsel or Solicitors may appear and Witnesses may be examined on both Sides, when the same shall be required by any Ratepayer of the Union, Parish, or District, shall be satisfied that no Fraud, Collusion, or Neglect of the General Rules of the Poor Law Board respecting the Contraction or Discharge of such Debt, Claim, or Demand have been committed by the Party to whom such Claim or Demand is alleged to be due, and that such Party has not been accessory to any Fraud on such Guardians or Board of Management, and shall give their Consent in manner aforesaid to such Payment; and such Guardians or Board respectively shall charge every such Payment to the Account to which the same should have been charged if the Payment had been made in due Time; and the President or Secretary of the Poor Law Board shall, within One Calendar Month after the Expiration of such Period of Twelve Months as aforesaid, if Parliament be then sitting, or if not, then within One Calendar Month after the next Meeting thereof, lay or cause to be laid before both Houses of Parliament a Return of all such Payments as shall have been made or authorized under the Power lastly herein-before contained.

Provision for Charges on the Rates.

III. Where any Sum shall have been or shall be borrowed by any Guardians or Managers, and the Debt shall have been or shall be charged by the said Guardians upon the Poor Rates, under the Authority of any Statute, and the same shall be made payable on a Day certain, the Time of Limitation prescribed by this Act for Payment of Debts shall commence on that Day; where it shall not have been made payable on any Day certain, then



*Poor Law Boards (Payment of Debts).*

then on the Expiration of Twelve Months from the Day when the Money was advanced ; and in the Case of any Debt repayable by Instalments each Instalment shall be payable within One Year next after the Day when the same shall fall due, unless the said Board shall in any of the Cases provided for in this Section allow an Extension of the Time for the Payment not exceeding Six Months ; and the Interest payable in every Case hereby provided for shall be payable within the like Times only as the Principal.

IV. If any Person claiming any Debt or Demand shall have commenced or shall hereafter commence Proceedings in any Court of Law or Equity, or before any Justice or other competent Authority, within the Time herein-before limited, or within the Time to which the Poor Law Board may grant Extension, and shall with due Diligence prosecute such Proceedings to Judgment or other final Settlement of the Question, such Judgment shall be satisfied by the Guardians or Managers against whom or against whose Officer the same may be brought, notwithstanding that such Judgment may be recovered or such final Settlement arrived at after the Expiration of the Period herein-before provided, and all Proceedings taken by Mandamus or otherwise for the enforcing of such Judgment without Delay shall be deemed to be within the Operation of this Section.

V. Where the Guardians or Managers shall be engaged in a Suit, Action, or Proceedings in any Court, they shall not be required by any Rule of Law or Provision herein contained to pay the Bill of Costs of any Solicitor or Attorney retained by them for the Purpose thereof until the final Determination of such Suit or Proceeding, or until he shall cease to be so retained by or for them therein ; but the Bill of Costs of such Solicitor or Attorney shall be duly taxed and paid within the Term of One Year next after such final Determination of the said Suit, Proceeding, or Retainer, and not afterwards, unless the Poor Law Board shall authorize an Extension of Time not exceeding Six Months ; provided that if the said Solicitor or Attorney take Proceedings for the Recovery of his Bill within such Time or the Extension thereof, he shall in such Case have the same Right to be paid as in Section Four ; provided also, that nothing herein contained shall prevent the Guardians or Managers from paying Money at any Time on account of the Suit or Proceeding.

VI. No Call or Order for Contribution made by any Guardians, nor any Poor Rate made to meet such Call or Order, shall be deemed to be illegal on the Ground that the same is made to provide for any Debt, Claim, or Demand, the Payment whereof is authorized by this Act, or on the Ground that the said Call or Order for Contribution includes a Balance due from any Parish or Parishes at the Time when the half-yearly Accounts are made up and balanced as aforesaid : Provided always, that when the Fund out of which any such Debt, Claim, or Demand should have been discharged shall have been already paid by any Parish to the Board of Guardians of any Union, and shall not have been applied for that Purpose, any Funds which may be required to

Provision for  
Actions against  
Guardians or  
Managers.

Payment of  
Attorneys Bills,  
Delay of.

No Call or  
Order to be  
invalidated.

*Poor Law Boards, &c. Charitable Trusts Acts Continuance.*

be again contributed to discharge such Debt, Claim, or Demand shall be levied on each Parish in the Union in proportion to the rateable Value of each such Parish.

Interpretation  
of Terms.

VII. The Words used in this Act shall be construed in like Manner as the same Words are directed to be construed by the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-six, or any subsequent Act amending or explaining the same.

## C A P. L.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [13th August 1859.]

[*Continues Exemption of Roman Catholic Charities from Charitable Trusts Acts till 1st July 1860.*]

## C A P. LI.

An Act to continue certain Turnpike Acts in *Great Britain*. [13th August 1859.]

‘**W**HEREAS 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 :

All Turnpike Acts expiring before the End of the next Session continued to 1st Oct. 1860, except 12 & 13 Vict. c. lxvi.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and sixty and to the End of the then next Session of Parliament, except an Act of the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-six, “for continuing the Term of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the New North Road, leading from the South End of Highbury Place, Islington, to Haberdashers Walk in the Parish of Saint Leonard Shore-ditch, in the County of Middlesex, and for vesting the Management of the said Road in the Metropolis Roads Commissioners, for the Purpose of paying off the Debt due thereon,*” and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1860.

II. 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, and no longer, unless Parliament shall in the meantime continue the same respectively.

Short Title.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression “The Annual Turnpike Acts Continuance Act, 1859.”

SCHE-

*Turnpike Acts Continuance.*

## SCHEDULE.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing the Road from the West End of Saint Ives Lane in the Town of St. Neots in the County of Huntingdon to the Pavement at the End of Bell Lane in the Town of Cambridge. 54 G. 3. c. iv.

An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford. 59 G. 3. c. xxv.

An Act to enlarge the Term and Powers of Two Acts of His late Majesty for repairing and widening the Road from a Bridge over a Stream called Sudbrook near the City of Gloucester to the Nine Mile Stone on the Bristol Road near the Clay Pitts in the County of Gloucester, and for extending the Powers thereof to the Entrance of the City of Gloucester. 1 & 2 G. 4. c. vi.

An Act for amending and repairing the Road from Thirsk over Skipton Bridge to Hutton Moor, and through Ainderby-Quernhow and Nosterfield to Masham, in the North Riding of the County of York. 1 & 2 G. 4. c. vii.

An Act for more effectually repairing the Road from the North End of a Lane, called Rosemary Lane, in the Township of Broughton to the Town of Mold in the County of Flint, and for diverting a Part of the said Road, and for making a new Branch of Road to communicate with the said Road. 3 G. 4. c. l.

An Act for more effectually improving the Roads leading from the East Side of Lincoln Heath to the City of Peterborough, and several other Roads therein mentioned, in the Counties of Northampton and Lincoln; and for making a new Branch of Road to communicate with the said Roads, from Bourn to Spalding, in the said County of Lincoln. 3 G. 4. c. lxxvi.

An Act for more effectually repairing and improving the Road from a Place called the Old Gallows in the Parish of Sonning otherwise Sunning in the County of Berks, through Wokingham, New Bracknowl, and Sunninghill, to Virginia Water, in the Parish of Egham, in the County of Surrey. 3 G. 4. c. lxxxviii.

An Act for more effectually repairing, widening, and improving the Roads from the West End of Toller Lane near Bradford through Haworth to Blue Bell near Colne, and from the Two Laws to Kighley, in the Counties of York and Lancaster. 4 G. 4. c. xlviii.

An Act for repairing and improving the Road leading from Skipton in the County of York to Colne in the County of Lancaster. 4 G. 4. c. cx.

An Act for amending and improving the Road from Glossop to Marple Bridge in the County of Derby, and the several Branches of Roads leading to and from the same. 5 G. 4. c. xxxv.

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. lxxxvii.

*Turnpike Acts Continuance.**Dublin Police.*

- 6 G. 4. c. cxlix. An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York.
- 7 G. 4. c. xvi. An Act for more effectually repairing and improving the Roads from Manchester, in the County Palatine of Lancaster, to Salters Brook in the County Palatine of Chester, and for making and maintaining several Extensions or Diversions of Road, and a new Branch of Road to communicate therewith.
- 7 G. 4. c. lxxiii. An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks towards Reading, to a Place called the Seven Mile Stone in the Parish of Beenham in the same County, and a certain other Road communicating therewith.
- 9 G. 4. c. lxx. An Act for repairing the Roads from Horsham to Steyning, and from thence to the Top of Steyning Hill, in the County of Sussex, and from the Bottom of Steyning Hill to Slaughter's Corner in the Parish of Beeding, and from thence to Shoreham Bridge in the Parish of Old Shoreham in the said County.
- 1 Vict. c. xli. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks towards Reading, to a Place called The Seven Mile Stone in the Parish of Beenham in the said County, and a certain other Road communicating therewith.

## C A P. LII.

An Act to amend the Laws relating to the Police District of  
*Dublin Metropolis.* [13th August 1859.]

6 & 7 W. 4.  
c. 29.

‘ WHEREAS by an Act passed in the Sixth and Seventh  
‘ Years of the Reign of King *William* the Fourth, Chapter  
‘ Twenty-nine, it was enacted, that it should be lawful for the Lord  
‘ Lieutenant or other Chief Governor or Governors of *Ireland* to  
‘ appoint Two fit Persons as Justices of the Peace for and of  
‘ the Police District of *Dublin Metropolis*, to execute such  
‘ Duties as are in the said Act specified or referred to, and the  
‘ said Act also empowered the said Lord Lieutenant to direct  
‘ that an annual Salary not exceeding the Sum of Eight hundred  
‘ Pounds should be paid out of the Consolidated Fund of the  
‘ United Kingdom of *Great Britain* and *Ireland* to each of the  
‘ Justices to be so appointed; and by the said Act the Commis-  
‘ sioners of the Treasury were empowered to appoint a Person to  
‘ receive all Sums of Money applicable to the Purposes of the  
‘ said Act, and to allow to him such yearly Salary as therein  
‘ mentioned; and the Duties of such Receiver were in the said  
‘ Act particularly set forth: And whereas by several subsequent  
‘ Acts the Duties and Powers of the Justices appointed under  
‘ the said first-recited Act, and which Justices are in such sub-  
‘ sequent Acts denominated Commissioners of Police for the said  
‘ District,

*Dublin Police.*

District, have been extended and defined; and the Office of Secretary to the said Commissioners is recognized, and certain Notices are directed to be served upon him: And whereas by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-four, the Charge of the Salaries of the said Justices or Commissioners has been removed from the Consolidated Fund of the United Kingdom, and the said Salaries are now annually provided for by Parliament: And whereas by an Act passed in the First Year of the Reign of Her Majesty, Chapter Twenty-five, Power was given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to divide the Police District of *Dublin* Metropolis into any Number not exceeding Four Divisions, and to define and declare the Limits thereof accordingly, and to establish Public Offices therein, One in each such Division, and to attach to each such Office any Number not exceeding Three Divisional Justices; and it was thereby further enacted, that whenever the Number of Divisional Justices at any Public Office in the said District should not exceed Two, or the Number of Offices be reduced below Four, it should be lawful for the said Lord Lieutenant or other Chief Governor or Governors to increase the Salary of each Divisional Justice at the said Office, or in case of the Reduction of the Number of Offices at the remaining Offices, to any Sum not exceeding Six hundred Pounds by the Year, to be charged on the Funds applicable to the Maintenance of the said Police: And whereas by another Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter One hundred and three, it was enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, to establish in any One or more of the Divisions of the said District such Number of Public Offices as should to him or them, with the Advice and Consent aforesaid, appear necessary: And whereas, in pursuance of the said recited Acts, the Divisions of the said District have been reduced to Three, and in One of such Divisions Two Public Offices are established, One in the City of *Dublin* and the other in the Town of *Kingstown*, and in the said last-mentioned Office Justice is administered by One of the Justices of the Division to which the same belongs: And whereas it is expedient that instead of Two Commissioners of Police there should be One Commissioner and One Assistant Commissioner of Police for the said District of *Dublin* Metropolis, and that Provision should be made for consolidating the Offices of Receiver of the said Police District, Secretary to the said Commissioners, and Supervisor of Taxes of the said District, and that Provision should be made for consolidating the Divisions of the said District, and administering Justice at One or more Police Courts in the said District, without reference to such Divisions: 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

17 &amp; 18 Vict. c. 94.

1 Vict. c. 25.

3 &amp; 4 Vict. c. 103.

*Dublin Police.*

Parliament assembled, and by the Authority of the same, as follows :

Interpretation of Terms.

I. In the Interpretation of this Act the Words "Lord Lieutenant" shall mean Lord Lieutenant or other Chief Governor or Governors of *Ireland*, "Commissioners of Police" and "Receiver" shall mean respectively the Justices and the Receiver appointed under the first herein-before recited Act, "Justices" shall mean "Divisional Justices," or Justices appointed to administer Justice at the Police Office or Police Courts of the Police District of *Dublin Metropolis*.

When the Office of Commissioner of Police is vacant, Lord Lieutenant may appoint an Assistant Commissioner.

II. Whenever a Vacancy shall occur in the Office of Commissioner of Police, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to appoint an Assistant Commissioner to act with the remaining Commissioner, and from Time to Time to appoint Successors to such Commissioner and Assistant Commissioner ; and such Assistant Commissioner shall take the Oath required to be taken by the Commissioners of Police, and shall thereupon, with the remaining Commissioner, who shall be styled henceforward "the Chief Commissioner," possess and be subject to all the Powers, Duties, and Provisions of or affecting the Commissioners of Police, but subject to the Provisions herein-after contained.

Salaries to be paid after such Vacancy shall take place.

III. The Salary of the Chief Commissioner of Police shall from and after the Occurrence of such Vacancy be One thousand Pounds by the Year, and the Salary of such Assistant Commissioner when so appointed as aforesaid shall be Six hundred Pounds by the Year, and the Salaries of the said Commissioners, or Chief Commissioner and Assistant Commissioner, as the Case may be, shall from and after the passing of this Act be payable out of such Monies as shall be annually provided by Parliament for the Purpose.

One Commissioner to act in certain Cases.

IV. Anything authorized to be done by the Commissioners by any Act herein recited or by any other Act may be done by either of the Commissioners now holding Office, and after the Commissioners shall have become Chief Commissioner and Assistant Commissioner, as herein provided, may be done by the Chief Commissioner alone, or in his Absence by the Assistant Commissioner alone ; provided that to establish the Validity of any Act or Thing done by the Assistant Commissioner it shall not be necessary to prove the Absence of the Chief Commissioner.

When Offices of Receiver, &c. vacant, One Person may be appointed to hold them.

V. Whenever the Offices of Receiver, Secretary to the Commissioners of Police, and Supervisor of Taxes, or any of them, shall be vacant, it shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of the Treasury, to appoint One and the same Person to hold the said Offices, or such of them as shall be vacant ; and it shall be lawful for the Commissioners of the Treasury to assign to the Person to be appointed to the said Offices an annual Salary not exceeding Five hundred Pounds.

Offices may be consolidated if no Vacancy have occurred,

VI. If the Commissioners of the Treasury shall be of opinion that it would be for the Advantage of the Public Service that the said Offices should be so consolidated as aforesaid, notwithstanding that

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that no such Vacancy shall have occurred, it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Lieutenant, to carry into effect such Consolidation, and to grant to the Holders of the said Offices of Receiver, Secretary, and Supervisor such Pension or Annuity by way of Compensation for the Loss thereof as to them may appear just, not exceeding Two Thirds of the respective Salaries of the said Receiver, Secretary, or Supervisor, when the Holders of the said Offices shall have served for a Period of less than Twenty Years, and an annual Sum not exceeding the whole of the Salary when such Service shall have exceeded the said Period of Twenty Years.

VII. Whenever the Consolidation of the Offices aforesaid shall include the Office of Receiver, the Person to be appointed to the consolidated Office shall be deemed and taken to be and shall be designated "the Accountant" of the said Commissioners of Police; and all Property belonging to, acquired, or purchased by the said Receiver in his public Capacity, and all Monies standing in his Name in the Books of the Governor and Company of the Bank of *Ireland*, and all Cash Balances in hand, shall be vested in the said Accountant; and all Proceedings, of what Kind soever, which if this Act had not been passed should have been taken or done by or in the Name of any of the Holders of the Offices so consolidated shall thereafter be taken or done by or in the Name of the said Accountant, as fully and effectually, to all Intents and Purposes, as if the Word "Accountant" had been used in the Act of Parliament, Lease, Contract, Licence, or other Instrument which authorized the taking or doing thereof, instead of the Words "Receiver," "Secretary," or "Supervisor," as the Case may be; and such Accountant shall give to the said Commissioners of Police Security for the due and faithful Application of all Monies paid to him or lodged to his Account under the Provisions of the Acts relating to the *Dublin* Police, in such Manner and Amount as shall be determined by the said Commissioners, with the Approval of the Commissioners of the Treasury.

VIII. It shall be lawful for the Lord Lieutenant, if he shall so think fit, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, to abolish the Divisions of the said Police District, and from Time to Time to order that there shall be for the whole of the said District such Number of Public Offices or Police Courts for the Administration of Justice, to be held at such Place or Places, as he shall by and with such Advice and Consent as aforesaid deem proper; and the Lord Lieutenant may, if he shall so think fit, reduce the Number of Justices for the said District.

IX. Whenever the Number of Justices of the said Police District shall not exceed Five, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to raise the Salary of each of the said Justices to any Sum not exceeding Nine hundred Pounds by the Year, provided that the Amount of such increased Salaries shall not exceed the gross Amount now authorized by Law to be paid to all such Justices respectively.

and Compensation granted for Loss of Office.

When Consolidation of Offices shall include Receiver, that Officer to be styled the Accountant, and Property to be vested in him, &c.

Lord Lieutenant may abolish Divisions of Police District, and appoint Courts and Justices.

When Justices reduced to Five, Lord Lieutenant may raise their Salary.

*Dublin Police.*

Lord Lieutenant may direct daily Attendances at Police Courts.

X. It shall be lawful for the Lord Lieutenant to direct the regular daily Attendance at the Police Courts of the said Justices or any of them, or of any of the other Justices heretofore appointed or hereafter to be appointed, and to make from Time to Time such Regulations in respect of the Number of Justices to attend each Police Court, and of the Attendance thereof of any of such Justices, and of the Officers belonging to any of the Police Courts, as may be deemed expedient.

One Justice may do any Act directed to be done by more than One Justice.

XI. It shall be lawful for any One Justice to sign and execute any Warrant or other Instrument, or to do alone at any of the said Police Courts, or at any Place where for any special Purpose he may by Warrant under the Hand of the said Chief or Under Secretary be directed to attend and to act singly, any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary, hereafter to be made, is or shall be directed to be signed, executed, or done by more than One Justice.

Compensation to Persons belonging to the Police Department whose Offices are abolished by this Act.

XII. It shall be lawful for the Commissioners of the Treasury on the Recommendation of the Lord Lieutenant, to grant to any Magistrate, Clerk, or other Person belonging to any of the Offices of the Police Department whose Office shall cease or become unnecessary, or be abolished under this Act, and who shall not be reappointed or employed or retained in an Office of equal Value, such Compensation or Allowance, chargeable upon and payable out of any Monies provided by Parliament for the Maintenance of the Police of the said Police District of *Dublin* Metropolis, as under the Circumstances of each Case shall appear just : Provided always, that the Payment of any such last-mentioned Compensation or Allowance shall altogether cease and be suspended while the Person to whom such Compensation or Allowance shall be granted shall hold any Office in any Public Department the Salary or Profits of which shall be equal to or shall exceed the Salary which was enjoyed by such Person in such Office so ceasing or becoming unnecessary or being abolished ; and in case the Salary or Profits of the Office to which such Person shall be appointed shall be less than the Salary which was enjoyed by such Person in such Office so ceasing or becoming unnecessary or being abolished, then only such Amount of Compensation or Allowance shall be paid to him as shall, together with the Salary and Profits of such new Office, be equal to the Amount of the Salary enjoyed by such Person at the Time of his Office so ceasing or becoming unnecessary or being abolished as aforesaid.

Not to lessen, &c. Power of Justices.

XIII. Nothing in this Act contained shall lessen, take away, or abridge any Power, Jurisdiction, or Authority now possessed by the said Justices of the said District.

Short Title.

XIV. This Act may be cited for all Purposes as "The *Dublin* Police Act, 1859."



*Charitable and Provident Societies.**Militia Pay.*

## C A P. LIII.

An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks. [13th August 1859.]

‘ WHEREAS by the Acts now in force Friendly Societies legally established are entitled to invest their Funds to any Amount in a Savings Bank: And whereas Charitable Societies and Provident Institutions can only invest to the Amount of One hundred Pounds *per Annum*, and the Amount of the Sum to be invested by such Institution or Society cannot exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest: And whereas it is expedient to place such Societies and Institutions, and also Penny Savings Banks, upon the same Footing in that respect as Friendly Societies legally established:’ 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,—

I. That it shall be lawful for the Trustees or Treasurer of any Penny Savings Bank, Charitable or Provident Institution or Society, or Charitable Donation or Bequest for the Maintenance, Education, or Benefit of the Poor in *Great Britain or Ireland*, to invest, with the Approval of the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, and under such Regulations as shall be prescribed by them in that respect, the Funds of such Penny Savings Bank, Institution, or Society, without Restriction as to Amount, into the Funds of any Savings Bank duly established.

Funds of Penny Savings Banks, &c. may be invested in Savings Banks to any Amount.

II. Provided always, That nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations again certified if the same have been before certified according to Law.

If Savings Banks Rules are already certified they need not be again certified.

## C A P. LIV.

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. [13th August 1859.]

[This Act is to continue in force till the 1st September 1860.]

*Consolidated Fund (Appropriation).*

C A P. LV.

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 fifty-nine, and to appropriate the Supplies granted in this Session of Parliament. [13th August 1859.]

- § I. There shall be applied for the Service of the Year 1859 the Sum of £11,924,362 11s. out of the Consolidated Fund.
- II. The Treasury may cause £11,924,362 11s. of Exchequer Bills to be made out in manner prescribed by 48 Geo. 3. c. 1., 4 & 5 Will. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
- V. Bank of England may advance £11,924,362 11s. on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.
- VII. Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. Treasury may apply for the Service of the Year 1859 £250,106 9s. Surplus of Ways and Means.
- X. Appropriation of Ways and Means to Services hereafter expressed.—22 & 23 Vict. c. 2.

XI. There shall be issued,

£6,468,003	0	0	For Navy Services; viz.	} For 11 Months ending 31st March 1860.
579,695	0	0	For Wages to 10,000 additional Seamen and Marines, &c. - - -	
247,212	0	0	For Victuals, &c. in the Navy - - -	
8,000	0	0	For additional Clerks in Whitehall and Somerset House - - -	
100,000	0	0	For Volunteer Force of Seamen - - -	
41,358	0	0	For the Navy Scientific Departments - - -	
103,089	0	0	For Naval Establishments at home - - -	
20,083	0	0	For Naval Establishments abroad - - -	
1,077,782	0	0	For Wages of Artificers, &c. at home - - -	
39,330	0	0	For Wages of Artificers, &c. abroad - - -	
2,117,130	0	0	For Naval Stores, &c. - - -	
467,411	0	0	For New Works in Naval Establishments - - -	} For the Year ending 31st March 1860.
45,000	0	0	For Medicines, &c. - - -	

*Consolidated Fund (Appropriation).*

	£52,221	0	0	For Naval Miscellaneous Services -		
	368,311	0	0	For Naval Half Pay, &c. -		
	243,957	0	0	For Military Pensions -		
	83,416	0	0	For Civil Pensions -		
	175,000	0	0	For Freight of Ships, Victualling, and Conveyance of Troops, &c. -		
	704,008	0	0	For Packet Service -		
§ XII.	1,099,412	0	0	For certain Army Services, viz. :		
	108,375	0	0	For Wages of Artificers, &c. -		
	300,000	0	0	For Clothing and Necessaries -		
	93,180	0	0	For Provisions, Barrack Furniture, &c. -		
	414,537	0	0	For Stores for Land and Sea Service -		
	123,500	0	0	For Fortifications -		
	23,450	0	0	For Works, Buildings, &c. -		
	36,370	0	0	For Barracks -		
	2,002,180	0	0	For other Army Services ; viz. :	For the Year ending 31st March 1860.	
	410,000	0	0	For Embodied Militia -		
	1,825	0	0	For Educational and Scientific Branches -		
	13,370	0	0	For Rewards for Military Service -		
	41,067	0	0	For General Officers -		
	265,702	0	0	For Reduced and Retired Officers -		
	95,916	0	0	For Pensions to Widows, and Compassionate List, &c. -		
	24,433	0	0	For Pensions, &c. to wounded Officers -		
	17,734	0	0	For In-Pensioners of Chelsea and Kilmainham Hospitals -		
	595,380	0	0	For Out-Pensioners of Chelsea Hospital, &c. -		
	73,903	0	0	For Superannuation and Retired Allowances -		
	462,850	0	0	For Disembodied Militia -		
XIII.	50,000	0	0	For Civil Contingencies -		To 31st March 1860.
XIV.	657,155	0	0	For Customs Department		
	1,049,864	0	0	For Inland Revenue Department -		

*Consolidated Fund (Appropriation).*

1,551,213	0	0	For Post Office, &c.	} For the Year ending 31st March 1860.
£356,221	0	0	For Superannuations, &c., Customs, Inland Revenue, and Post Office -	

CIVIL SERVICES.—*Class 1.*

§ XV.	41,988	0	0	For Repair of Royal Palaces - - -	} To 31st March 1860.
	82,740	0	0	For Maintenance, &c. of Public Buildings, temporary Accommodation, &c. - - -	
	18,000	0	0	For Furniture for Public Departments - - -	
	58,525	0	0	For New Houses of Parliament - - -	} To 31st March 1860.
	19,130	0	0	For Probate Courts and District Registries.	
	5,390	0	0	For Embassy Houses, &c. abroad - - -	
	5,500	0	0	For new Consular Offices and Prison at Constantinople - - -	} For the Year ending 31st March 1860.
	80,000	0	0	For Holyhead Harbour	
	20,403	0	0	For Port Patrick Harbour	
	70,421	0	0	For Public Buildings in the Department of Public Works in Ireland - - -	} To 31st March 1860.
	78,847	0	0	For Royal Parks, &c. - - -	
	174,000	0	0	For certain Harbours of Refuge - - -	

CIVIL SERVICES.—*Class 2.*

XVI.	68,959	0	0	For Salaries, &c. of Houses of Parliament - - -	} To 31st March 1860.
	34,600	0	0	For the Treasury - - -	
	17,911	0	0	For the Home Department - - -	
	42,800	0	0	For the Foreign Department - - -	
	21,178	0	0	For Department of Colonies - - -	
	10,593	0	0	For Privy Council - - -	
	33,942	0	0	For Committee of Privy Council for Trade, &c. - - -	
	1,720	0	0	For Lord Privy Seal, &c. - - -	
	3,855	0	0	For Civil Service Commission - - -	
	13,762	0	0	For Paymaster General's Department - - -	
	4,898	0	0	For Department of Comptroller General of Exchequer - - -	

*Consolidated Fund (Appropriation).*

£19,746	0	0	For Office of Commissioners of Works and Public Buildings - -
13,514	0	0	For Office of Woods, Forests, &c. - -
9,498	0	0	For Public Records Department and State Paper Office - -
223,369	0	0	For Administration of Poor Laws - -
25,052	0	0	For the Mint - -
13,925	0	0	For Salaries, &c. of Inspectors of Factories, &c. - -
3,179	0	0	For Civil Charges, &c., Scotland - -
4,431	0	0	For Officers, &c. of Lord Lieutenant of Ireland -
15,904	0	0	For Chief Secretary, &c., Ireland - -
5,204	0	0	For Paymaster of Civil Services, Ireland - -
1,709	0	0	For Inspectors of Lunatic Asylums, Ireland -
16,105	0	0	For Board of Public Works, Ireland - -
22,466	0	0	For Department of Commissioners for auditing Public Accounts -
12,621	0	0	For Copyhold, &c. Commission - -
8,680	0	0	For Imprest Expenses of Copyhold, &c. Commission - -
26,300	0	0	For General Register Office, England and Wales
2,296	0	0	For General Register Office, Dublin -
3,302	0	0	For Department of Registrar General of Births, &c., Edinburgh -
10,652	0	0	For National Debt Office
1,300	0	0	For Public Works Loan Commission - -
670	0	0	For West India Islands Relief Commission -
2,642	0	0	For Lunacy Commission -
723	0	0	For General Superintendent of County Roads in South Wales -
1,128	0	0	For Registrars of Friendly Societies - -

To  
31st March 1860.

*Consolidated Fund (Appropriation).*

	£22,000	0	0	For Foreign and other Secret Services -	
	237,111	0	0	For Stationery, &c., for Public Departments -	
	76,750	0	0	For Postage of Letters on the Public Service -	
				<b>CIVIL SERVICES.—Class 3.</b>	
§ XVII.	31,545	0	0	For Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c. -	
	150,000	0	0	For Prosecutions at Assizes and Quarter Sessions -	
	164,275	0	0	For Police in Counties and Boroughs in England and Wales, &c. -	
	1,500	0	0	For Crown Office, Queen's Bench -	
	4,800	0	0	For Department of Registrar of the Admiralty -	
	5,176	0	0	For Insolvent Debtors Court -	
	22,740	0	0	For Court of Probate, &c. -	
	126,150	0	0	For County Courts -	To 31st March 1860.
	14,130	0	0	For Police Courts of the Metropolis -	
	90,610	0	0	For Metropolitan Police -	
	2,500	0	0	For Queen's Prison -	
	2,342	0	0	For Lord Advocate and Solicitor General, Scotland -	
	12,075	0	0	For Salaries, Court of Session, Scotland -	
	6,811	0	0	For Court of Justiciary, Scotland -	
	5,550	0	0	For Criminal Prosecutions by Lord Advocate -	
	620	0	0	For certain Officers in the Exchequer in Scotland -	
	50,000	0	0	For Criminal Prosecutions, &c. in Scotland -	
	7,955	0	0	For Procurators Fiscal in Scotland -	
	5,120	0	0	For Sheriffs Clerks, Scotland -	
	2,300	0	0	For Salaries of Law Officers in Scotland -	
	10,847	0	0	For General Register House, Edinburgh -	

*Consolidated Fund (Appropriation).*

£544	0	0	For Department of Com- missary Clerk, Edin- burgh - - -
1,032	0	0	For Department of Ac- countant in Bank- ruptcy, Scotland -
51,630	0	0	For Criminal Prosecu- tions, Ireland - -
1,671	0	0	For Court of Chancery, Ireland - - -
1,408	0	0	For Court of Queen's Bench, Ireland -
1,211	0	0	For Court of Common Pleas, Ireland - -
10,370	0	0	For Court of Exchequer, Ireland - - -
200	0	0	For Clerk to Taxing Officers for Law Courts, Ireland - - -
3,983	0	0	For Registrars to Judges, Ireland - - -
1,368	0	0	For Office for Registra- tion of Judgments in Ireland - - -
300	0	0	For Advocates acting as Commissioners of High Court of Delegates -
4,282	0	0	For Salaries, &c. of In- solvent Debtors Court, Ireland - - -
4,105	0	0	For Court of Probate, &c., Ireland - - -
4,211	0	0	For Landed Estates Court, Ireland - - -
450	0	0	For Revising Barristers, Dublin - - -
300	0	0	For Salary of Clerk to Court of Errors, Ireland
1,100	0	0	For Salaries of Police Justices, Dublin -
31,378	0	0	For Metropolitan Police, Dublin - - -
450,768	0	0	For Constabulary Force, Ireland - - -
1,597	0	0	For Four Courts Mar- shalsea, Dublin -
13,038	0	0	For General Superin- tendence of Prisons, &c. - - -
250,154	0	0	For Government Prisons and Convict Establish- ments at home -

To  
31st March 1860.

*Consolidated Fund (Appropriation).*

	£177,544	0	0	For Maintenance of Prisoners and Removal of Convicts - - -	
	25,111	0	0	For Transportation of Convicts - - -	
	159,399	0	0	For Convict Establishments in the Colonies -	
				CIVIL SERVICES.— <i>Class 4.</i>	
§ XVIII.	586,920	0	0	For Public Education, Great Britain - -	
	63,394	0	0	For Department of Science and Art, &c. - -	
	169,468	0	0	For Public Education, Ireland - - -	
	655	0	0	For Secretary, &c. of Commissioners of Education, Ireland -	
	3,650	0	0	For University of London	
	7,650	0	0	For Scottish Universities	
	1,297	0	0	For Queen's University, Ireland - - -	
	2,800	0	0	For Queen's Colleges, Ireland - - -	
	500	0	0	For Royal Irish Academy	
	1,500	0	0	For Theological Professors, Retired Allowances, &c., Belfast -	
	47,425	0	0	For Salaries, &c. at British Museum - -	
	12,270	0	0	For New Buildings, &c. British Museum -	
	15,985	0	0	For National Gallery -	
	6,439	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.— <i>Class 5.</i>	
XIX.	4,050	0	0	For Civil Establishment, Bermudas - - -	
	6,628	0	0	For Ecclesiastical Establishments, British North American Provinces -	
	2,342	0	0	For Indian Department, Canada - - -	
	42,998	0	0	For British Columbia -	
	24,728	0	0	For Salaries of West Indian and Colonial Governors - - -	
					To 31st March 1860.



*Consolidated Fund (Appropriation).*

	£19,350	0	0	For Stipendiary Justices in West Indies and Mauritius - -	} To 31st March 1860.
	10,230	0	0	For Civil Establishments, West Coast of Africa -	
	6,533	0	0	For St. Helena - -	
	960	0	0	For Heligoland - -	
	2,067	0	0	For Falkland Islands -	
	4,299	0	0	For Labuan - -	
	12,708	0	0	For Emigration Board and Officers - -	
	13,000	0	0	For Support of captured Negroes and liberated Africans - -	
	11,050	0	0	For Mixed Commissions for suppressing the Slave Trade - -	
	76,404	0	0	For Consular Establish- ments abroad - -	
	67,863	0	0	For Establishments in China, Japan, and Siam	
	20,000	0	0	For Extraordinary Dis- bursements of Em- bassies and Missions abroad - -	
				CIVIL SERVICES.— <i>Class 6.</i>	
§ XX.	121,989	0	0	For Superannuation Al- lowances, and Compen- sations, Public Service	
	1,170	0	0	For Toulonese and Cor- sican Emigrants, &c. -	
	325	0	0	For the Refuge for the Destitute - -	
	3,428	0	0	For Polish Refugees, &c.	
	4,176	0	0	For Miscellaneous Allow- ances formerly defrayed from Civil List, &c. -	
	1,717	0	0	For Treasurers of Public Infirmaries, Ireland -	
	2,600	0	0	For Westmoreland Lock Hospital - -	
	500	0	0	For Rotunda Lying-in Hospital - -	
	100	0	0	For Coombe Lying-in Hospital - -	
	5,600	0	0	For Hospitals of House of Industry - -	
	1,500	0	0	For House of Recovery and Fever Hospital, Cork Street - -	
	400	0	0	For Meath Hospital -	

*Consolidated Fund (Appropriation).*

	450	0	0	For St. Mark's Ophthalmic Hospital - -	}	
	950	0	0	For Dr. Steevens' Hospital		
	165	0	0	For Board of Superintendence of Hospitals, Dublin - -		
	5,931	0	0	For Charitable Allowances charged on Concordatum Fund, &c. -		
	29,193	0	0	For Nonconforming, &c. Ministers in Ireland -		
				CIVIL SERVICES.—Class 7.		
§ XXI.	3,588	0	0	For Ecclesiastical Commissioners - -	}	
	11,695	0	0	For Charity Commission		
	3,965	0	0	For Local Government Office - -		
	23,914	0	0	For sundry temporary Commissions - -		
	20,095	0	0	For Fees, &c. under Patent Law Amendment Act -		
	9,254	0	0	For Board of Fisheries, Scotland - -		
	1,000	0	0	For Annuity to Board of Manufacturers, Scotland		
	5,000	0	0	For Highland Roads and Bridges - -		
	900	0	0	For Publication of Ancient Laws of Ireland -		
	58,700	0	0	For Pensions to Masters, &c. of Merchant Service		
	15,000	0	0	For distressed British Seamen abroad - -	}	In the Year ending 31st March 1860.
	4,000	0	0	For Quarantine Arrangements - -		
	40,000	0	0	For Dues payable under Treaties of Reciprocity	}	
	15,000	0	0	For Bounties on Slaves and Slave Vessels captured - -		
	36,700	0	0	For Lighthouses abroad		
	1,000	0	0	For Officers employed settling Orange River Territory - -	}	In the Year ending 31st March 1860.
	40,000	0	0	For Improvement of Kaf-firs, and Government of British Kaffraria -		
	59,215	0	0	For Expenses on account of Treasury Chest -	}	
	30,000	0	0	For Submarine Telegraph Companies - -		
						To 31st March 1860.

*Consolidated Fund (Appropriation).*

£12,000	0	0	For Expedition to River Niger, &c.	}	In the Year ending 31st March 1860.
7,949	0	0	For Expedition to River Zambesi		
4,700	0	0	For Inspectors of Corn Returns	}	To 31st March 1860.
1,046	0	0	For Registration of Joint Stock Companies		
703	0	0	For Registration of Designs Office	}	To 31st March 1860.
11,850	0	0	For Revising Barristers		
1,332	0	0	For Constabulary Police at Aldershot and Shorncliffe	}	To 31st March 1860.
3,000	0	0	For Inspection of Burial Grounds		
2,000	0	0	For Gallery of Portraits	}	In the Year ending 31st March 1860.
2,050	0	0	For defining Boundaries of Counties, Ireland		
2,140	0	0	For Agricultural and Emigration Statistics, Ireland	}	In the Year ending 31st March 1860.
23,000	0	0	For Site for new Courts of Law, Four Courts, Dublin		
1,300	0	0	For Pitcairn Islanders	}	To 31st March 1860.
11,440	0	0	For additional Accommodation for General Register House, Edinburgh		
2,000	0	0	For Purchase of Sir G. Hayter's Picture	}	In the Year ending 31st March 1860.
1,060	0	0	For Gun Metal for Statues, &c.		
9,988	0	0	For new Rooms, South Kensington Museum	}	In the Year ending 31st March 1860.
5,000	0	0	For W. H. Barber.		
1,000	0	0	For Repair of Carisbrook Castle	}	In the Year ending 31st March 1860.
6,000	0	0	For Improvements at King's College, Aberdeen		
11,500	0	0	For Improvements at Windsor	}	In the Year ending 31st March 1860.
60,000	0	0	For new Westminster Bridge		
40,000	0	0	For Approaches to Westminster Bridge	}	In the Year ending 31st March 1860.
100,000	0	0	For Site for new Foreign Office		
30,000	0	0	For new Foreign Office	}	In the Year ending 31st March 1860.
1,650	0	0	For Pedestal for a Statue		

*Consolidated Fund (Appropriation). Weights and Measures Act Amend.*

£5,641	0	0	For Architect, &c. to Office of Works.	} In the Year ending 31st March 1860.
17,000	0	0	For cleansing the Serpentine - - -	
12,000	0	0	For Crinan Canal - - -	
135,000	0	0	For Submarine Telegraph to Gibraltar - - -	
10,000	0	0	For Coinage of Mixed Metal - - -	

§ XXII. Repeal of Part of 22 Vict. c. 23. Sums granted to be applied as directed by this or recited Act.

XXIII. Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXIV. Rules to be observed in the Application of the Sums 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.

XXV. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVI. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXVII. Widows, &c. claiming Pensions to make required Declaration.

XXVIII. Declarations to be made as specified in 5 & 6 W. 4. c. 62.

C A P. LVI.

An Act to amend the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, relating to Weights and Measures. [13th August 1859.]

‘ WHEREAS it is expedient that the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, intituled ‘ *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*, 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 :

5 & 6 W. 4.  
c. 63.

Imperial  
Standards of  
Weights and  
Measures when  
to be adjusted.

I. No Model or Copy of any of the Imperial Standards of Weights shall be deemed legal, or used for the Purpose of enforcing the Provisions of this Act or the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, unless the same have been compared or re-verified by the Comptroller General or some other Officer of the Exchequer duly authorized, within Five Years before

*Weights and Measures Act Amendment.*

fore the Time when it is so used ; and no Model or Copy of any of the Imperial Standards of Measures shall be deemed legal or used for the Purposes aforesaid unless it have been compared or re-verified as aforesaid within Ten Years before the Time when it is so used, or, in any County containing more than One District for the Inspection of Weights and Measures, unless such Model or Copy have been compared by the Inspector of Weights and Measures in the District in which it is used, in the Presence of One Justice of the County, with a Model or Copy of the Imperial Standard of Weight duly compared and verified at the Exchequer within Five Years of its being so used, and found on such Comparison by such Inspector to be correct, or with a Model or Copy of the Imperial Standard of Measure duly compared and verified at the Exchequer within Ten Years of its being so used, and found on such Comparison by such Inspector to be correct ; and the Expenses incurred in and about such Comparison or Re-verification of any such Model or Copy of any Imperial Standard of Weight or Measure shall in all Cases be paid in the same Manner and out of the same Funds as is provided for the procuring of such Models and Copies.

II. No Person shall wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust Beam, Scale, or Balance, or any light or unjust Weight or Measure ; and every Person who shall commit any such Offence shall upon being convicted thereof forfeit and pay any Sum not exceeding Ten Pounds as shall be adjudged by the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place.

Penalty for making and selling false Beams and Scales or Weights, &c.

III. It shall be lawful for every Inspector of Weights and Measures, or other Person or Persons duly appointed to inspect Weights and Measures, at all reasonable Times to inspect all Beams, Scales, and Balances, and Weights and Measures, in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or other open Place ; 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 this Act or the herein-before recited Act, or if any Fraud 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.

Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.

IV. ' And whereas Doubts have arisen as to the Authority ' by or under which Inspectors and Examiners of Weights and Measures in certain Municipal Boroughs have been heretofore ' authorized and appointed : ' Be it therefore enacted, That the Town Councils of all Municipal Boroughs in *England* and *Wales* incorporated under the Provisions of the Statute passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or a

Municipal Corporations to appoint Inspectors of Weights and Measures.

*Weights and Measures Act Amendment.*

Act for the Amendment thereof, to which a separate Court of Quarter Sessions has been granted, shall have respectively, and they are hereby authorized and empowered henceforth to use and exercise, solely within their respective Boroughs, all and every the Powers and Authorities concerning Weights and Measures, and the providing of Copies of the Imperial Standard Weights and Measures verified and stamped at the Exchequer, and the Inspection, Examination, and Seizure of all unjust Weights and Measures, and the Appointment and Authorization of such Inspectors and Examiners, as are by Law now vested in, used, and exercised by, any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England and Wales*, within the Limits of their Commission, under or by virtue of the Statute passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to repeal an Act of the Fifth and Sixth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*, or under or by virtue of any other Law or Statute whatsoever; and that such Inspectors and Examiners so appointed by such Town Councils as aforesaid, and duly authorized by Warrant or other Authority in Writing under the Hand of the Mayor of any such Borough for the Time being, and under the Corporate Common Seal of any such Town Council as aforesaid, shall have, possess, and exercise the same or the like Powers of entering Shops, Stores, Warehouses, Manufactories, Stalls, Yards, and Places, within any such Borough, and of examining, comparing, trying, and seizing any such Weights or Measures, as are now had, possessed, or exercised by any Inspectors or Examiners authorized or appointed in Counties by such Justices as aforesaid, under or by virtue of the Statute lastly herein-before referred to, or under or by virtue of any Law or Statute whatsoever; and all the Penal and other Provisions of such Statute or of any such Statutes, so far as they are not repugnant to or inconsistent with this Enactment, shall apply to all such Boroughs, Town Councils, Inspectors, and Examiners respectively, and to all Weights and Measures used or to be used in such Boroughs respectively, and to the Examination, Comparison, Trial, and Seizure thereof; and every such Council shall and lawfully may pay from Time to Time to such Inspectors and Examiners so appointed by them respectively, out of the Borough Funds or Borough Rates of such Boroughs respectively, such Salaries, Wages, or Allowances as each such Council respectively shall deem reasonable, and also out of the same Funds or Rates shall pay and defray all Costs incidental to the providing of the said Copies of the Imperial Standard Weights and Measures, and of carrying out the said last-mentioned Act and this Act within such Boroughs; and all Fees, Penalties, and Monies which but for this Act would have been payable to the County Stock or Fund shall be paid into and go in aid of the Borough Fund of such Borough: On the Exercise of any of such Powers by the Town Council of any such Municipal Borough, and on written Notice under the Corporate Common Seal of such Borough being given of the Exercise of any of such

5 & 6 W. 4.  
c. 63.

*Weights and Measures Act Amendment.*

such Powers to the Clerk of the Peace of the County, Riding, or Division in which such Borough shall be situate, and after the Expiration of One Calendar Month from the Day on which such Notice shall be given or left at the Office of the said Clerk of the Peace, all the Powers and Authorities of all Inspectors or Examiners appointed by the Justices of the Peace at their General Quarter Sessions of the Peace for such County, Riding, or Division shall, as to such Borough, and all Weights and Measures therein, cease and be absolutely at an End.

V. ' And whereas since the passing of the said Act Measures for Liquids have been constructed with a small Window or transparent Part through which the Contents, whether to the Brim or to any other Index thereof, may be seen without Impediment, and the Use of such Measures by Publicans and others in the Retail of Malt Liquors and Spirits and other exciseable Liquids would be attended with Advantage both to the Purchaser and Seller: Be it therefore further enacted, That Measures for such Liquids which shall correspond in Capacity with the Standards, or Parts or Multiples thereof, respectively deposited in the Exchequer, although such Measures may be made partly of Copper or other Metal and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding: That Measures for such Liquids, the Capacity of which shall exceed the Standard or Parts or Multiples of the respective Imperial Standard Measures deposited in the Court of Exchequer, but which shall have the Capacity of such Standards or Parts or Multiples thereof respectively indicated by a level Line drawn through the Centre of the Window or transparent Part, although such Measures may be made partly of Copper or other Metal and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding.

Inspectors authorized to stamp Measures although made partly of Glass, &c.

VI. It shall be lawful for the Owners or Managers of any public Market where Goods are exposed or kept for Sale, and they are hereby required, to provide proper Beams, Scales, and Balances, and Weights and Measures, or other Machines, for the Purpose of weighing or measuring all Goods sold, offered, or exposed for Sale in any such Market, and to deposit the same at the Office of the Clerk or Toll Collector of such Market, or some other convenient Place, and to have the Accuracy of all such Beams, Scales, and Balances, and Weights and Measures, or other Machines, tested at least Twice in every Year by the Inspector of Weights and Measures of and for the County or District where any such Market is situate; and all Expenses attending the Purchase thereof, and for adjusting and testing the same, shall be paid out of the Monies collected for Tolls in any such Market; and such Clerk or Toll Collector shall at all reasonable Times, whenever called upon so to do, weigh or measure all Goods which shall have been sold, offered, or exposed for Sale in any such Market, upon Payment of such reasonable Sum or Sums of

Owners of Markets to provide Beams, Scales, &c.

*Weights and Measures Act Amendment.*

Money as shall from Time to Time be decided upon by the said Owners or Managers, subject to the Approval and Revision of the Justices in General or Quarter Session assembled if such Market be in *England*, or of the Sheriff if it be in *Scotland*.

Power to  
Clerks of  
Markets to  
inspect Goods  
sold, &c., and  
if Weighing  
found deficient  
to summon the  
Offender.

VII. It shall be lawful for every Clerk or Toll Collector of any public Market, at all reasonable Times, to weigh or measure all Goods sold, offered, or exposed for Sale in any such Market; and if upon such weighing or measuring any such Goods shall be found deficient in Weight or Measure, or otherwise contrary to the Provisions of this Act or the herein-before recited Act, every such Clerk or Toll Collector is hereby authorized and required to summon the Person selling, offering, or exposing for Sale, or causing to be sold, offered, or exposed for Sale, any such Goods before any Justice, Sheriff, or Magistrate having Jurisdiction in the County or District where any such Market is situate; and every such Justice, Sheriff, or Magistrate shall, upon Proof thereof, convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed, and shall from Time to Time award to any such Clerk or Toll Collector such reasonable Remuneration (to be paid out of the said Penalties) as to him shall seem fit.

Penalties.

VIII. For every Offence against or Disobedience to the Provisions of this Act or the herein-before recited Act for which no special Penalty is provided, the Offender shall, at the Discretion of the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place, be liable to any Penalty not exceeding Five Pounds, as shall be adjudged by such Justice, Sheriff, or Magistrate.

Act how to be  
construed.

IX. This Act shall be construed and taken together with the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

Not to abridge  
the Power of  
the Leet Jury,  
&c.

X. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to supersede, limit, take away, lessen, or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, or any Jury or Ward Inquest may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures, or Goods deficient in Weight or Measure, within their respective Jurisdictions, and presenting the same at the Court Leet, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

Powers of Uni-  
versities to  
remain in force.

XI. The Powers heretofore lawfully belonging to the Universities of *Oxford* and *Cambridge* respectively shall continue in full Force anything in this Act contained notwithstanding.

Extent of Act.

XII. This Act shall not extend to *Ireland*.



Imprisonment for Small Debts. Westminster New Bridge.

## C A P. LVII.

An Act limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges.

[13th August 1859.]

‘ WHEREAS it is expedient to limit the Power of Imprisonment by Judges of County Courts:’ 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 :

I. That if a Party summoned under and by virtue of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, Section Ninety-eight, shall not attend as required by such Summons, or allege a sufficient Excuse for not attending, it shall not be lawful for the Judge before whom such Party shall have been so summoned to order that such Party shall be committed to Prison, unless it shall appear to the Satisfaction of such Judge that such Party, if a Defendant, in incurring the Debt or Liability which is the Subject of the Action in which Judgment has been obtained, has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same with Intent to defraud his Creditors or any of them, or has then or has had since the Judgment obtained against him sufficient Means and Ability to pay the Debt or Damages or Costs so recovered against him, either altogether, or by any Instalment or Instalments which the Court in which the Judgment was obtained shall have ordered, and shall have refused or neglected to pay the same.

Power of  
Committal by  
County Court  
Judges under  
9 & 10 Vict.  
c. 95. s. 98. not  
to be exercised  
unless Credit  
obtained by  
Fraud.

## C A P. LVIII.

An Act to empower the Commissioners of Her Majesty’s Works and Public Buildings to acquire additional Space for the Western Approach to *Westminster* New Bridge.

[13th August 1859.]

‘ WHEREAS by the *Westminster* Bridge Act, 1853, after reciting, among other Things, that it was necessary that a new Bridge at *Westminster* should be constructed, and that it was expedient that the Construction of such new Bridge, and of the necessary and proper Approaches thereto, should be intrusted to the Commissioners of Her Majesty’s Works and Public Buildings, and that for that Purpose the then existing Bridge, together with the *Westminster* Bridge Estate therein mentioned, should be transferred to and vested in the said Commissioners, the Commissioners of Her Majesty’s Works and Public Buildings for the Time being were by the said Act incorporated by the Name and Style of The Commissioners of Her Majesty’s Works and Public Buildings, in order to enable them

*Westminster New Bridge.*

‘ them to carry into effect and execute the several Objects, Powers, and Purposes of the Act now in recital ; and by the said Act the said then existing Bridge and the said *Westminster* Bridge Estate were vested in the said Commissioners, and certain Powers of acquiring by compulsory Purchase or otherwise the Hereditaments specified in the Second Schedule thereto, together with certain other Powers in the said Act now in recital mentioned or referred to, were thereby either expressly or by reference to a certain other Act therein cited given to the said Commissioners of Her Majesty’s Works and Public Buildings, and certain other Provisions, Directions, and Enactments in aid of the Objects and Purposes of the Act now in recital were therein expressly or by reference to other Acts contained and enacted : And whereas the said intended new Bridge is now in course of Construction, and it would be of great public Utility if the Western Approach to the said new Bridge was widened and improved : And whereas a Map or Plan describing the Hereditaments to be acquired by the said Commissioners under the Authority of this Act has been prepared under the Direction of the Commissioners :’ 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 :

Commissioners constituted a Corporation for the Purposes of this Act.

I. That for the Purposes of this Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act, the Commissioners of Her Majesty’s Works and Public Buildings for the Time being shall be and they are hereby constituted a Corporation, by the Name and Style of “The Commissioners of Her Majesty’s Works and Public Buildings,” in order to enable them to carry into effect and execute the several Objects, Powers, and Purposes of this Act, and by that Name, and for the Purposes of this Act, they shall have perpetual Succession, and use a Common Seal, which may be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take Land and Hereditaments to them and their Successors for ever for the Purposes of this Act.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

II. The said Map or Plan describing the Hereditaments to be acquired by the Commissioners under the Authority of this Act shall be deposited at the Office of the Commissioners of Her Majesty’s Works and Public Buildings, and shall remain at the said Office, 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.

Powers and Provisions of 16 & 17 Vict. c. 46. extended to this Act.

III. All the Powers by the said *Westminster* Bridge Act, 1853, either expressly or by reference to the Acts therein cited, or either of them, given to the said Commissioners of Her Majesty’s Works and Public Buildings with regard to the Hereditaments specified in the Second Schedule to the said *Westminster* Bridge Act, 1853, shall be given to and are hereby vested in the said Commissioners

*Westminster New Bridge.*

Commissioners of Her Majesty's Works and Public Buildings with regard to the Hereditaments specified in the Schedule hereto, and all the Provisions, Directions, and Enactments in the said *Westminster Bridge Act, 1853*, either expressly or by reference to the other Acts therein cited, or either of them, contained (except as herein otherwise specially provided for), shall be construed in all respects as if the Hereditaments specified in the Schedule hereto had been specified in the Second Schedule to the said *Westminster Bridge Act, 1853*: Provided always, that nothing herein contained or referred to shall authorize the said Commissioners of Her Majesty's Works and Public Buildings to exercise any compulsory Powers for taking any of the Hereditaments specified in the Schedule hereto beyond the Period of Five Years from the passing of this Act, but during such Period such Powers shall continue in force.

IV. The Price or Consideration which may be payable by the said Commissioners for any of the Hereditaments to be purchased or acquired by them under the Authority or for the Purposes of this Act, and also the Costs and Expenses incident to such Purchases, or which may be incurred by them in widening and improving the Approaches to the said new Bridge, shall be paid and defrayed out of such Monies as Parliament may provide and place at the Disposal of the said Commissioners for those Purposes.

V. If any Proceedings shall be taken for the Recovery of the Possession of any Hereditaments purchased or taken for the Purposes of this Act, or of the said *Westminster Bridge Act, 1853*, then within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises there shall be paid or tendered to any Person so obtaining such Judgment, in lieu of such Premises, his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of this Act, or the said *Westminster Bridge Act, 1853*, as the Case may be, or when Possession thereof was taken as aforesaid, and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or the said *Westminster Bridge Act, 1853*, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises; and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act or the said last-mentioned Act, as the Case may be, and the said Hereditaments, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, or the said last-mentioned Act, as the Case may be, such Amount or Value being taken and accepted in lieu thereof. \*

Price, &c. paid for Hereditaments, to be paid out of Monies provided by Parliament.

Costs and such Sum as Jury may find, to be paid to Person obtaining Judgment in lieu of Premises.

VI. Every

*Westminster New Bridge.*

Deeds to be enrolled in the Court of Exchequer.

VI. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Land by this Act or by "The *Westminster Bridge Act, 1853*," authorized to be purchased, shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be as good and available in the Law, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same or a Memorial thereof had been registered in the Office appointed for Registering Deeds and other Conveyances of Land and Tenements in the County of *Middlesex*, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

VII. It shall be sufficient for all Purposes to cite this Act as "The *Westminster Bridge Act, 1859*."

The SCHEDULE referred to in the foregoing Act.

*Westminster New Bridge (Western Approach).*

*Parish of Saint Margaret, Westminster, in the County of Middlesex.*

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Parliament Street.</i>					
1	33	Dwelling House, Part of Fendall's Hotel.	Sir Charles Montolieu Lamb, Archibald Lamb, The Earl of Eglington, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour.	Charles Brumfit	Charles Brumfit.
2	33	Dwelling House and Shop.		Edward Milns.	Edward Milns.
<i>Bridge Street.</i>					
3	14	Dwelling House; other Part of Fendall's Hotel.	-	Charles Brumfit	Charles Brumfit.
4	15	Dwelling House and Shop; the Exchequer Cigar Divan.	-	Charles Ritchie, Charles Brumfit.	Charles Brumfit.
5	16	Dwelling House and Shop.	Sir Charles Montolieu Lamb, Archibald Lamb, The Earl of Eglington, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour.	William Henry Pope Rowe.	William Henry Pope Rowe, Robert Gadsden, Charles Gibbons.
6	17	Dwelling House; Part of the King's Arms Hotel.	-	-	-
7	18	Dwelling House and Shop.	-	Morris Despland Roux.	Morris Despland Roux.
8	19	Dwelling House and Shop.	-	William Fry	William Fry.
9	20	Dwelling House and Shop.	-	Henry Lucas	Henry Lucas.
10	21	Dwelling House; the Horseance and Magpie, P.H.	John Lettsom Elliot; James Watney.	-	William Painter.
11	22	Dwelling House and Shop.	William Aldwin Soames.	William Painter	William Painter.
12	23	Dwelling House and Shop.	Jacob Cole.	-	Jacob Cole, Henry Thomas Cole.

*Westminster New Bridge.*

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Bridge Street—continued.</i>					
13	24	Dwelling House and Shop.	William Aldwin Soames.	William Darke	John Fill, Lazarus Leopard.
14	25	Dwelling House and Shop.	Susan Newman	William Darke	Lazarus Leopard, Samuel James John Hind, Secretary for the Schoolmasters and General Mutual Assurance Society, Samuel James John Hind.
15	26	Dwelling House and Shop.	Sir Archer Denman Croft, Bt., Charles Lane, Trustees of the Will of Mrs. Martha Henshaw, deceased.	William Wybroo	William Wybroo.
16	27	Dwelling House and Shop.	William Aldwin Soames.	Edmund David Fitzgerald, Maria Fitzgerald.	Edmund David Fitzgerald, Maria Fitzgerald.
17	28	Dwelling House; the Oliver's Coffee House.	The Trustees of the Charity Estate of the Parish of St. Sepulchre, in the City of London, called "Newcastle Gift."	John Denton	John Denton.
<i>New Palace Yard.</i>					
18	1	Dwelling House, other Part of Fendall's Hotel.	Sir Charles Montolieu Lamb, Archibald Lamb,	Charles Brumfit	Charles Brumfit.
19	2 & 3	Dwelling House, other Part of the King's Arms Hotel.	The Earl of Eglington, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour.	-	Charles Gibbons.
20	4	Dwelling House and Offices.		William Bryden	William Bryden, James Noel Hooke Robinson.
21	5	Dwelling House and Offices.		John Baldry Redman.	John Baldry Redman.
22	6	Dwelling House		Hester Bray Corbyn.	Hester Bray Corbyn.
23	7	Dwelling House and Offices.	The Trustees of the Charity Estate of the Parish of Saint Sepulchre, in the City of London, called "Newcastle Gift."	Thomas Knox Holmes, James Anton, Walter Turnbull.	James Parker Deane, Sir John Dorney Harding, Charles Morris Mertins Swabej, Thomas Spinks.
24	8	Dwelling House and Offices.	William Aldwin Soames.	Alexander Woodlands Makinson.	Alexander Woodlands Makinson, Edward Woods.
25	9	Dwelling House and Offices.	William Aldwin Soames.	Adam Clarke Hook, Charles Ritchie, Edward Bernard Neill.	Edward Bernard Neill.
26	10	Dwelling House and Offices.	John Taylor, Eliza Gibbons, Robert Gibbons.	Theodore Martin	Theodore Martin.
27	11	Dwelling House and Offices.	Catharine Haggitt	Samuel Cook Frankish, Robert Galland.	Samuel Cook Frankish, Robert Galland.
28	"	Public Street or Way.	The Board of Works for the Westminster District.	-	The Board of Works for the Westminster District, the Chartered Gaslight Company, the Chelsea Waterworks Company, the Public.
29	"	Public Street or Way.	The Commissioners of Her Majesty's Works and Public Buildings.	-	The Commissioners of Her Majesty's Works and Public Buildings, the Chartered Gaslight Company, the Chelsea Waterworks Company, the Public.

*Railway Companies Arbitration.*

## C A P. LIX.

An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration.

[13th August 1859.]

**F**OR the better providing for the Settlement by Arbitration of Matters in which Railway Companies in the United Kingdom are mutually interested, 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,)

Short Title.  
"Railway  
Companies."

I. This Act may for all Purposes be cited as "Railway Companies Arbitration Act, 1859;" and the Expression "Railway Companies" in this Act extends to and includes all Persons being the Owners or Lessees of, and all Contractors working any Railway upon which Steam Power is used.

Power for Rail-  
way Companies  
to refer Matters  
to Arbitration.

II. Any Two or more Railway Companies, whether already or hereafter incorporated (in this Act called "the Companies"), from Time to Time, by Writing under their respective Common Seals, may agree to refer and may refer to Arbitration, in accordance with this Act, any then existing or future Differences, Questions, or other Matters whatsoever in which they then are or thereafter shall be mutually interested, and which they might lawfully settle or dispose of by Agreement between themselves, and may delegate to the Person or Persons to whom the Reference is made any Power to determine all or any of the Terms of any Contract to be made between the Companies which the Directors of the Companies respectively might lawfully delegate to any Committees of themselves respectively.

Power to alter  
or revoke  
Agreements for  
Reference.

III. The Companies jointly, but not otherwise, from Time to Time, by Writing under their respective Common Seals, may add to, alter, or revoke any Agreement for Reference in accordance with this Act theretofore entered into between the Companies, or any of the Terms, Conditions, or Stipulations thereof.

Agreements to  
be carried into  
effect.

IV. Every Reference or Agreement in accordance with this Act, except so far as it is from Time to Time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full Effect.

Reference.

V. Where the Companies agree, the Reference shall be made to a single Arbitrator.

Reference to  
Two or more  
Arbitrators.

VI. Except where the Companies agree that the Reference shall be made to a single Arbitrator, the Reference shall be made as follows; to wit,

Where there are Two Companies the Reference shall be made to Two Arbitrators.

Where there are Three or more Companies the Reference shall be made to so many Arbitrators as there are Companies.

Appointment of  
Arbitrators by  
Companies.

VII. Where there are to be Two or more Arbitrators, every Company shall by Writing under their Common Seal appoint one of the Arbitrators, and shall give Notice in Writing thereof to the other Company or Companies.

VIII. Where

*Railway Companies Arbitration.*

VIII. Where there are to be Two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Board of Trade.

IX. When the Reference is made to Two or more Arbitrators, if before the Matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for Seven consecutive Days fails to act as Arbitrator, the Company by which he was appointed shall by Writing under their Common Seal appoint an Arbitrator in his Place.

Appointment of Arbitrators by Companies to supply Vacancies.

X. Where the Company by which an Arbitrator ought to be appointed in the Place of the Arbitrator so deceased, incapable, unfit, or failing to act, fail to make the Appointment within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade may appoint an Arbitrator; and the Arbitrator so appointed by the Board of Trade shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Board of Trade to supply Vacancies.

XI. When any Appointment of an Arbitrator is made, the Company making the Appointment shall have no Power to revoke the Appointment, without the previous Consent in Writing of the other Company, or every other Company in Writing under their Common Seal.

Appointment of Arbitrator not revocable.

XII. Where Two or more Arbitrators are appointed, they shall, before entering on the Business of the Reference, appoint by Writing under their Hands an impartial and qualified Person to be their Umpire.

Appointment of Umpire by Arbitrators.

XIII. If the Arbitrators do not appoint an Umpire within Seven Days after the Reference is made to the Arbitrators, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Board of Trade.

XIV. Where Two or more Arbitrators are appointed, if before the Matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for Seven consecutive Days fails to act as Umpire, the Arbitrators shall by Writing under their Hands appoint an impartial and qualified Person to be their Umpire in his Place.

Appointment of Umpire by Arbitrators to supply Vacancy.

XV. If the Arbitrators fail to appoint an Umpire within Seven Days after Notice in Writing to them of the Decease, Incapacity, Unfitness, or Failure to act of their Umpire, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Appointment of Umpire to supply Vacancy.

XVI. Every

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*Railway Companies Arbitration.*


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**Powers of succeeding Arbitrators.**

XVI. Every Arbitrator appointed in the Place of a preceding Arbitrator, and every Umpire appointed in the Place of a preceding Umpire, shall respectively have the like Powers and Authorities as his respective Predecessor.

**Reference to Umpire.**

XVII. Where there are Two or more Arbitrators, if they do not, within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Reference is made to the Arbitrators, agree on their Award thereon, then the Matters referred to them, or such of those Matters as are not then determined, shall stand referred to their Umpire.

**Power for Arbitrators, &c. to call for Books, &c., and administer Oath.**

XVIII. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the Production of any Documents or Evidence in the Possession or Power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the Matters referred, and may examine the Witnesses of the Companies respectively on Oath, and may administer the requisite Oath; and in *Scotland* may grant Diligence for the Recovery of the Documents or Evidence, and for citing Witnesses, and on Application to the Lord Ordinary he may issue Letters of Supplement or other necessary Writs in support of the Diligence.

**Procedure in the Arbitration.**

XIX. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Business of the Reference in such Manner as he and they respectively shall think fit.

**Arbitration may proceed in Absence of Companies.**

XX. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Absence of all or any of the Companies in every Case in which, after giving Notice in that Behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

**Several Awards may be made.**

XXI. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several Awards, each on Part of the Matters referred, instead of One Award on all the Matters referred; and every such Award on Part of the Matters shall for such Time as shall be stated in the Award, the same being such as shall have been specified in the Agreement for Arbitration, or in the event of no Time having been so specified, for any Time which the Arbitrator may be legally entitled to fix, be binding as to all the Matters to which it extends, and as if the Matters awarded on were all the Matters referred, and that notwithstanding the other Matters or any of them be not then or thereafter awarded on.

**Awards made in due Time to bind all Parties.**

XXII. The Award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in Writing under his or their respective Hand or Hands, and ready to be delivered to the Companies within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Matters in difference are referred to (as the Case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

**Power for Umpire to extend**

XXIII. Provided always, That (except where and as the Companies otherwise agree) the Umpire, from Time to Time by Writing



Railway Companies Arbitration. Chester and Holyhead Railway.

Writing under his Hand, may extend the Period within which his Award is to be made ; and if it be made and ready to be delivered within the extended Time, it shall be as valid and effectual as if made within the prescribed Period.

XXIV. No Award made on any Arbitration in accordance with this Act shall be set aside for any Irregularity or Informality.

XXV. Except only so far as the Companies bound by any Award in accordance with this Act from Time to Time otherwise agree, all Things by every Award in accordance with this Act lawfully required to be done, omitted, or suffered, shall be done, omitted, or suffered accordingly.

XXVI. Full Effect shall be given by all the Superior Courts of Law and Equity in the United Kingdom, according to their respective Jurisdiction, and by the Companies respectively, and otherwise, to all Agreements, References, Arbitrations, and Awards in accordance with this Act ; and the Performance or Observance thereof may, where the Courts think fit, be compelled by Distress infinite on the Property of the Companies respectively, or by any other Process against the Companies respectively or their respective Property that the Courts or any Judge thereof shall direct, and where requisite frame for the Purpose.

XXVII. Except where and as the Companies otherwise agree, the Costs of and attending the Arbitration and the Award shall be in the Discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

XXVIII. Except where and as the Companies otherwise agree, and if and so far as the Award does not otherwise determine, the Costs of and attending the Arbitration and the Award shall be borne and paid by the Companies in equal Shares, and in other respects the Companies shall bear their own respective Costs.

XXIX. The Submission to any Arbitration in accordance with this Act may at any Time be made a Rule of any of Her Majesty's Superior Courts of Record at *Westminster*, or, as the Case may be, at *Dublin*, on the Application of any Party interested ; and the Court may remit the Matter to the Arbitrator, or to the Arbitrators, or to the Umpire, with any Directions the Court think fit.

## C A P. LX.

An Act to extend the Powers of an Act passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and eleven, relating to the laying down of Railways at *Holyhead Harbour*. [13th August 1859.]

‘ WHEREAS by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter One hundred and eleven, it was amongst other things enacted, that the Commissioners of Her Majesty's Treasury might from Time to Time as they might deem expedient authorize the *Chester and Holyhead Railway Company* to construct Works in or in connexion with the Harbours and inner Pier at *Holyhead*, or to make Communications with the said Harbours and Pier, or

*Chester and Holyhead Railway at Holyhead.*

‘ to lay down a Railway or Railways in the said Pier, and to  
 ‘ make other Arrangements for facilitating the landing or em-  
 ‘ barking in and from such Harbours and Pier of Passengers,  
 ‘ Goods, Cattle, and Merchandise, upon such Terms and subject  
 ‘ to such Conditions as the said Commissioners might think fit :  
 ‘ And whereas various Works for the Improvement of the said  
 ‘ Harbour have been constructed since the passing of the said  
 ‘ Act, and others are in progress or contemplation, including a  
 ‘ new Harbour of Refuge and a new Steamboat Pier : And whereas  
 ‘ the said Company have constructed a Horse Railway or Tram-  
 ‘ way for the Conveyance of the Traffic passing along the *Chester*  
 ‘ *and Holyhead* Railway to and from the Harbour and Pier at  
 ‘ *Holyhead*, and it would be of great Convenience to the Public  
 ‘ if Power were given to the proper Authorities to permit the  
 ‘ Use of the said Horse Railway or Tramway with Loco-  
 ‘ motive Engines :’ 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 :

Treasury, &c.  
 may authorize  
 Company to  
 use Tramway  
 with Locomo-  
 tive Engines,  
 with Consent of  
 Board of Trade.

I. The Commissioners of Her Majesty’s Treasury, with the  
 Assent and during the Pleasure of the Lord High Admiral of  
 the United Kingdom of *Great Britain and Ireland* or the Com-  
 missioners for executing the Office of Lord High Admiral, and of  
 the Board of Trade, may authorize the Use of the present Horse  
 Railway or Tramway with Locomotive Engines for such Period  
 and on such Terms as they shall from Time to Time think fit, and  
 the *Chester and Holyhead* Railway Company shall during such  
 Use at all Times maintain the said Railway and Works fit for  
 the Passage of Locomotive Engines : Provided always, that  
 nothing in this Act contained shall extend to enable the Company  
 to acquire any Rights in the Lands vested in the Lord High  
 Admiral of the United Kingdom or the Commissioners for execut-  
 ing the Office of Lord High Admiral, or in any of the Water  
 Frontage of the said Lands.

Station or  
 Lodge to be  
 erected at  
 Points of  
 Crossing.

II. ‘ And whereas the said Railway crosses on the Level Two  
 ‘ public Carriage Roads :’ Therefore, for the greater Convenience  
 and Security of the Public, the Company shall erect and per-  
 manently maintain either a Station or Lodge at the Points where  
 the Railway crosses the before-mentioned Roads on the Level,  
 and the Company shall be subject to and shall abide by all such  
 Rules and Regulations with regard to the crossing of such Roads  
 on the Level, or with regard to the Speed at which Trains shall  
 pass on such Roads, as may from Time to Time be made by  
 the Board of Trade ; and if the Company fail to erect or at all  
 Times to maintain any such Station or Lodge, or to appoint a  
 proper Person to watch or superintend the Crossing at such Point  
 or Station, or to observe or abide by any such Rule or Regulation  
 as aforesaid, they shall for every such Offence be liable to a  
 Penalty of Twenty Pounds, and also to a daily Penalty of Ten  
 Pounds for every Day such Offence shall continue after such  
 Penalty of Twenty Pounds shall have been incurred.

III. Pro-

Chester and Holyhead Railway at Holyhead. Divorce Court.

III. Provided always, That nothing in this Act contained shall authorize the *Chester and Holyhead* or *London and North-western* Railway Companies to take compulsorily any Lands or any Estate or Interest therein, but it shall be lawful for any Person who by the Lands Clauses Consolidation Act, 1845, is capacitated to sell Land, to agree with the said Companies, or either of them, for the Sale and Purchase of any Land required for the Purposes of this Act, or in connexion therewith.

IV. If there be any Owner or Occupier of any Houses or Premises adjoining the said Railway who shall complain of any Injury by the Use of Locomotive Engines on the said Railway as aforesaid, the Owner, Occupier, or other Person interested therein shall receive from the Company such Compensation for such Injury (if any) sustained by him or them as shall be determined under the Provisions of the several Sections with respect to the Settlement of Disputes by Arbitration of the Companies Clauses Consolidation Act, 1845, hereby incorporated with this Act.

Land, if required, to be taken by Agreement only.

Compensation to Owners, &c. of Houses and Premises injuriously affected by the Alteration of the Tramway into a Railway.

## C A P. LXI.

An Act to make further Provision concerning the Court for Divorce and Matrimonial Causes. [13th August 1859.]

‘ WHEREAS it is expedient to make further Provision concerning “The Court for Divorce and Matrimonial Causes,” established by the Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Eighty-five: 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 :

20 & 21 Vict. c. 85.

I. In addition to the Judges mentioned in Section Eight of the said Act, all the Judges for the Time being of the Courts of Queen’s Bench, Common Pleas, and Exchequer respectively, not already made Judges of the Court for Divorce and Matrimonial Causes, shall be Judges of such Court.

Additional Judges of the Court for Divorce.

II. The Judge Ordinary of the said Court, and Eight or more of the other Judges thereof, shall from Time to Time, by General Orders for this Purpose, appoint so many Sitzings of the full Court in every Year, and at such Times as may appear to them necessary or convenient for disposing of the Matters arising in the said Court which may not be heard and determined by the Judge Ordinary alone ; and the Judges of the said Court shall, by a Rota or otherwise as they may deem most convenient, make Provision for the Attendance of the requisite Number of Judges to make a full Court at the Times so appointed for the Sitzings of the full Court.

Judge Ordinary and Eight of the other Judges to appoint the Sitzings of the full Court.

III. The Judge Ordinary shall have Place and Precedence in the said Court next after the Lord Chief Baron of Her Majesty’s Court of Exchequer.

Precedence of the Judge Ordinary.

IV. The Court after a final Decree of Judicial Separation, Nullity of Marriage, or Dissolution of Marriage, may upon Application

The Court may make Orders as to Custody of

*Divorce Court. Bankruptcy and Insolvency (I.) Act Amt.*

Children after a final Decree of Separation.

education (by Petition) for this Purpose make, from Time to Time, all such Orders and Provisions with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents was the Subject of the Decree, or for placing such Children under the Protection of the Court of Chaucery, as might have been made by such final Decree or by Interim Orders in case the Proceedings for obtaining such Decree were still pending; and all Orders under this Enactment may be made by the Judge Ordinary alone or with One or more of the other Judges of the Court.

As to Marriage Settlements after final Decree of Nullity of Marriage.

V. The Court after a final Decree of Nullity of Marriage or Dissolution of Marriage may inquire into the Existence of ante-nuptial or post-nuptial Settlements made on the Parties whose Marriage is the Subject of the Decree, and may make such Orders with reference to the Application of the whole or a Portion of the Property settled either for the Benefit of the Children of the Marriage or of their respective Parents as to the Court shall seem fit.

On a Petition by Wife, &c., Husband and Wife may give Evidence.

VI. On any Petition presented by a Wife, praying that her Marriage may be dissolved by reason of her Husband having been guilty of Adultery coupled with Cruelty, or of Adultery coupled with Desertion, the Husband and Wife respectively shall be competent and compellable to give Evidence of or relating to such Cruelty or Desertion.

Extension of Right of Appeal to House of Lords.

VII. The Right of Appeal to the House of Lords given by the Fifty-sixth Section of the recited Act shall extend to all Sentences and Final Judgments on Petitions under the Legitimacy Declaration Act, 1858.

## C A P. LXII.

An Act to amend the *Irish* Bankruptcy and Insolvency Act (1857). [13th August 1859.]

20 & 21 Vict. c. 60.

‘ WHEREAS by the *Irish* Bankrupt and Insolvent Act, 1857, unclaimed Dividends made before the passing of the said Act are exempted from the Operation of its Two hundred and ninety-fourth Section, but no Provision is thereby made for the Disposal of such unclaimed Dividends, and it is expedient to amend the said Act by supplying the said Omission:’ 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 the present Parliament assembled, and by the Authority of the same, as follows :

Application of unclaimed Dividends, &c. 6 W. 4. c. 14. s. 128.

I. The Court may order that Dividends which had been declared before the passing of the said *Irish* Bankrupt and Insolvent Act, 1857, and which have remained unclaimed for the Space of Three Years from the Declaration thereof, shall be divided and paid amongst the other Creditors, in manner provided by the Sixth of *William* the Fourth, Chapter Fourteen, Section One hundred and twenty-eight.

Acts to be construed as One Act.

II. The said recited Act and this Act shall be treated and construed as One Act.

*Law Ascertainment Facilities.*

## C A P. LXIII.

An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof. [13th August 1859.]

‘ **W**HEREAS great Improvement in the Administration of the Law would ensue if Facilities were afforded for more certainly ascertaining the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part 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, as follows :

I. If in any Action depending in any Court within Her Majesty's Dominions, it shall be the Opinion of such Court, that it is necessary or expedient for the proper Disposal of such Action to ascertain the Law applicable to the Facts of the Case as administered in any other Part of Her Majesty's Dominions on any Point on which the Law of such other Part of Her Majesty's Dominions is different from that in which the Court is situate, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts, as these may be ascertained by Verdict of a Jury or other Mode competent, or may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing, and upon such Case being approved of by such Court or a Judge thereof, they shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to the Court in such other Part of Her Majesty's Dominions, being One of the Superior Courts thereof, whose Opinion is desired upon the Law administered by them as applicable to the Facts set forth in such Case, and desiring them to pronounce their Opinion on the Questions submitted to them in the Terms of the Act; and it shall be competent to any of the Parties to the Action to present a Petition to the Court whose Opinion is to be obtained, praying such last-mentioned Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall, if they think fit, appoint an early Day for hearing Parties or their Counsel on such Case, and shall thereafter pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper.

II. Upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be given to each of the

Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.

Opinion to be authenticated

*Law Ascertainment Facilities.**Marriages (Lisbon).*

and certified  
Copy given.

Parties to the Action by whom the same shall be required, and shall be deemed and held to contain a correct Record of such Opinion.

Opinion to be  
applied by the  
Court making  
the Remit

III. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with an Officer of the Court in which the Action may be depending, who may have the official Charge thereof, together with a Notice of Motion, setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as Evidence, or conclusive Evidence as the Court may think fit, of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury.

Her Majesty in  
Council or  
House of Lords  
on Appeal may  
adopt or reject  
Opinion.

IV. In the event of an Appeal to Her Majesty in Council or to the House of Lords in any such Action, it shall be competent to bring under the Review of Her Majesty in Council or of the House of Lords the Opinion pronounced as aforesaid by any Court whose Judgments are reviewable by Her Majesty in Council or by the House of Lords, and Her Majesty in Council or that House may respectively adopt or reject such Opinion of any Court whose Judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in Law.

Interpretation  
of Terms.

V. In the Construction of this Act, the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls or any Vice Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein.

## C A P. LXIV.

An Act to remove Doubts as to the Validity of certain  
Marriages of *British* Subjects at *Lisbon*.

[13th August 1859.]

‘ **W**HEREAS the *British* Chapel at *Lisbon* was erected in  
‘ or about the Year One thousand eight hundred and  
‘ twenty-two, out of Funds at the Disposal of the *British* Mer-  
‘ chants

*Marriages (Lisbon).*

chants and Factors in *Portugal* for pious, charitable, and public Uses, and has since been maintained in part by Contributions of *British* Residents in *Lisbon*, and in part by Moneys provided by Parliament: And whereas the said Chapel has been considered to be under the special Protection and Direction of the *British* Legation, and Marriages have been solemnized therein between *British* Subjects according to the Rites of the United Church of *England* and *Ireland*: And whereas Doubts may be entertained concerning the Validity of such of the said Marriages as may have been solemnized since the passing of the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Sixty-eight: ' 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 :

12 & 13 Vict.  
c. 68.

I. All Marriages which before the passing of this Act have been solemnized in the said Chapel at *Lisbon* by the *British* Chaplain, or by any Minister in Holy Orders, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, (both or One of the Parties to such respective Marriages being Subjects or a Subject of this Realm,) shall be deemed and held to be as valid in the Law as if the same respectively had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Marriages solemnized in the *British* Chapel at *Lisbon* confirmed.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar General of Births and Marriages in *England* all such Certificates of the Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State by Her Majesty's Consul or Vice-Consul at *Lisbon*; and all Certificates which shall be transmitted to such Registrar General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, "for registering Births, Deaths, and Marriages in *England*," concerning the certified Copies of Registers sent to the said Registrar General, as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

Certificates received by Secretary of State to be sent to the Registrar General, and certified Copies to be Evidence, as under 6 & 7 W. 4. c. 86.

III. All Persons shall have the like Right to search such Certificates and to have certified Copies thereof, and upon the like Payment, as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act, and certified Copies of Registers, therein mentioned; and Section Forty-three of such Act, concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or

Right to search and have Copies.

*Marriages (Lisbon).**Sessional Divisions.*

Extract, shall be applicable with respect to the Certificates to be received by the said Registrar General under this Act, in the like Manner as such Enactment applies with respect to such Register Books.

## C A P. LXV.

An Act for amending the Acts for the better Regulation of Divisions in the several Counties of *England and Wales.*

[13th August 1859.]

9 G. 4. c. 43. ' WHEREAS by an Act passed in the Ninth Year of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales*, the Court of Quarter Sessions is empowered, in certain Cases, to make Orders for altering existing Divisions and for constituting new Divisions for holding Petty and Special Sessions: And whereas an Act for more effectually executing the said recited Act was passed in the Tenth Year of His said late Majesty, and another Act for amending the said recited Act was passed in the Sixth Year of His late Majesty *William* the Fourth: And whereas Doubts have arisen whether under the said first herein-recited Act the Justices therein mentioned are empowered to divide any Parish, Tything, Township, or Place for the Purpose of including any Part or Parts thereof respectively in any Division constituted under the said Acts or any or either of 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:

Justices may divide Parishes, &c., for constituting Divisions of Counties.

I. It shall be lawful for the said Justices, if they shall think fit, to divide any Parish, Tything, Township, or Place for the Purpose of altering or constituting such Divisions, and after any Order of the said Justices for altering or constituting any Division under the said Acts shall have taken effect the Part or Parts of any Parish, Tything, Township, or Place included in any Division altered or constituted by such Order shall be deemed and taken to be Part of such Division for all the Purposes of the said Acts, but not further or otherwise.

Court to make Order in respect of the Appointments and Duties of Officers.

II. Whensoever the Court of Quarter Sessions shall, under the Provisions herein or in the said recited Acts contained, make an Order for dividing any Parish, Tything, Township, or Place for the Purpose of altering or constituting such Divisions as aforesaid, and it shall appear to the Court that any Inconvenience may arise therefrom in or respecting the Appointment or Duties of any Bailiffs, Constables, or Tythingmen, Surveyors, Overseers of the Poor, or other Officers or Persons, the Court of Quarter Sessions shall or may, at the same or at any future Sessions, make such Order in respect of the said Appointments and Duties as the Court shall deem necessary or expedient.



*Sale of Gas.*

## C A P. LXVI.

## An Act for regulating Measures used in Sales of Gas.

[13th August 1859.]

‘ WHEREAS it is expedient that the Measurement used in Sales of Gas for Lighting, Heating, and other Purposes should be hereafter regulated by One uniform Standard, and that all Meters should be stamped as herein-after provided :’  
 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 :

I. In construing this Act the Word “Meter” shall mean Gas Meter, and shall include every Kind of Machine used for measuring Gas ; and the Word “Person” shall include Corporations.

Interpretation ;  
 “Meter ;”  
 “Person.”

II. After the passing of this Act the only legal Standard or Unit of Measure for the Sale of Gas by Meter shall be the Cubic Foot containing 62·321 Pounds Avoirdupois Weight of distilled or Rain Water weighed in Air at the Temperature of Sixty-two Degrees of Fahrenheit’s Thermometer, the Barometer being at Thirty Inches, except as relates to Contracts made before the passing of this Act by which a different Unit of Measure is adopted, which Contracts may not be renewed.

Fixing Unit of Measure.

III. Within Three Months next after the passing of this Act Models of Gasholders measuring the said Cubic Foot, and such Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the Commissioners of Her Majesty’s Treasury of the United Kingdom for the Time being shall judge expedient, and from Time to Time after the Expiration of the aforesaid Period of Three Months Models of such further Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the said Commissioners shall from Time to Time think expedient, shall be carefully made, with proper Balances, Indices, and Apparatus, for testing the Measurement and Registration of Meters, and such Models shall be verified under the Direction of the Lord High Treasurer or the said Commissioners, and when so made and verified shall be deposited in the Office of the Comptroller General of the Exchequer at *Westminster* ; and Copies of the Models so from Time to Time deposited, verified as aforesaid, shall be sent to the Lord Mayor of *London*, and the Chief Magistrate of *Edinburgh* and *Dublin*, and to the Chief Magistrate of such other Cities and Boroughs, and to such other Places and Persons in Her Majesty’s Dominions, as the said Lord High Treasurer or the aforesaid Commissioners may from Time to Time direct ; and the said Lord High Treasurer or the said Commissioners shall appoint a competent Person or Persons to design and make, subject to the Approval and by Direction of such Lord High Treasurer or the said Commissioners, Stamps of a uniform Design to be used for stamping Meters throughout the United Kingdom, with only such Variations of Numbers or

Models of Measures to be made and verified under the Direction of the Treasury.

Models to be deposited.

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*Sale of Gas.*

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or Marks thereon as shall be sufficient to distinguish each Inspector's District.

Copies of the Models of Gas-holders to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland.

Appointment of Inspectors.

IV. In *England* at some General or Quarter Sessions of the Peace within Nine Months next after the passing of this Act the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in such Boroughs as may adopt this Act, as herein-after provided, the Town Council at the Meeting next after such Adoption, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Nine Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions or Meeting so called, shall determine the Number of Copies of the said Models of Gas-holders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and all such Districts shall be distinguished by the Number or Mark applied thereto on such Stamps, and they shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Town Council or Magistrates as aforesaid to perform, and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Town Council in *England* or Royal Burgh of *Scotland*, except such as are County Towns, wherein Gas is used, to provide Copies of the said Models and Stamps, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expense Copies of the said Models and Stamps to be used within such united Districts: Provided always, that in every Borough in *England* where there is a Town Council, not being a Manufacturer or Seller of Gas, it shall be lawful for such Town Council within Six Months after the passing of this Act, after One Month's Notice duly given in the Manner in which Notices are usually published by such Town Council, to adopt this Act, if the Majority of the Members present

*Sale of Gas.*

present at any Council Meeting at which the Subject is appointed to be considered shall so determine; and if no Resolution to that Effect shall be passed within such Time, then the Justices aforesaid, at their next practicable General or Quarter Sessions after the Expiration of such Six Months, shall in reference to any Borough not so adopting this Act carry this Act into effect; and in all Boroughs as aforesaid in which the Town Council is a Manufacturer or Seller of Gas, the Justices of such Boroughs shall have such and the like Powers of adopting and carrying into effect the Provisions of this Act within such Boroughs as by this Act are given to Town Councils not being Manufacturers or Sellers of Gas.

V. In *Ireland* the Town Council or Town Commissioners of every Borough and Town, such Town Council or Commissioners not being Manufacturers or Sellers of Gas, shall at a Meeting of the Town Council or Commissioners to be held within Nine Months after the passing of this Act, and so from Time to Time at any subsequent Meeting, determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their Towns or Boroughs respectively, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and shall direct what reasonable Remuneration shall be paid to such Inspectors, and they are hereby empowered to suspend or dismiss any Inspector so appointed, or to appoint additional Inspectors from Time to Time as Occasion may require; and in all Boroughs and Towns in which the Town Council or Town Commissioners shall be Manufacturers or Sellers of Gas, the Justices of such Boroughs and the Grand Jury of the County in which such Boroughs or Towns not having a separate Commission of the Peace shall be situate respectively shall have such and the like Powers as by this Act are given to the Town Council and Town Commissioners not being Manufacturers or Sellers of Gas for carrying into effect the Provisions of this Act within such Boroughs and Towns: Provided always, that the Jurisdictions of such Town Council and Town Commissioners, Justices, and Grand Juries respectively shall extend to all Meters out of such Boroughs or Towns for measuring Gas manufactured at any Gasworks by which any such Borough or Town shall be supplied with Gas.

VI. The Copies of the said Models so directed by the said Justices, Magistrates, or Town Council to be verified and stamped at the Exchequer shall be compared with the Models deposited with the Comptroller General of the Exchequer as aforesaid, and if correct shall be verified and stamped by the Comptroller General,

Models and Copies of Gasholders to be provided by Town Councils, Town Commissioners, &c., and Inspectors appointed.

Officers of the Exchequer at Westminster to stamp Copies of Models.

or

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or some other Officer of the Exchequer at *Westminster*, duly authorized, upon Payment of such Fees as are at present payable upon Verification and stamping a Set of Measures under the Acts relating to Weights and Measures, and no Stamp Duty shall be payable thereon.

Expense of providing Copies of Models and Remuneration of Inspectors defrayed out of County Rates, &c.

VII. The Expense of providing and transmitting such Copies of Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, and of the Stamp to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings, Divisions, Counties of Cities or Counties of Towns, and in Boroughs out of any Funds applicable to Lighting Purposes, and if no such Funds then out of the Borough Fund; and in *Scotland* such Expenses in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, according to the Real Rent of Lands and Heritages as appearing on the Valuation Roll of such Shires, Stewartries, and Burghs respectively, and in such Manner and by such Persons as the said Commissioners of Supply and Magistrates respectively may determine and appoint, and such Assessments shall be collected under the same Powers of levying and Recovery as are competent for levying and recovering the Land Tax: Provided always, that in the City of *London* the Expenses and Remuneration aforesaid shall be paid out of the Consolidated Rate raised by the Commissioners of Sewers of the City of *London*, and in *Ireland* such Expenses in the respective Boroughs and Towns shall be provided for and paid respectively out of any Funds applicable to Lighting Purposes, and if no such Fund then out of any other Borough or Town Fund.

No Maker or Seller of Meter, or Person in the Service of any Gas Company or Manufacturer of Meters or Gas, to be an Inspector.

Inspector to enter into Recognizances.

VIII. No Maker, Repairer, or Seller of Meters or of Gas, or Person employed in the making, repairing, or selling of Meters or Gas, shall be an Inspector of Meters under the Provisions of this Act; and every Inspector shall forthwith enter into a Bond or Recognizance to the Queen, to be sued for in any Courts of Record, in such Sum, and either with or without a Surety or Sureties, as the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed shall fix, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment at such Time or Times as he may be directed by the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the said Copies of Models and Stamps committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices, Magistrates, Town Council, or other Persons aforesaid immediately on his Removal or other Cessation from Office.

Inspectors to attend at Towns where Gas is consumed,

IX. In *England* the Justices in General or Quarter Sessions assembled, or the Town Council in Boroughs adopting this Act at any Meeting thereof, and in *Scotland* the Justices or Magistrates at a Meeting called for the Purpose, and in *Ireland* the Town

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Town Council or Town Commissioners of any such Borough or Town as aforesaid, shall determine and appoint on what Days, at what Hours, and what Places each and every Inspector shall attend with the said Copies of Models and Stamps in his Custody at each of the several Towns and Districts within their respective Jurisdictions as they shall deem expedient ; and every such Inspector so attending shall examine, test, and, if found correct, stamp all such Meters as shall be required under the Provisions of this Act to be so examined, tested, and stamped, and shall deface or destroy the Stamp on any Meter tested and found incorrect under the Provisions of this Act, and he shall keep a Book wherein he shall enter Minutes of all such Examinations and Testings, with the Numbers of Identity and Capacity marked by the Manufacturer on such Meters, and give, if required, a Certificate under his Hand of every such Stamping and Defacing ; and every Inspector shall once in every Quarter of a Year account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or Borough or Town, or to such other Person as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer as aforesaid, who shall account for the same.

when required  
by Justices.

Inspector to  
pay Fees to  
Treasurer of  
County, &c.

X. No Meter duly stamped under the Authority of this Act shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Meter throughout the United Kingdom, unless found to be incorrect within the Meaning of this Act.

Meters when  
stamped need  
not be re-  
stamped.

XI. In case any Inspector of Meters shall stamp any Meter without duly testing and finding the same to be correct, or shall refuse, or for Three Days after being so required under the Provisions of this Act neglect, without lawful Excuse, to test any Meter or to stamp any Meter found to be correct on being so tested, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall upon Conviction forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on  
Inspector for  
Misconduct.

XII. No Meter shall be stamped which shall be found by the Inspector to register, or be capable of being made by any Contrivance for that Purpose, or by Increase or by Decrease of the Water in such Meter, or by any other Means practically prevented in good Meters, to register Quantities varying from the true Standard Measure of Gas more than Two *per Centum* in favour of the Seller or Three *per Centum* in favour of the Consumer ; and every Meter, whether stamped or unstamped, which shall be found by such Inspector to register or be so capable of being made to register Quantities varying beyond the Limits aforesaid, shall be deemed incorrect within the Meaning of this Act ; and every Meter which shall be found by such Inspector to measure and register Quantities accurately, or not varying beyond the Limits aforesaid, and shall be found incapable by any such Means as aforesaid of being made to register Quantities varying beyond the

Meters not to  
be stamped if  
more than Two  
per Cent. incor-  
rect in favour  
of the Buyer or  
Three per Cent.  
in favour of the  
Seller, and to  
be stamped  
if erroneous to  
no greater  
Extent.

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Certain Me-  
ters incorrect  
against the  
Seller of Gas  
may be used by  
Agreement.

the Limits aforesaid, shall be considered to be correct, and be stamped as aforesaid in such Manner and on such Part of the Meter as shall be specially directed by the Authority appointing him, or in default of such Direction as shall in his Opinion best prevent Fraud: Provided always, that every Meter having a measuring Capacity at One Revolution or complete Action of the Meter of not less than Five Cubic Feet, and having permanently marked upon it in some conspicuous Place the Words "without Float," shall be stamped by the Inspectors, if found correct, within the Meaning of this Act in all other respects except that it is capable of being made by Abstraction of Water to register incorrectly against the Seller of Gas, but it shall not be lawful after the Time aforesaid to use in the Sale of Gas any such Meter, when so stamped by the Inspector, except by written Agreement between the Buyer and Seller specifying that this Description of Meter shall be used.

Rules for  
testing Meters.

XIII. The following Rules shall be observed by the Inspector in testing Meters under the Provisions of this Act :

Firstly, the Meter shall be tested for Soundness or Leakage only, and not for Per-centage of Error, when fixed on a horizontal Base, and with Gas under a Pressure equal to a Column of Water Three Inches high, with a Light or Lights consuming not more than One Twentieth Part of its measuring Capacity *per Hour* marked thereon, nor less than One Half of a Cubic Foot *per Hour*, for all Meters of a measuring Capacity not exceeding One hundred Cubic Feet *per Hour*, and not more than One Fortieth Part of its said measuring Capacity *per Hour* for all Meters of any greater measuring Capacity *per Hour* than One hundred Cubic Feet ; and all Meters found to work under such Test shall be deemed sound Meters, and any Meter found not to work under such Test shall not be stamped.

The Meter to be tested for Per-centage of Error shall be fixed on a horizontal Base, and shall be tested at a Pressure equal to a Column of Water Five Tenths of an Inch high, and passing the Quantity of Gas or Atmospheric Air *per Hour* which shall be marked thereon as its measuring Capacity *per Hour*, and the Water used in such Testing, and the Air of the Room in which such Testing shall be made, shall be as nearly as practicable of the same Temperature as the Gas or Air passed through the Meter.

Penalty for  
counterfeiting  
Stamps.

XIV. If any Person or Persons shall make, except under the Authority of this Act, or forge or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting, any Stamp or Mark which may be hereafter used for the stamping or marking of any Meter under this Act, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Fifty Pounds or less than Ten Pounds ; and if any Person shall knowingly sell, utter, or dispose of, let, lend, or expose to Sale, any Meter with such forged Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding  
Ten

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Ten Pounds or less than Forty Shillings, and all Meters with such forged or counterfeited Stamps shall be forfeited and destroyed.

XV. Any Person who shall knowingly repair or alter, or knowingly cause to be repaired or altered, or knowingly tamper with, or do any other Act in relation to any stamped Meter so as to cause such Meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful Access to any Meter in his Possession or Control, or the Supply of Water thereto as herein-after provided, or shall obstruct or hinder any Examination or Testing authorized by this Act of any such Meter, shall on Conviction forfeit a Sum not exceeding Five Pounds, pay the Fees for removing and testing, and the Expense of purchasing and fixing a new Meter; provided that the Payment of any such Penalty as aforesaid shall not exempt the Person paying from Liability to Indictment or other Proceeding at Law to which he would otherwise be liable, or deprive any Person of the Right to recover Damages against such Person for any Loss or Injury sustained by such Act or Default.

Penalty for obstructing Inspector.

XVI. Every Consumer of Gas may purchase and use for the Measurement of the Gas supplied to him any Meter duly stamped under the Authority of this Act, provided that the Gas to be consumed *per Hour* shall not exceed the Quantity *per Hour* the Meter is intended to measure, so marked on the Outside thereof as aforesaid.

Consumers may use any stamped Meter.

XVII. After the Expiration of Ten Years from the passing of this Act all Meters whatsoever not previously stamped which shall be used for buying and selling Gas, or for the collecting of any Rates or Duties, or for making any Charges on the Passage, Transmission, or Conveyance of Gas, shall be examined and tested under the Authority of this Act, and stamped if found correct; and every Person who shall after the Times respectively fixed by this Act knowingly use any Meter which has not been so stamped as aforesaid shall on Conviction forfeit a Sum not exceeding Five Pounds, and any Contract, Bargain, or Sale made by any such Meter shall be void; and every such Meter so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person knowingly using or possessing the same, shall be forfeited and destroyed.

After Ten Years all Meters to be stamped.

XVIII. No Meter for the Purpose of ascertaining the Quantity of Gas sold shall be fixed for Use after the Expiration of Twelve Months after the passing of this Act, unless the same shall have its measuring Capacity at One Revolution or complete Action of the Meter, and also the Quantity *per Hour* it is intended to measure in Cubic Feet, or Multiples or Decimal Parts of a Cubic Foot, denominated or marked on the Outside thereof in legible Letters or Figures, and shall be stamped by an Inspector of Meters under the Provisions of this Act; and every Person who after the Expiration of such Twelve Months shall fix for Use any such Meter before it has been so stamped shall be liable to a Penalty of Five Pounds for every such unstamped Meter; and all Meters required to be tested and stamped, except as herein-

After Twelve Months no Meter to be sold, &c. unless stamped; and unstamped Meters may be stamped, if required, or stamped Meters substituted, at the Expense of the Person requiring it.

after

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after mentioned, shall be delivered to the Inspector at the Place where his testing Gasholder and Apparatus may be kept; and every Purchaser and Seller of Gas by Meter may, at his own Expense, at any Time after the Expiration of the said Twelve Months, require any unstamped Meter by which his Gas is measured to be examined, tested, and, if found correct, stamped, or he may at his own Expense substitute a stamped Meter in the Place of any such unstamped Meter: Provided always, that such Purchaser or Seller of Gas shall before Removal of any such unstamped Meter for the Purposes aforesaid give Twenty-four Hours Notice in Writing of such intended Removal to the other Party to the Contract.

Fees for testing and stamping Meters.

XIX. The Fees for Examination, Comparison, and testing, with or without stamping Meters, shall be Sixpence for each Meter delivering a Cubic Foot of Gas in Four or more Revolutions or complete Repetitions of the Action of the Meter, and One Shilling for each Meter delivering a Cubic Foot of Gas by any less Number of Revolutions or complete Actions, or One Revolution or complete Action, and for each Meter delivering more than One Cubic Foot of Gas by One Revolution or complete Action the further Sum of One Shilling for every Cubic Foot of Gas delivered at One Revolution or complete Action beyond the First Cubic Foot.

Power to Justices and Inspectors to enter Houses, &c., and inspect Gas Measures and Meters.

XX. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* it shall be lawful for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* or *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at the Request and Expense of any Buyer or Seller of Gas, who shall have given Twenty-four Hours Notice in Writing to the other Party to the Contract, at all reasonable Times to enter any House or Shop, Store, Warehouse, Still, Yard, or Place whatsoever within his Jurisdiction where any Meter, whether stamped or unstamped, shall be fixed or used, and to examine and test the same, and if necessary for such Purpose to remove such Meter, doing as little Damage thereby as may be; and if upon such Examination and Testing it shall appear that any such Meter is incorrect within the Meaning of this Act, or fraudulent, the same shall not be refixed or used again unless and until altered and repaired so as to measure and register correctly, and stamped; and the Fees on such Removal, Examination, and Testing of a Meter, whether stamped and replaced or not, shall be double the Fees herein-before made payable for testing and stamping, and shall be payable by the Buyer or Seller of Gas as the Justice of the Peace in *England* or *Ireland*, or the Sheriff, Justice, or Magistrate in *Scotland*, as the Case may be, shall determine, and shall be recoverable accordingly: Provided always, that in case the Head Office of the Person or Company to whom such Notice is to be given shall be more than Twenty Miles distant from the Meter referred to in such Notice, Three Days Notice in Writing shall be given instead of Twenty-four Hours Notice as aforesaid; and provided also, that any Person duly authorized by any Company or Persons selling Gas by Meter may



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may supply Water to any Meter, so as to keep the Water at the correct Level.

XXI. In case of any Dispute between the Buyer and Seller of Gas by Meter, or between any Owner of a Meter and any Inspector of Meters under this Act, respecting the Correctness of any Meter, the Inspector shall, if required by any such Person dissatisfied with his Decision, give such Party his Reasons in Writing for such Decision, and such Party may require such Meter to be examined and re-tested by Two Inspectors of adjoining or neighbouring Districts, to be named by any Justice of the Peace having Jurisdiction in the District where such Meter shall have been tested; and the unanimous Decision of such last-mentioned Inspectors shall be final as to the Correctness or Incorrectness of such Meter, except in case of Appeal to the General or Quarter Sessions; and in case such Two Inspectors shall not agree, the Decision of the Inspector of the District to which such Meter belongs shall be considered final, except in case of Appeal to the General or Quarter Sessions, as herein-after provided; and the Expenses of the Proceedings to be taken under the Powers hereby granted shall be ascertained by the Justice, who shall also determine by and to whom the same shall be paid, and such Expenses may be recovered in any Court of competent Jurisdiction.

XXII. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Persons who may think themselves aggrieved by any Act or Decision of any Inspector or Inspectors of Meters, or by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may appeal to the Justices of the Peace, Recorder, or other presiding Officer at the then next practicable General or Quarter Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices, Recorder, or other presiding Officer shall either hear and determine the said Complaints at such General or Quarter Sessions, or, if they think proper, shall adjourn the Hearing thereof till the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices, Recorder, or other presiding Officer may, if they or he see cause, reverse or alter such Decision, and mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they or he shall judge reasonable, and may also order such Costs to be paid by the Party complained

Disputed  
Decision of  
Inspector to  
be referred to  
Two Inspectors  
of adjoining  
Districts,  
&c.

Persons  
aggrieved may  
appeal to Quarter  
Sessions.

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against the Party appearing, or *vice versâ*, as they shall think reasonable.

This Act and existing Powers not to be cumulative.

XXIII. Where any Municipal Corporation, Local Board of Health, or Two or more Justices, or any other Corporation or Person now have Powers of appointing Inspectors of Meters, and they or such Inspectors now have Powers of stamping, re-stamping, examining, or testing Meters, those Powers and the Provisions of this Act shall not be cumulative, but after the Expiration of Nine Months after the passing of this Act the Provisions of this Act shall supersede all such Powers.

Proceedings not to be quashed for Want of Form or removed.

XXIV. No Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

As to Recovery and Application of Penalties.

XXV. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Fees and Penalties received and recovered under this Act shall be applied in aid of the Stock or Fund out of which the Expenses of carrying the Act into effect shall be defrayed, and in *Scotland* all Penalties incurred under the Provisions of this Act shall be recoverable, with Expenses, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges, and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the said Models in the Place where such Penalties shall be awarded; and it is hereby provided that it shall be competent for the said Courts respectively to proceed in a summary Way and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expenses decerned for, failing Payment within Fourteen Days after Conviction, by Pounding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXVI. In *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under

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under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King George the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in Scotland*, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expenses awarded against him or them by the Sentence or Sentences appealed from in the event of the Appeal or Appeals being dismissed, together with any additional Expenses which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or any other Way than as herein provided.

XXVII. In all Actions brought against any Person for anything done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall be laid and brought in the County within which the Cause of Action shall have arisen, and the Defendant or Defendants in such Action 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 Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Limitation of  
Actions, &c.

XXVIII. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not  
to recover after  
Tender of  
Amends.

## LOCAL ACTS.

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*Cap. iv.*

“ *The Red Sea and India Telegraph Act, 1859.*”

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Incorporates Companies Clauses Act, § 3.

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## The SCHEDULE referred to in the foregoing Act.

An Agreement made the Eighteenth Day of November in the Year of our Lord One thousand eight hundred and fifty-eight between the Right Honourable Edward Geoffrey Earl of Derby and the Right Honourable Benjamin Disraeli, Two of the Lords Commissioners of Her Majesty's Treasury, of the one Part, and the Red Sea and India Telegraph Company (Limited) of the other Part. Whereas the above-mentioned Company are incorporated under the "Joint Stock Companies Act, 1856," with a Capital of Eight hundred thousand Pounds, the whole of which has been subscribed for, and Ten per Cent. upon the Amount thereof has been paid up: And whereas the Objects of the said Company are the establishing Telegraphic Communication between England and India by the Red Sea, under Concessions granted by the Turkish and Egyptian Governments, and for this Purpose they are entering into Arrangements for the Construction, laying down, and working of a Line of Telegraph from Alexandria to Kurrachee by the Red Sea and Aden: And whereas the last-mentioned Line of Telegraph, when laid down and in work, is likely to be extensively used on Her Majesty's Service, and it is therefore expedient that the Lords Commissioners of Her Majesty's Treasury acting on behalf of Her Majesty and the various Departments of Her Majesty's Government, should make Arrangements with the said Company for the proper Transmission and Delivery of Messages on Her Majesty's Service, and for the Rates and Charges to be made for the same: And whereas, in consideration of the Difficulties of the Company's Undertaking, and the great Importance and Value of the said Line of Telegraph when laid down and in work, as well for Her Majesty's Service as to the Public at large, it has been deemed proper that some Encouragement and Assistance should be given by the Government to the said Company in the Prosecution of their Undertaking, and for this Purpose the said Lords Commissioners are willing to enter into an Agreement, subject to such Confirmation as herein-after mentioned, for guaranteeing to the Company such Rate of Interest or Dividend for such Period and upon such Terms as herein-after mentioned: Now therefore the said Lords, Parties hereto, as such Commissioners for Her Majesty's Treasury, for themselves and their Successors, and the Red Sea and India Telegraph Company (Limited) for themselves, their Successors and Assigns, hereby mutually covenant as follows:

1. That the Work to be undertaken by the Company shall be the laying down a Line of Electric Telegraph from Alexandria to Kurrachee by the Red Sea and Aden, as above mentioned.

2. That the Construction and laying down of the Line of Telegraph from Alexandria to Aden, and thence to Kurrachee, shall be commenced forthwith and proceeded with with all Diligence.

3. That the Company shall employ for the Construction and laying

laying down of the said Line of Telegraph from Alexandria by Aden to Kurrachee Contractors of high Position and extensive Experience in Telegraphic Operations, and shall immediately enter into a Contract with such Contractors whereby the Contractors shall bind themselves to construct and lay down the said Line of Telegraph from Alexandria to Aden for a fixed Sum, and within a fixed Period, at their own Risk and upon their own Responsibility, and to hand over the Line to the Company in efficient working Order.

4. That the Company shall themselves well and efficiently work all their Lines of Telegraph for the Transmission and Delivery of Messages.

5. That all Messages and Signals from or to Her Majesty, or on Her Majesty's Service, shall, subject to the Terms of the Concessions from the Turkish and Egyptian Governments, be transmitted and delivered by the Company in preference and priority to all private Messages whatsoever, and the Rates and Charges to be paid for the same shall be the same as may at the Time being be paid in the like Cases by private Persons.

6. That the Lords Commissioners of Her Majesty's Treasury shall guarantee to the Company (subject to such Confirmation by Act of Parliament as herein-after mentioned) that during the Period of Fifty Years from the Fourth Day of August in the Year of our Lord One thousand eight hundred and fifty-eight the net Receipts available for Dividend upon each half-yearly Statement of Accounts, after Payment of Working Expenses as herein-after mentioned, shall 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 Undertaking, not exceeding in any Case, except as herein-after mentioned, the Sum of Eight hundred thousand Pounds, and shall, 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, shall 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 Calculation of the Amount to which the Company are entitled upon this Guarantee all Capital paid up in the Course of the current Half Year shall 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 this Guarantee shall be a Charge upon the Company, to be repaid out of future surplus Profits, as herein-after provided.

7. That the Company shall keep proper and accurate Accounts of all Monies received and all Payments made by them which are properly attributable to "Capital Account," so as at all Times to show the Amount of Capital actually called and paid up by them, and the Manner in which the

same has been expended, and the Cash Account of the Company shall be kept at the Bank of England.

8. That the Company shall also keep proper and accurate Accounts of all Monies received by them for the working of their Lines of Telegraph, of all their Working Expenses, and of all other Receipts and Payments properly attributable to "Revenue Account," and these Accounts shall be made up half-yearly to the First Day of January and the First Day of July, so as to show the net Receipts (if any) of the Half Year.

9. That a certified Abstract and Balance Sheet of the Accounts of the Company, as well upon the Capital Account as upon the Revenue Account, and showing also the Appropriation of the net Receipts (if any), and the Amount (if any) to be paid by the Lords Commissioners upon their Guarantee, shall be made out half-yearly to the First Day of January and the First Day of July in each Year during the said Period, and shall be presented to the Lords Commissioners within Thirty Days after those half-yearly Days respectively, and all reasonable Means and Opportunities shall be afforded to the Lords Commissioners, or any Persons nominated by them for that Purpose, to examine into and verify the Correctness of such Accounts.

10. That the Working Expenses shall be taken to include all Expenses of the Management of the Company, and all other Expenses usually carried to Revenue Account.

11. That the Working Expenses of each Half Year shall, in the first instance, be paid out of the gross Receipts upon Revenue Account of that Half Year, and if these shall be insufficient for the Purpose, the Deficiency shall be made good out of the Reserve Fund herein-after mentioned, or, failing that, out of the Capital of the Company.

12. That if upon any Half Year, as well during as after the said Period of Fifty Years, the net Receipts available for Dividend, after Payment of Working Expenses, shall be more than sufficient to pay a Dividend at the Rate of Four and a Half per Cent. per Annum upon the above-mentioned Amount of Capital, the Surplus shall be applied as follows :

(a) If there remains any Debt or Charge outstanding in respect of Payments made in the preceding Half Years by the Lords Commissioners under their Guarantee, One Third of such Surplus shall be applied in or towards the Payment of such Debt or Charge, another Third shall be applied towards the Formation of a Reserve Fund, not exceeding Ten per Cent. on the Amount of Capital from Time to Time called up and paid as herein-after mentioned, and the Remainder shall be applied to increase the Dividend payable to the Shareholders to an Amount not exceeding in the whole the Rate of Ten per Cent. per Annum upon the paid-up Capital of the Company.

(b) If there shall be no such outstanding Debt or Charge, and if the Reserve Fund shall not at the Time being amount to the full Sum of Ten per Cent. as aforesaid, Two Thirds of such Surplus shall be applied to increase the



the Dividend payable to the Shareholders to an Amount not exceeding in the whole that above limited ; the other One Third, and also any Portion of the first-mentioned Two Thirds remaining after the Dividend of the Shareholders has been increased to the Amount above limited, shall be applied to or towards making up the Reserve Fund after such Rate as aforesaid.

(c) If there shall be no such outstanding Debt or Charge, and the Reserve Fund shall amount to the full Sum of Ten per Cent. as aforesaid, the whole of such Surplus shall be applied to increase the Dividend payable to the Shareholders to an Amount not exceeding in the whole that above limited.

(d) Any Portion of such Surplus remaining unappropriated after the Dividend of the Shareholders has been increased to the Amount above limited shall be applied either in reduction of the Rates and Charges of the Company for the Transmission and Delivery of Messages, in the Creation of a Fund for the Redemption of the Government Guarantee, or in such other Manner as the Lords Commissioners shall from Time to Time direct or approve.

13. That the Reserve Fund shall be applied and used, as Occasion may require, to and for the restoring or replacing of the Telegraphic Cables, and for all Repair and Maintenance of the Telegraphs and Telegraphic Cables, Stations, Instruments, and Machinery of the Company, not being such as are defined in Article 11 as the ordinary Working Expenses, and shall also be applied and used, in any Half Year when the Receipts of the Company shall not be sufficient to defray the Working Expenses, to and for or towards the Payment of the Balance of such Working Expenses ; and if the Reserve Fund shall not be sufficient for these Purposes or any of them, the further Amount required shall be supplied or paid out of the Capital of the Company.

14. That whenever the Reserve Fund shall be reduced by any Payments made out of it below the said Amount of Ten per Cent. as aforesaid, it shall be again raised to that Amount in the same Manner as upon its original Formation. The Reserve Fund shall be invested, and all Interest or Profits arising from such Investment shall form Part of the Receipts of the Company upon Revenue Account.

15. That in case the Company shall make default or fail in laying down the Line of Telegraph from Alexandria to Aden, or, having laid down that Line, shall make default or fail in laying down the Line of Telegraph from Aden to Kurrachee, or shall at any Time during the said Period of Fifty Years fail to maintain the said Lines of Telegraph or either of them, or to reinstate and restore them if and when necessary, or efficiently to work the said Lines or either of them for the Transmission of Messages, the said Lords Commissioners may, by Notice in Writing to that Effect, require the Company to give up and transfer their Lines of Telegraph and other Property to the said Lords Commissioners, or to any other  
Department

Department of Her Majesty's Government, and thereupon the Company will, at the Expiration of Six Months from such Notice, give up and transfer to the Lords Commissioners, or to such other Department of the Government, all their Lines of Telegraph (if any) then laid, and the Benefit of all their Concessions with the Turkish and Egyptian Governments, and all their Stations, Instruments, and Machinery, and all their Monies, including the Reserve Fund, and other Property whatsoever, and shall receive and be paid for the same a Sum equal to the Amount of the Capital of the Company so by these Presents authorized to be raised at the Time being called and paid up (all Debts by the Company being discharged), together with Interest thereon at the Rate of Four and a Half per Cent. per Annum from the Day of the last half-yearly Payment of Dividend to the Day on which such giving up and Transfer is to take place.

16. That the Lords Commissioners shall be entitled to nominate any Two Persons whom they shall think fit, whether Shareholders in the Company or not, to be ex officio Directors of the Company, and to represent the Government in the Board of Directors, and shall be entitled at any Time to remove any such Directors or either of them, and appoint another to act in his Stead. The Sanction and Concurrence of One of the Two ex officio Directors shall be necessary to the Validity of all Contracts made by the Company, to the fixing and altering of the Rates and Charges for the Transmission and Delivery of Messages, and generally to all Proceedings of the Directors and of the Company, and the Provisions as to ex officio Directors contained in the "Atlantic Telegraph Act, 1857," shall apply to the ex officio Directors hereby agreed to be appointed.

17. The Board of Directors of the Company shall consist of a Chairman and Vice Chairman and Six Directors, exclusive of the ex officio Directors.

18. That in the event of the Lords Commissioners deciding not to provide Ships for laying down the said Lines of Telegraph as originally contemplated, and of its being necessary or expedient to increase the Capital of the Company for the Purpose of providing such Ships, the Guarantee provided for by Clause 8 of this Agreement shall be extended to such increased Capital so to be raised, not exceeding, with the 800,000*l.* therein mentioned, the Sum of 1,000,000*l.* Sterling.

19. That all Questions and Differences which may arise between the Parties hereto upon or in respect of this Agreement, or the Confirmation thereof by Act of Parliament as herein-after mentioned, or the carrying out of this Agreement by either Party, or the Rights or Claims of either Party thereunder, shall be decided by Arbitration in a Manner similar to that provided by Sections 59 and 60 of the said "Atlantic Telegraph Act, 1857," except that if the Arbitrators shall fail to appoint an Umpire, as in the said Act is provided, the Umpire shall be appointed by the Chief Justice of the Common Pleas, and the necessary Clauses and Provisions for  
that

that Purpose shall be introduced into the Act herein-after mentioned.

20. That an Act of Parliament shall be applied for by the Company in the next Session of Parliament for the Purpose of confirming and giving effect to this Agreement. The Act shall contain all necessary and proper Clauses and Provisions for this Purpose, which shall be submitted to and approved by the Lords Commissioners, and the Lords Commissioners will sanction and further the Application by the Company for such Act of Parliament. In witness whereof the said Red Sea and India Telegraph Company (Limited) have hereunto caused their Common Seal to be affixed, and the said other Parties have hereunto set their Hands and Seals, the Day and Year first above written.

Sealed with the Common Seal of (Seal.)  
the Red Sea and India Telegraph  
Company (Limited), by Order of  
the Board. November 1858.

C. L. PEEL, Secretary.

Signed, sealed, and delivered by the DERBY. (Seal.)  
above-named Earl of Derby and  
the Right Honourable Benjamin B. DISRAELI. (Seal.)  
Disraeli in the Presence of

WILLIAM H. STEPHENSON,  
Treasury, Whitehall.

*Cap. v.*

*“The Manchester London Road Station Act, 1859.”*

Recites 7 W. 4. & 1 Vict. c. xxi., 7 W. 4. & 1 Vict. c. lxxix., 9 & 10 Vict. c. cclxviii., 12 & 13 Vict. c. lxxxii., and 9 & 10 Vict. c. cciv.; that the Manchester, Sheffield, and Lincolnshire and the London and North-western Railway Companies have or respectively claim an Interest in the London Road Station; that Disputes have arisen, and Suits in Chancery and other Proceedings at Law have been instituted between the Companies with respect to the Station; proposes a Partition, and that Provision be made for the general Management of the Station and the Appointment of the Officers, Clerks, and Servants; and that each Company have the Power of appointing, controlling, and removing the Booking Clerks and Servants necessary for the Conduct of its own particular Business; and that Powers be given to the London and North-western Railway Company to widen that Part of their Railway in the Parish of Manchester which lies between Chancery Lane in Ardwick and the said London Road Station.

Partition to be made, § 1.

As to Payments by Manchester, Sheffield, and Lincolnshire Company, § 2.

Portions of the Station may be left in common, § 3.

Provision for temporary Occupation, § 4.

Company to enter into possession of Parts allotted when Works completed, § 5.

- As to Management of Station ; Committee, §§ 6 to 9.  
 As to Expenses of managing Station, § 10.  
 As to General Superintendent, §§ 11 to 13.  
 Arbitrator to be appointed, § 14.  
 As to Settlement of Disputes, § 15.  
 The Two Companies may contract with each other as to the Station, § 16.  
 Lands Clauses and Railways Clauses Acts incorporated, § 17.  
 Power to widen Railway, § 18.  
 Saving Property of Lancashire and Yorkshire Railway Company, § 19.  
 One Year for compulsory Purchase of Lands, § 20.  
 Three Years for the Completion of the Widening, § 21.  
 Works to form Part of the Company's Undertaking, § 23.  
 Construction of Works; Bridges, §§ 24 to 29.  
 Alteration of Gas and Water Pipes, §§ 31 to 34.

*Cap. vi.*

*"The Pembroke and Tenby Railway Act, 1859."*

- Incorporates Companies, Lands, and Railways Clauses Acts, § 1.  
 Company incorporated, with Capital of 80,000*l.*, in 10*l.* Shares, and Power to borrow 26,600*l.*, §§ 4 to 10.  
 Meetings; Directors, §§ 11 to 18.  
 Protecting Rights of Admiralty and Secretary for War, §§ 20 to 22.  
 Railway, § 19, to be completed in Five Years, §§ 25 and 30.  
 Two Years for compulsory Purchases, § 24.  
 Board of Trade Provisions, §§ 26 to 29.  
 Tolls, §§ 31 to 38.  
 Saving Rights of Crown, § 41.

*Cap. vii.*

*"The Tyne Improvement Act, 1859."*

Recites that by their Act of 1850 the Commissioners were authorized to raise by Mortgage a Sum not exceeding 30,000*l.* for the Improvement of the River, and certain Dues were appropriated and authorized to be carried to a Fund to be called the Tyne Improvement Fund ; that by their Act of 1852 they were authorized to construct, within the Period of Seven Years from the passing of that Act, Piers on the Northern and Southern Sides of the Mouth of the River, and to raise on Mortgage of certain Pier Rates thereby granted the Sum of 200,000*l.* ; that the Piers are now in the course of Construction, but the Time for completing the same will expire on the Seventeenth Day of June One thousand eight hundred and fifty-nine, and it is expedient to extend the Time so limited ; that they have expended on the Works of the said Piers the Sum of 101,606*l.*, or thereabouts, of which the Sum of 32,900*l.* only has been borrowed on Mortgage of the Piers Rate, and the Residue of such Expenditure has been supplied from

the annual Proceeds of the said Piers Rate ; that the Commission appointed by the Crown on Harbours of Refuge have recommended a Grant of 250,000*l.* from the Consolidated Fund, to aid in the Extension of the said Piers, as authorized by this Act, on condition that further Sums should be expended by the Commissioners ; that it is expedient that the Commissioners be authorized to borrow on Security of the Piers Rate a further Sum of Money, and it is reasonable that the Period for the Commencement of the Sinking Fund in respect of the Piers Rate provided by the Act of 1852 should be postponed, inasmuch as above 60,000*l.* have been expended from the Receipts applicable to the same, instead of raising Money on Loan under the Provisions of the said Act ; that it is expedient to authorize an Alteration in and an Extension of the Lines of the said Piers as authorized by the Act of 1852 ; that by the Act of 1852 the Commissioners were empowered to form Docks at a Place called the Hayhole, to be called the Northumberland Docks, and were authorized to raise the Sum of 200,000*l.* on Mortgage for the Purpose, and to levy certain Rates, Dues, and Duties on the said Docks, herein-after called the Dock Rates, and the Money arising from such Rates was directed to be applied as follows :—First, in paying the Expenses of the Working, Management, and Maintenance of the Docks ; secondly, in paying the Interest of the Money borrowed ; and lastly, in providing a Sinking Fund for paying off the Principal Money borrowed ; and it is enacted that (after forming a Reserve Fund) the Commissioners should, in the event of any Surplus remaining, lower the Dock Rates to the Extent of the Surplus ; that the Commissioners have constructed the said Docks at Hayhole, now called the Northumberland Docks, and have borrowed the said Sum of 200,000*l.*, and the Docks are open for the Shipment of Coal, and the landing and Shipment of Goods and Merchandise ; that a further Expenditure on the said Docks is necessary in order to complete the same, to improve the Approaches thereto, and to supply the Conveniences and Facilities required by the Trade thereof ; and it is expedient to authorize the raising of further Sums of Money for that Purpose ; that by the Tyne Improvement Act, 1857, the Commissioners were incorporated ; and that the said Acts be amended.

Repeals Section 3 of Act of 1852, § 3.

Incorporates Lands and Parts of Harbours, &c. Clauses Acts, §§ 4 to 7.

Extension of Time for Ten Years more, §§ 8 and 13.

Deviations and Works, §§ 10 to 12.

Admiralty Provisions, §§ 14 to 16.

Pier Rates, Charge for, Recovery of, and Exemptions, §§ 17 to 19.

Power to borrow 100,000*l.* more upon Pier Rates, § 20.

Sinking Fund, § 21.

Power to borrow 100,000*l.* more upon Dock Rates, §§ 22, 23.

Sections 33, 34, 35, and 37 of Act of 1857 applied, § 24.

Provisions as to Smoke Nuisance, § 25.

Saving Powers of former Acts, § 26.

Saving Rights of Commissioners, of Crown, of Lords of Manors, Trinity House, Commissioners of Sewers, and Duke of Northumberland, §§ 27 to 33.

*Cap. viii.*

“The *Great North of Scotland Railway Consolidation Act, 1859.*”

Recites Acts of 1846, 1851, 1854, and 1855 ; that the present Share Capital of the Company consists of 27,686 original Shares, upon each of which 10*l.* have been paid, representing a paid up Capital of 276,860*l.*, and of 29,109 Preference Shares of 10*l.* each, representing a Capital of 291,090*l.*, making a Total of 567,950*l.*, and the Company have still Power to raise by Shares the Sum of 539,490*l.* ; that Doubts exist as to the Rights and Liabilities of the holders of original Shares in the Company, and it is expedient that such Doubts should be removed, and that the Capital of the Company, and the Powers of the Company with respect thereto, should be altered and defined ; that the Company, in addition to the Sums raised as aforesaid by Shares and by Mortgage for the Purposes of their Undertaking, have incurred for those Purposes Debts and Liabilities amounting to 50,000*l.*, or thereabouts, and they have likewise under the Authority of Parliament agreed to subscribe the Sums mentioned in the Schedule (A.) to this Act, and amounting in the whole to 153,000*l.* to other Lines of Railway with which their own is connected, and of this Sum the Company have already paid 106,160*l.*, and have borrowed Money for the Purpose, and the Company are contemplating an Increase in their said Subscriptions to the Extent of 60,000*l.*, and also a further Outlay in doubling their Line of Railway, and for the general Purposes of their Undertaking, and in providing additional Rolling Stock and Plant for the working of their own Line, and of other Lines for the working of which they have entered into Agreements ; proposes to stop up a certain Road, and to repeal and consolidate Acts.

Repeal of recited Acts, and Saving of Parts of Act of 1854, §§ 1, 2.

Company to remain incorporate, § 3.

Incorporation of Companies, Lands, and Railways Clauses Acts (Scotland), § 4.

Saving of Rights and Liabilities, §§ 5 to 16.

Capital of the Company.

XVII. Upon the passing of this Act the Share Capital of the Company shall be 1,050,000*l.*, and such Capital shall consist of 276,860*l.*, divided into 27,686 Shares of 10*l.* each, which Shares shall be called “Original Shares ;” of 291,090*l.*, divided into 29,109 Shares of 10*l.* each, to be called “Preference Shares ;” and of 482,050*l.*, to be raised by Shares of 10*l.* each under the Powers of this Act, and to be called “New Shares ;” and all Shares in the Company which at the Time of the passing

passing of this Act shall not have been issued, shall be and the same are hereby cancelled and extinguished.

XXI. The Preference Shares shall be entitled in perpetuity to a preferential Dividend at the Rate of 5*l.* per Centum per Annum, to be paid before any Dividend is paid on the Original Shares; and if and whensoever the net Revenue of the Company, in any One Year ending on the First Day of August, is more than sufficient to pay a Dividend of Five per Centum on the Original Shares of the Company, after Payment of the said preferential Dividend, and of the Dividend which may be attached to any of the New Shares, the said Preference Shares shall participate equally with the Original Shares in such Excess of Dividend beyond Five per Centum.

Rights attached to Preference Shares.

Power to raise 482,050*l.* by New Shares, with or without a Preference not exceeding 4*l.* 10*s.* per Centum, §§ 22 to 25.

Power to borrow 50,000*l.*, in addition to present Debt of 300,000*l.*, §§ 26 to 28.

Power to convert Debt into Debenture Stock, and to raise Money by means of that Stock; Debenture Stock to extinguish Debt, §§ 29 to 33.

Repeal of Powers given to Company by "Inverness and Aberdeen Junction Railway Act, 1856," of creating further new Capital, § 34.

Meetings; Votes; Directors, §§ 37 to 43.

Undertaking of the Company, § 44.

Power to stop up Road at Waterloo Quay, and Compensation; Application of Compensation Money, §§ 45 to 47.

Level Crossings, §§ 48 to 50.

Tolls, §§ 52 to 62.

#### SCHEDULE (A.)

##### SUBSCRIPTIONS to other Lines of Railway.

	£
Formartine and Buchan Railway - - -	50,000
Alford Valley Railway - - -	15,000
Inverury and Old Meldrum Junction Railway -	2,000
Banff, Macduff, and Turriff Junction Railway -	40,000
Banff, Macduff, and Turriff Extension Railway -	5,000
Keith and Dufftown Railway - - -	1,000
Inverness and Aberdeen Junction Railway -	40,000
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	£153,000
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#### SCHEDULE (B.)

Sections and Provisions of the repealed Act, 17 & 18 Vict. c. 187, continued in force, *i.e.*, §§ 17 to 26.

##### Cap. ix.

"The Kingston-upon-Thames Gas Act Amendment Act, 1859."

Recites Incorporation in 1854, with a Capital of 20,000*l.*, in 50*l.* Shares, and Power to borrow 5,000*l.*; proposes to raise further Moneys.

Power to raise 15,000*l.* by new Shares, §§ 1 to 3.

Dividend limited to 7*l.* 10*s.* per Cent., § 4.

Power to borrow further Sum of 3,750*l.*, in proportion to paid-up Capital, §§ 5 to 7.

*Cap. x.*

“*The North-eastern Railway Company (Pately Bridge Branch) Act, 1859.*”

The 8 & 9 Vict. cc. 18, 20, extended to this Act, § 3.

Power to make Railway and Works, to be completed in Three Years, § 4, and §§ 10, 11.

Provisions of Board of Trade, §§ 5 to 7.

Lands not to be purchased compulsorily after Two Years, § 9.

Power to acquire Interests in certain Lands, § 12.

Power to acquire Lands by Agreement, in connexion with the Tyne Docks, § 13.

Power to raise 90,000*l.* additional Capital by new Shares or Stock, with or without a Preference, not exceeding 5*l.* per Cent., §§ 14 to 21.

Tolls, § 22.

Application of Moneys, § 23.

*Cap. xi.*

“*Reading and Hatfield Turnpike Roads Act, 1859.*”

Recites 10 G. 4. c. cxxxiii. ; proposes to increase Number of Tolls, to extend their Term, and repeal Act.

Division of Roads into Three Districts, § 3.

Trustees, §§ 4, 5.

Repeal of Act ; saving Rights and Liabilities, §§ 6 to 10.

Meetings ; limiting Expenditure, §§ 11 to 14.

Entrances to Fields, &c., §§ 15 to 17.

Existing and additional Toll Gates and Tolls, §§ 18 to 26.

Leasing of Tolls, §§ 27 to 29.

Application of Moneys, § 30.

Mortgagees and Mortgages, §§ 31 to 36.

Duration of Act, § 38.

Schedule (Mortgage Debt on the Tolls).

*Cap. xii.*

“*Gateshead Quay (Second) Act, 1859.*”

Recites Acts relating to Borough of Gateshead and to the North-eastern Railway Company ; that by their Act of 1855 the Mayor, Aldermen, and Burgesses of the Borough, acting by the Council of the Borough, were appointed the Commissioners for executing that Act, and authorized to make a Quay on or near to the Right Bank of the River Tyne, and also to make new Streets, and to execute other Works, and to purchase Lands for the Purpose, but the Exercise of the Powers of that Act for the compulsory Purchase of Lands was limited to Three Years after the passing of that Act ; that by their Act of 1855 the Commissioners were autho-



rized to borrow on Mortgage of the several Rates, Rents, and Charges in respect of the Gateshead Quay any Sums not exceeding in the whole 35,000*l.*, and on the Security of the Borough Fund and Borough Rate, or either of them, any Sums not exceeding in the whole 20,000*l.*, and to levy a Rate within the Borough; that by that Act it was provided that there should be One Sinking Fund for paying off the several Sums borrowed under that Act, and the Sum to be set apart as the Sinking Fund should in every Year be not less than One Fortieth Part of the aggregate Amount of the Moneys from Time to Time so borrowed; that the Commissioners have proceeded to put that Act into execution, and have purchased or taken Parts of the Lands required for the Purposes thereof, but they have not exercised their Powers of compulsory Purchase with respect to the whole of the Lands required for the Purposes of that Act, and the Period within which those Powers were exercisable has expired; that it is expedient that the Commissioners be authorized to purchase Lands still required for the Purposes of the Gateshead Quay and Works; that the Commissioners have borrowed on the Security of the Borough Fund and the Borough Rate of the Borough the whole of the 20,000*l.* which by the "Gateshead Quay Act, 1855," they were authorized so to borrow, but they have not borrowed any other Money under the Authority of that Act; that it is expedient that the Commissioners be authorized to borrow, either on the Security of the Rates, Rents, and Charges granted to them in respect of the Gateshead Quay, or on the Security of the Borough Fund and the Borough Rate, or either of them, any Sums not exceeding in the whole 20,000*l.*, Part of the Sum of 35,000*l.* which by their Act of 1855 they are authorized to borrow on Mortgage of those Rates, Rents, and Charges, and either with or without a collateral Security on those Rates, Rents, and Charges, or any of them, for the same, and the Interest thereon; and that the Commissioners and the Railway Company be authorized to make and carry into effect Arrangements with respect to the User, Appropriation, and Maintenance by the Railway Company of any Lands and Works of the Commissioners under the "Gateshead Quay Act, 1855," and the Traffic thereon, and otherwise.

Power to take Lands for Gateshead Quay according to deposited Plans, &c., § 2.

Three Years for compulsory Purchase of Lands, § 3.

Power to borrow on Borough Fund, § 4.

Power to borrow on Borough Fund and Rates, or both, § 5.

Limit of Amount to be borrowed, 55,000*l.* in all, § 6.

Sinking Fund, § 7.

Power to levy Borough Rate, § 8.

Priority of existing Mortgages, § 9, 10.

Contracts and Arrangements with Railway Company, §§ 11 to 17.

Saving Rights of Crown, of Corporation of Gateshead, of Commissioners, and of Railway Company, §§ 18 to 21.

*Cap. xiii.*“*The Hampstead Junction Railway Amendment Act, 1859.*”

Proposes to extend the Time for Completion of certain Works, to authorize Deviations, and to raise further Moneys.

Extension of Time and Compensation, §§ 1, 2.

Lands and Railways Clauses Acts incorporated, § 3.

Power to take certain Lands, § 4.

One Year for compulsory Purchases, § 5.

Deviations authorized ; Contracts saved, §§ 6, 7.

Compensation to Owners of West End House Estate, § 8.

Power to raise 150,000*l.* by Shares, §§ 9 to 11.

*Cap. xiv.*“*The North British and Selkirk Railways Amalgamation Act, 1859.*”

Recites Acts of 1854 and 1858, relating to the Selkirk and Galashiels Railway Company ; that the existing Share Capital of the Selkirk and Galashiels Company issued and called up consists of 1,866 Ordinary Shares of 10*l.* each, representing 18,660*l.*, and 288 Preference Shares of 10*l.* each, representing 2,880*l.* ; and they have Power to issue Shares to the Amount of 8,460*l.* with preferential Dividends ; and the said Company have borrowed on Mortgage of their Undertaking 7,500*l.* or thereabouts, and their Liabilities, chargeable to Capital Account, exclusive of the Expense of certain Sidings, Works, and Electric Telegraphs, and of the Costs of re-investing certain Compensation Moneys, amounted on the 31st Day of October 1858 to 8,650*l.* or thereabouts ; that the Selkirk Railway is open for public Traffic, and is used, worked, maintained, and repaired by the North British Railway Company under the Management of a joint Committee of Directors of the Two Companies ; and proposes that their several Undertakings and Capital Stocks should be amalgamated.

Repeal of Selkirk and Galashiels Railway Acts, and Amalgamation of Companies and their Undertakings, § 1.

The Selkirk and Galashiels Railway Company to continue incorporated for certain Purposes, § 2.

North British Railway Company seised and possessed of Estate and Effects of Selkirk and Galashiels Railway Company, § 3.

Saving of Rights and Liabilities, §§ 4 to 12.

Ordinary and Preference Shares of Selkirk and Galashiels Railway Company to be Ordinary and Preference Shares of North British Railway Company, §§ 13, 14.

Payment of Preference Dividends, §§ 15 to 23.

Power for North British Railway Company to raise Capital by Shares which the Selkirk and Galashiels Railway Company might have raised, and to form Part of Companies general Capital, §§ 25 to 27.

Incorporating certain Provisions of Companies Clauses Acts,  
§ 28.

Power for North British Railway Company to borrow on Mortgage or Bond Sums authorized to be so borrowed by Selkirk and Galashiels Railway Company, §§ 29 to 31.

Board of Trade Provisions, §§ 34, 35.

Conveyances of Land by Feu Right, §§ 37 to 39.  
Tolls, § 40.

*Cap. xv.*

“*The Lymington Railway Act, 1859.*”

**Recites** Incorporation in 1856, with Power to make a Railway from the Borough of Lymington to the Southampton and Dorchester Branch of the London and South-western Railway, with a Landing Place or Quay in connexion with the Railway, and to purchase the Town Quay and Bridge at Lymington, and to raise a Capital of 21,000*l.* by 2,100 Shares of 10*l.* each, and to borrow 7,000*l.*; and in the event of their purchasing the Town Quay and Bridge at Lymington, or either of them, to raise an additional Capital of 5,000*l.* by new Shares; that they have made the Railway so as to admit of its being opened for public Traffic, but they have not yet completed all the Works connected with the Railway or their Landing Place or Quay at Lymington; that they have purchased the Bridge at Lymington, but not the Town Quay; that they have issued the whole of the Shares of their original Capital of 21,000*l.*, which are all fully paid up, except 13 Shares; and they have borrowed on Mortgage or Bond 7,000*l.*, and they have created 500 Shares of 10*l.* each, in respect of their additional Capital of 5,000*l.*, but they have issued only 127 of those Shares, which are fully paid up; proposes to authorize the Company to take the Tolls in the Schedule for the User of their Bridge, and to purchase by Agreement and to maintain the Ferry across the Lymington River, and to raise further Moneys.

Bridge to be deemed Part of the Railway, § 2.

If Bridge be abandoned or fall into Decay, Admiralty may remove it at Company's Expense, § 3.

Bridge Tolls, §§ 4 to 10.

Power for Company to acquire Ferry across Lymington River, and Ferry Tolls, §§ 11 to 18.

Penalties on Toll Collectors, § 19.

Power to compound for Bridge Tolls and for Ferry Tolls, § 20.

Leases of Bridge Tolls and Ferry Tolls, § 21.

Company may make Arrangements with Steam Vessel Companies, § 22.

Unissued Shares of additional Capital cancelled, § 23.

Capital as now increased to be 41,000*l.*, including Debt, §§ 24 to 29.

Power to create new Shares of different Classes, with a preferential Dividend not exceeding 5*l.* per Cent., §§ 30 to 38.

Saving Rights of Admiralty, § 41.

Schedule (Tolls).

*Cap. xvi.*

“*The Tenbury Railway Act, 1859.*”

Proposes to make a Railway; to convert a Portion of the Leominster Canal into a Railway, and to authorize the Shrewsbury and Hereford Railway Company to subscribe; and also Agreements with them for working of the Line.

Incorporation of General Acts, § 1.

Subscribers incorporated, with Capital of 30,000*l.* in Shares of 10*l.*, and Power to borrow 10,000*l.*, §§ 3 to 8.

Power to the Shrewsbury and Hereford Railway Company to contribute not exceeding 5,000*l.*, § 11.

Meetings; Directors; §§ 12 to 20.

Railway, §§ 21, 22.

Communications with the Shrewsbury and Hereford Railway, §§ 23 to 26.

Provision for the Easton Court Estate, § 27.

Three Years for the compulsory Purchase of Lands, § 29.

Four Years for Completion of Works, §§ 30, 39.

Provisions of Board of Trade, §§ 31 to 34.

Provision for Purchase of Leominster Canal, 35 to 38.

Tolls, §§ 40 to 49.

Power to make Traffic Arrangements with the Shrewsbury and Hereford Railway Company, §§ 50 to 58.

*Cap. xvii.*

“*The Worcester and Hereford Railway Act, 1859.*”

Proposes to extend their Railway and to purchase certain Property in the City of Hereford.

Lands and Railways Clauses Acts incorporated, §§ 1, 2.

Power to construct new Works, and to enter on Lands for Sidings in Hereford, §§ 3, 4.

Describing Railways, §§ 5 and 16.

As to Works near the River Severn, § 6.

As to Construction of Railway under Bridge, § 7.

As to Crane, § 8.

Company not to deviate, § 9.

Damage to be made good, § 10.

Defining Works at Quays, § 11.

Quays not to be obstructed, § 12.

Two Years for Purchase of Lands, § 13.

Three Years for the Completion of the Railways, §§ 14, 15.

Tolls, §§ 17, 18.

Power to Oxford, Worcester, and Wolverhampton Railway Company to use the Railways, § 20.

Repealing Part of Section 3 of 21 & 22 Vict. c. cxlii.—  
§ 21.

*Cap. xviii.*“*The Dundee and Newtyle Railway Improvement Act, 1859.*”

Recites several Acts relating to the Dundee and Newtyle Railway, and to the Dundee, Perth, and Aberdeen Railway Companies; a Lease by the former to the latter; proposes to dispense with Stationary Engines; and to raise further Moneys.

Incorporation of Lands and Railways and Parts of Companies Clauses Acts, §§ 2, 3.

Power to make Improvements according to deposited Plans, &c., § 4.

Lands to be purchased within Two Years, § 6.

Three Years for Completion of Works, §§ 7 and 26.

Board of Trade Provisions, §§ 8 to 10.

Railway when improved to vest in Dundee and Newtyle Railway Company, § 11.

Unnecessary Part of existing Railway may be abandoned and disused, §§ 12, 13.

Company's Liability to maintain Roads continued, § 14.

Accommodation of Dundee and Newtyle Railway Traffic at Union Street Station, § 15.

Toll, § 16.

For the Transmission and Accommodation of Dundee and Newtyle Railway Traffic on Expiration of Lease, § 17.

Power to raise additional Capital, 70,000*l.*, §§ 18 to 22.

Apportionment of Revenues of the Dundee and Newtyle Railway, § 23.

Protecting existing Preferences, § 24.

*Cap. xix.*“*The Salford Gasworks Act, 1859.*”

Recites Acts of 1830, 1844, 1850, and 1853; that under the Act of 1853 the Districts of Broughton and Pendleton became incorporated with the said Borough, and there had then been expended out of the separate Funds or Income of the Salford District upon those Gasworks the Sum of 49,378*l.* 9*s.* 4*d.*, and since such Incorporation there has been expended out of the said separate Funds and Income up to the Thirtieth Day of September One thousand eight hundred and fifty-eight, the further Sum of 27,924*l.* 10*s.* 8*d.*; that the Corporation are authorized to borrow the Sum of 70,000*l.* on Mortgage of the Gasworks and of the separate Property of the Salford District, and of the Improvement Rate, and they now owe 69,042*l.* 18*s.* 7*d.*, of which Debt the Sums mentioned in Schedule (A.) to this Act, amounting together to the Sum of 27,000*l.*, form Part; proposes that the Obligations in respect of the Sum of 27,000*l.* should be adopted by the Corporation, and that the Sum of 924*l.* 10*s.* 8*d.* be repaid by the Corporation to the Salford District out of

- the Moneys by this Act authorized to be raised, and to enable the Corporation to borrow the Sum of 40,000*l.*, and to alter the Appropriation of the Profits from Gas.
- Sums mentioned in Schedule (A.) to be a Charge upon Borough Rate and Gasworks, § 2.
- Corporation may borrow a further Sum of 40,000*l.* upon Security of the Gasworks, § 3 to 9.
- 2,530*l.* to be annually transferred to Salford District Account from Gasworks, § 10.
- Separate Account in respect of Gasworks, as to the Management of the Gasworks, § 11.
- Sinking and Depreciation Fund, § 12.
- Gasworks not to be included in any Mortgage of Salford District Property, § 13.
- Repeal of Fifty-first Section of the Act of 1853, § 14.
- Corporation not to have the Power of disposing of the separate Property of the Salford District, without the Consent of a Salford District Committee, § 15.
- Investment of Sinking Fund ; Mode of paying off Mortgages, § 16.
- Schedule (Mortgages and Forms).

*Cap. xx.*

- “The *Greenwich and South-eastern Docks Act, 1859.*”
- Incorporation of Companies, Harbours, and Lands Clauses Acts, §§ 2, 3.
- Subscribers incorporated, § 5.
- Capital 500,000*l.* in 10*l.* Shares, § 6.
- Power to borrow 166,666*l.*, § 8.
- Directors, §§ 9 to 12.
- Company empowered to construct Docks and Works according to Plans, § 14.
- Lands for extraordinary Purposes, § 15.
- Five Years for Completion of Docks and Works, § 16.
- Power to make Engines and other Conveniences, § 17.
- Diversion of Water of Thames, § 18.
- Admiralty Provisions, §§ 19 to 25.
- Work to be approved by Conservators of River Thames, § 26.
- Buoys, Lighthouses, and other Conveniences, § 27.
- Lights not to be exhibited or altered, or Buoys placed, without Sanction of Trinity House, § 28.
- Company not to make Byelaws for the Regulation of Vessels near the Docks, § 29.
- Company not to interfere with the Bed of the River, §§ 30, 31.
- Saving Rights of the Conservators of the River Thames, § 32.
- Docks to form Part of Port of London, § 33.
- For Protection of Metropolitan Board of Works, § 34.
- Lairs for Cattle, &c., § 35.
- Limits of Harbour-master's Authority, § 36.
- Vessels not to lie near Entrance to Dock, §§ 37, 38.
- Bonding Warehouses, §§ 39 to 43.
- Company empowered to make Rules and Regulations for managing their Warehouses, § 44.

Dangerous Goods to be marked by Senders, § 45.

Landing Gunpowder on Sundays, &c., § 46.

Power to appoint Weighers and Measurers, § 47.

Penalty for obstructing Constables, &c. searching Vessels, &c., § 48.

Officers of Customs to have free Access to Dock without Payment of Toll, § 49.

Rates payable on Vessels and on Goods, §§ 50 to 60.

Power to stop Goods for Freight, §§ 61 to 69.

Saving Rights of the Crown, of Corporation of London, and of Greenwich District Board of Works, §§ 70 to 73.

Schedule A. Schedule B. Tolls, Dues, and Rates.

*Cap. xxi.*

“*Price’s Patent Candle Company’s (Limited) Act, 1859.*”

Recites that under their Act of 1857 their Capital was fixed at 1,000,000*l.*, in 50,000 Shares of 20*l.* each, and they had Power to borrow 100,000*l.*, but subject to Reduction; that they have borrowed that Sum; that 12,500 Shares are unissued; proposes to cancel and to re-issue those Shares with a preferential Dividend, and to issue Shares for Redemption of Debt.

Power to cancel unissued Shares and to issue Shares with a Preference of Six or of Seven per Cent., according as they are irredeemable or redeemable, §§ 2 to 4.

Power to cancel Preferential Shares created but not issued, § 5.

Power to create new ordinary Shares for the Redemption of Preferential Shares, §§ 6 to 8.

Votes, Calls, &c., §§ 10, 11.

*Cap. xxii.*

“*Vale of Neath Railway Act, 1859.*”

Recites Acts relating to the Company and to the South Wales Railway Company; that it is expedient that the Company be authorized to acquire by Agreement with the South Wales Company that Part of the Neath Station which the Company now occupy, and to acquire by Agreement Lands adjoining thereto, and to provide additional Station Accommodation there, and that the Company and the South Wales Company be authorized to make Arrangements with respect to the User of their respective Station Accommodation at or near to Neath, and of their respective Portions of Railway, Works, and Conveniences at and near to the Junction of the Railway with the South Wales Railway, and at and near to their respective Stations at Neath; recites Acts relating to the Briton Ferry Floating Dock Company, and to the South Wales Mineral Railway Company; that the Company convey their Traffic to and from the Docks partly over a Portion of the South Wales Railway and partly over a Line of Railway which has been in part made and is now in course

of Completion by the South Wales Company and the Dock Company, or One of them, under the Authority of "The Briton Ferry Dock and Railway Act, 1851," and Section 34 of "The South Wales Railway (New Works) Act, 1851;" that by "The Briton Ferry Dock Act, 1851," the Dock Company were authorized to raise a Capital of 60,000*l.* by 3,000 Shares of 20*l.* each, and to borrow not exceeding 20,000*l.*, and the Company were authorized to subscribe and pay not exceeding 20,000*l.* towards the Undertaking of the Dock Company, and to appoint Three of the Nine Directors of the Dock Company; that by "The Briton Ferry Dock Act, 1857," the Dock Company were authorized to raise an additional Capital of 45,000*l.* by Shares, and to borrow not exceeding an additional Sum of 15,000*l.*, and the Company were authorized to subscribe and pay a further Sum of 10,000*l.* towards the Undertaking of the Dock Company, and the Mineral Railway Company were authorized to subscribe and pay 10,000*l.* towards that Undertaking; that the Company have subscribed and paid the Sum of 20,000*l.* only towards the Undertaking of the Dock Company; that the Mineral Railway Company have not paid or subscribed any Sum towards the Undertaking of the Dock Company; that the whole of the Capital of 60,000*l.* by "The Briton Ferry Dock and Railway Act, 1851," authorized to be raised by Shares has been created, and the Sum of 49,447*l.* has been paid thereon; that only the Sum of 3,740*l.*, Part of the additional Capital of 45,000*l.* by "The Briton Ferry Dock Act, 1857," authorized to be raised by Shares has been taken, and the Sum of 3,740*l.* has been paid thereon; that the Amount raised by the Dock Company by Shares and by borrowing is insufficient for the Completion of their Works; that such Completion is of importance to the Vale of Neath Company and to the Public using the Railway, and it is expedient that the Company be authorized to make Arrangements for securing the Completion of those Works, and to lease Part of the Lands and Works of the Dock Company; to make and maintain at or near to the Docks, Works and Conveniences adapted for the Traffic on the Railway, and by Agreement to acquire Lands for the Purpose; recites also, that by "The Aberdare Valley Railway Act, 1855," that Company were incorporated and were authorized to raise a Capital of 12,000*l.* by 600 Shares of 20*l.* each, and to borrow not exceeding 4,000*l.*, and were authorized to make and maintain the Aberdare Valley Railway; that they have raised and expended on their Undertaking the whole of their Capital of 12,000*l.*, and have borrowed and expended on their Undertaking the whole of the 4,000*l.* which they were authorized to borrow; that the Aberdare Valley Railway is worked and managed by the Vale of Neath Company under an Agreement entered into by them with the Valley Company, in pursuance of "The Aberdare Valley Railway Act, 1855;" that it is expedient that the Vale of Neath Company be authorized to acquire the Undertaking and Property of the Valley Company; that under their Acts of 1846, 1847,



and 1855, and before the 31st Day of December 1858, the Company had created 32,734 Shares of 20*l.* each, of the aggregate nominal Amount of 654,700*l.*, which Shares had been converted into 654,700*l.* consolidated Ordinary Stock of the Company, and they had also, under their Acts of 1846 or 1855, or One of them, created 3,015 Shares of 20*l.* each, of the aggregate nominal Amount of 60,300*l.*, which had not been fully paid up ; that on the 31st Day of December 1858, the several Shares so created and not fully paid up, and being of the aggregate nominal Amount of 60,300*l.* with the then consolidated Stock of the nominal Amount of 654,700*l.* made together the aggregate nominal Amount of 715,000*l.* being the total Capital which the Company were authorized to raise by Shares ; that on the 31st Day of December 1858, the Amount which the Company had borrowed and secured by Debentures was the Sum of 238,300*l.* authorized to be raised by Debentures, and they were indebted in the further Sum of 74,380*l.*, making an aggregate Debt of 312,680*l.* ; proposes to raise further Moneys and to regulate Capital and borrowing Powers.

Incorporation of Parts of Companies Clauses Act, and Lands, Railways, and Harbours Clauses Acts, §§ 2 to 4.

Power for Company to purchase by Agreement Lands for Purposes of Act, § 5.

Powers for Company to use Lands for Purposes of Act, § 6.

Powers of Company and South Wales Company as to Station at Neath, &c., § 7.

Power for Company to guarantee Interest or Profit not exceeding 6*l.* per Cent. upon 40,000*l.* to Dock Company, §§ 8 to 10.

Power for Company and Dock Company to agree for Licence to use or Lease of Docks to Company, §§ 11 to 15.

Power for Company and Aberdare Valley Company to agree for Sale or Transfer of Valley Railway to Company, §§ 16 to 31.

Tolls, &c. on Railways vested in or worked by Company under Act, §§ 32, 33.

Agreement between Company and other Companies for Purposes of Act, § 34.

150,000*l.* additional Capital of Company created, § 35.

Present Capital of Company 865,000*l.* including the 150,000*l.*, § 36.

Power for Company to raise further Capital for Acquisition of Property of Valley Company, not exceeding 16,000*l.*, § 37.

Total Capital of Company under Act, § 38.

Power to cancel unissued new Shares, §§ 39 to 45.

Power to attach a Preference not exceeding 6*l.* per Cent. to new Shares, §§ 46 to 56.

Power to borrow generally, § 57.

Power to borrow for Acquisition of Property of Aberdare Valley Company, §§ 58, 59.

Power to create Debenture Stock, with a Dividend not exceeding 5*l.* per Cent., §§ 60 to 69.

Company to keep separate Accounts of Shares, &c. created, &c. for Acquisition of Property of Aberdare Company, and Application thereof, § 70.

Limit of Amount to be raised by Company to be 1,169,333*l.*,  
§ 71.

Votes, §§ 75 to 78.

Directors, §§ 79 to 81.

Saving Rights of Companies, § 82.

*Cap. xxiii.*

“The *Atlantic* Telegraph Amendment Act, 1859.”

Recites Acts of 1857 and 1858; that their present Capital consists of 350,000*l.* original Capital, and of 112,860*l.* in 20*l.* Shares; that they have no Preference Shares; proposes to increase Capital; to attach a Preference to it; and to modify and alter Agreements with Her Majesty's Government.

Repeal of Sections 13 & 15 of Act of 1857, and of Section 3 of Act of 1858, § 3.

The Capital of the Company shall be (until increased under the Powers herein-after contained) the Sum of 1,062,860*l.*, consisting of the Sums of 350,000*l.* and 112,860*l.* before mentioned, (and both of which Sums are herein-after included under the Term “Old Capital,”) and the Sum of 600,000*l.* in 120,000 new Shares of 5*l.* each, § 4.

Those 120,000 Shares shall bear and be entitled to a preferential Dividend at the Rate of 8 per Centum per Annum on the Amount for the Time being paid up thereon in Priority to the Payment of any Dividend on any Part of the old Capital, and shall also, in proportion to the Amount for the Time being paid up thereon, be entitled to participate equally with the old Capital in any Moneys applicable to Dividend which, upon each Declaration of Dividend, may remain after paying or providing for Dividend on the whole of the old Capital at the Rate of 4 per Centum per Annum, § 5.

The Company may from Time to Time, by a Resolution passed, with the Assent of Two Thirds of the Votes of the Shareholders voting, personally or by Proxy, at any General Meeting of the Company convened with Notice of such Object, further increase the Capital of the Company so as the total Amount of Capital, including the Capital theretofore created, shall not exceed the Sum of 2,000,000*l.* sterling, § 6.

Power to attach a Preference to new Capital, § 7.

Deficiency in Year's Dividend not to be supplied out of Profits of succeeding Years, § 8.

New Capital to be Part of general Capital, § 10.

Application of new Capital, § 11.

Power to divide Capital into Shares of a smaller Amount, § 12.

Register of Shares, § 13.

Directors not bound to issue Certificates of Shares until former Certificates delivered up, § 14.

Shares to be Shares in Capital, § 15.

Voting, &c., § 16.

Power to Treasury to modify Agreements with Company, and to make Arrangements with them as to fixed or varying annual Payments, § 17.

Act not to confer exclusive Privileges, § 18.

*Cap. xxiv.*

“*The Border Union (North British) Railways Act, 1859.*”

Recites that the Acts relating to the North British Railway Company were consolidated and amended, and the Undertaking of the Company defined by 21 & 22 Vict. c. cix.; that the Hawick Line of the Company commences by a Junction with the Berwick Line of the Company at the Portobello Station and terminates at Hawick, and there are Branch Railways therefrom to St. Leonard's in Edinburgh, to Dalkeith, and to Kelso; that a Railway in extension of the said Hawick Line to the Port Carlisle Railway in the Parish of St. Mary Carlisle in the County of Cumberland, with Branch Railways therefrom to Langholm and the Canobie Coalpits, and to connect such Railway with the Caledonian Railway at Gretna, would be of great Advantage to the Public and to the Company; and that the Cost is estimated at the Sum of 495,000*l.*; proposes to raise further Capital by the Creation of Shares, with or without a Guarantee of Dividends, and to appropriate to the Purposes of this Act any of their existing Funds; also that separate Accounts should be kept of the Traffic upon the said Railways and of the Revenues derived therefrom; and to make Provision for the User by the Company of certain Parts of the Caledonian Railway, and also for the Use by the Company of the Citadel Station at Carlisle, and to fix the Tolls to be taken on certain Parts of the Caledonian Railway for the Use thereof, or otherwise with respect to the Traffic of the intended Railways, and to provide for facilitating the Conveyance, Interchange, and Transmission of Traffic to, from, and upon the various Systems of Railways belonging to the Company (including the said intended Railways), the Caledonian Railway Company, the Lancaster and Carlisle Railway Company, the Port Carlisle Dock and Railway Company, the Carlisle and Silloth Bay Railway and Dock Company, the Border Counties Railway Company, the Glasgow and South-western Railway Company, the Newcastle-upon-Tyne and Carlisle Railway Company, and the Maryport and Carlisle Railway Companies, and to authorize the said Companies to make Contracts and Arrangements with respect to the several Matters aforesaid, and to confirm an Arrangement already entered into between the Company and the Port Carlisle Dock and Railway Company and the Carlisle and Silloth Bay Railway and Dock Company.

Incorporation of General Acts, § 2.

Power to Parties having limited Interests to feu Lands, &c., §§ 3 to 6.

Power to make Railways, §§ 7 to 9.

- Provisions as to Bridge over Caledonian Railway, §§ 10, 11.  
 As to Junctions with Caledonian and Port Carlisle Railways,  
 §§ 12 to 15.  
 Saving Rights of the other Companies, § 16.  
 Board of Trade Provisions, §§ 17 to 24.  
 Three Years for compulsory Purchase, § 25.  
 Five Years for Completion of Works, §§ 27, 28.  
 Power to create Border Union Shares not exceeding 495,000*l.*,  
 §§ 29 to 31.  
 Company may guarantee Dividend not exceeding 5*l.* 10*s.* per  
 Cent., §§ 32 to 35.  
 Qualification for Directors under this Act, §§ 35, 36.  
 Future Elections of Directors, § 37.  
 Incorporating certain Provisions of Companies Clauses Con-  
 solidation Act, § 41.  
 Power to borrow 165,000*l.*, §§ 42, 44.  
 Langholm and Gretna Branches to be opened simultaneously  
 with Carlisle Extension, § 48.  
 Tolls, § 49.  
 Company restrained from charging more than One Penny  
 Halfpenny per Ton per Mile for Coal, § 50.  
 Company to run One Passenger Train at the least per Day  
 each Way between Edinburgh and Carlisle, § 51.  
 For the Accommodation of Langholm Branch, § 52.  
 Distance between Langholm and Hawick to be reckoned as if  
 Langholm had been on Main Line, § 53.  
 Transmission and forwarding of Traffic, § 54.  
 Prevention of undue Competition with the Caledonian Railway  
 Company, § 55.  
 Power to run over Port Carlisle Branch of Caledonian  
 Railway, § 56.  
 Power to use Citadel Station at Carlisle, § 57.  
 Limiting Tolls and Charges for certain Traffic on Part of the  
 Caledonian Railway, § 58.  
 Power for Companies to enter into Agreements, § 59.  
 Confirming Agreement between Company and Port Carlisle  
 Dock and Railway Company, §§ 60 to 64.  
 Schedule. Agreement.

*Cap. xxv.*

“The *Carlisle to Penrith and Penrith to Eamont Bridge*  
*Road Act, 1859.*”

- Recites and proposes to repeal 11 G. 4., c. cx. ; that 2,500*l.*  
 is owing upon the Tolls ; proposes to divide the Road into  
 Two Divisions.  
 Repeal of recited Act ; Act to be in force for 23 Years, § 2.  
 Division of Road, § 4.  
 Northern Division, § 5.  
 Southern Division, § 6.  
 Moneys and Property vested in Trustees, according to their  
 Divisions, § 7.  
 Benefit of Contracts, &c. with Trustees to belong to Trustees  
 of the respective Division, according to the Subject Matter  
 thereof, § 8.

How Obligations of present Trustees shall be discharged, § 9.  
 Apportionment of Mortgage Debt between the Two Divisions,  
 § 10.

Trustees under recited Act may act until First Meeting of  
 Trustees under this Act, § 11.

Books and Minutes, §§ 12, 13.

Trustees, §§ 14, 15.

Present Officers continued, § 16.

First Meeting of Trustees, § 17.

Toll Gates, § 18.

Carlisle Trustees to remove the present Toll Gate at Carlisle  
 and not to put one nearer than 1,800 Yards from the Stone  
 called the City Bounder Stone, § 19.

Present Tolls continued for 21 Days after Commencement of  
 Act, unless Trustees otherwise direct, § 20.

Tolls, §§ 21 to 29.

Power for each Division to borrow 400L., § 30.

Except as so authorized, no more Money to be borrowed, § 31.

Application of Moneys, §§ 32, 33.

As to Mode of discharging Debt, § 34.

Schedules (Mortgages on Tolls).

#### Cap. xxvi.

*“Much Wenlock and Severn Junction Railway Act, 1859.”*

Incorporates Companies, Lands, and Railways Clauses Acts, § 1.

Company incorporated, with a Capital of 24,000L. in 10L.  
 Shares, and Power to borrow 8,000L., §§ 4 to 10.

Meetings ; Directors, §§ 11 to 18.

Railway, §§ 19, 20, to be completed in Four Years, §§ 33, 34.

Board of Trade Provisions, §§ 21 to 25.

Communications with Severn Valley Railway, §§ 27 to 31.

Two Years for compulsory Powers, § 32.

Tolls, §§ 35 to 42.

Running Powers over Part of Severn Valley Railway, §§ 43, 44.

Power for Severn Valley Railway Company to form a Junction,  
 §§ 45, 46.

#### Cap. xxvii.

*“The Norwich New Street Act, 1859.”*

Incorporation of Companies and Lands Clauses Acts, §§ 3, 4.

Subscribers incorporated, with a Capital of 10,000L., in 50L.

Shares, and with Power to increase to 20,000L. ; Power to  
 borrow One Fourth of Capital, §§ 5 to 8.

Directors, §§ 11 to 13.

Power to make Street according to Plans, §§ 14 to 18.

After Street has been sewered it is to be maintained by Local  
 Board, § 19.

Company may sell and dispose of Grounds and Buildings to  
 be acquired by them, and may grant Building Leases, &c.,  
 but subject to Lands Clauses Act, § 21.

Application of Moneys received, § 22.

Eventual Dissolution of Company, § 23.

## Cap. xxviii.

"The *Liverpool Exchange Act*, 1859."

Recites Incorporation of Proprietors under 42 G. 3. c. lxxi.; that they have raised 80,000*l.* in 100*l.* Shares, have set apart a Reserve Fund, now amounting to 6,000*l.* and upwards, and have invested a Portion thereof, but have not borrowed any Money; proposes to construct additional Buildings and to abolish the System of Free Admissions; that by an Act of 1858 a Scheme was sanctioned for effecting the Purposes aforesaid, but (after reciting that it was expedient to allow Time for the Proposal to Parliament of another and more comprehensive Scheme relating to the Liverpool Exchange and Public Rooms connected therewith), it was enacted, that the said Act should not commence or take effect until the 1st Day of August 1859; that the Promoters have for that Purpose formed themselves into a Joint Stock Company under the Name of "The Liverpool New Exchange Buildings Company, Limited;" proposes to repeal Acts and to incorporate a new Company.

Repeal of recited Acts; Saving of Rights and Liabilities, § 1, and §§ 5 to 13.

Incorporation of Companies and Lands Clauses Acts, § 3.

Incorporation of Company, § 4.

Capital to be 360,000*l.* in 20*l.* Shares, § 14.

Increase of Capital by 100,000*l.*, § 16, and §§ 19, 20.

No Preference Shares to be created, § 18.

Power to borrow to not exceeding One Fourth of paid-up Capital, §§ 21 to 23.

Reserved Fund, § 24.

General Meetings; Votes; Directors; Auditors, §§ 25 to 39.

Power to take Lands, § 40; Time limited to Two Years, § 42.

Company not to appropriate Land for Exchange or News Room till certain Property purchased, § 43.

Saving certain Rights of Liverpool Corporation, § 41; and of Liverpool Exchange Proprietors, § 44.

Additional Lands, §§ 45, 46.

Power to Corporation to grant Lands at a yearly Rent, § 47.

Power to stop up Exchange Street West, §§ 48 and 50; and to alter Exchange Street East, § 49.

Power to build, alter, and rebuild, § 52.

News Rooms, § 53 to 56.

Free Admission abolished, § 57.

Letting of Buildings, § 58.

Company to maintain the Exchange Area, 59.

Piazas, § 60.

Regulations as to Passages, §§ 61 to 66.

Distribution of Reserved Fund, &c. of Company of Proprietors, and Dissolution of Company, §§ 67 to 71.

Byelaws, §§ 72, 74.

Appointment of Constables, § 75.

Penalty for obstructing Officers of Company, § 76.

Saving Rights of Municipal Corporation, § 77.

*Cap. xxix.*

“The *Castle Douglas and Dumfries Railway* (Amendment) Act, 1859.”

Recites Incorporation in 1856, with a Share Capital of 120,000*l.*, and Power to borrow 40,000*l.*, and for the Glasgow and South-western Railway Company to contribute 60,000*l.* towards the Share Capital; that the Company's Funds are insufficient to complete their Railway; proposes to authorize Increase of Capital and Deviation of Railway.

Incorporates Lands and Railways and Parts of Companies Clauses (Scotland) Acts, §§ 3, 4.

Power to raise 72,000*l.* by new Shares, with or without a Preference not exceeding 6*l.* per Cent., §§ 5, 6.

Power to borrow 24,000*l.*, § 7.

Power for Glasgow and South-western Company to purchase and hold the new Shares so created, and to raise Money by creating Shares in their own Undertaking, with or without a Preference not exceeding 5*l.* per Cent., §§ 8 to 11.

Funding of Debt, §§ 12 to 15.

Annuities in respect of Debt, not to exceed 5*l.* per Cent., §§ 16 to 20.

Power to create Debenture Stock in lieu of Mortgage and funded Debt, with Interest not exceeding 5*l.* per Cent., §§ 21 to 23.

Cancelling, Forfeiture, and Re-issue of Shares, §§ 24 to 26.

Dividends, Payment of, § 27.

Power to make a Deviation, to be completed in Two Years, §§ 28 to 31.

*Cap. xxx.*

“The *Llanidloes and Newtown Railway* (Canal Extension) Act, 1859.”

Recites Acts of 1853 and 1856; proposes to construct a Tramway, to extend Time for Purchase of Lands, to lease Railway, and to authorize Traffic and Working Arrangements with Shropshire Union Company.

Incorporates Lands and Railways Clauses Acts, § 1.

Power to make Tramway, §§ 3 to 6; to be completed in Two Years, § 11.

Line not to be deviated near Canal Terminus, § 7.

Protection of Shropshire Union Railways and Canal Company, §§ 8, 9.

One Year for compulsory Purchases, § 10.

Extension of Time for compulsory Purchases under Act of 1856, and Compensation, §§ 13 to 15.

Power to lease Railway to certain Parties, §§ 16 to 21.

Power to enter into Traffic and Working Arrangements with Shropshire Union, §§ 22 to 25.

*Cap. xxxi.**“ London and South-western—Portsmouth Railway Amalgamation Act, 1859.”*

Recites Acts relating to the Portsmouth Railway Company ; their Power to raise a Capital of 400,000*l.* by the Creation of Shares, and to attach a Preference or Guarantee of Dividends, not exceeding 5*l.* per Centum per Annum, on Part of such Capital, amounting to 50,000*l.*, and to borrow 133,000*l.* on Mortgage of their Undertaking ; that the Railway from Godalming to Havant and the Extension to Shalford are completed, but that certain other Extensions, Junction, and Station are not constructed ; that their existing Capital consists of 17,500 ordinary Shares of 20*l.* each, and the Company have not exercised their Power of creating preference or guaranteed Shares for any Part of the said Sum of 50,000*l.*, and the Mortgage Debt of the Company amounts to 133,000*l.* ; proposes to provide for the Leasing or Amalgamation of the Undertaking of the Portsmouth Railway Company to the London and South-western Railway Company.

Power for Companies to amalgamate, § 2.

Value of Undertaking for Purposes of Amalgamation, § 3.

Arrangement to be made as to Mortgage Debt of Company before Amalgamation, § 4.

Annuities may be created for Redemption or Discharge of Mortgages of Company, § 5.

Saving Rights of Mortgagees, § 6.

Annuities for Shareholders of Company in respect of their Shares to be created by the South-western Company, and to be called South-western Railway Portsmouth Annuities, and to be charged on Undertakings of both Companies ; to be made by Deed, §§ 7 to 35.

Stock may be allotted by Agreement in lieu of Annuities, §§ 36 to 39.

Annuities to be paid until Stock allotted, § 40.

Interest upon Stock to rank with Interest upon Annuities, §§ 41 to 43.

When Amalgamation to take effect, § 44.

Company dissolved and Shareholders entitled to Annuities, § 45.

Undertaking to vest in South-western Company, certain Provisions of recited Acts repealed, and the rest to apply to South-western Company ; Saving of Rights and Liabilities, §§ 46 to 49.

Power to lease, §§ 50 to 55.

Railways to be deemed One continuous Line as regards Tolls and Charges, § 56.

Number of Trains to be run by South-western Company daily between London and Portsmouth, viâ Godalming, § 57.

Speed of Trains, § 58.

Fares and Rates, § 59.

South-western Company to work Line fairly, § 60.

Board of Trade to decide as to Compliance by South-western Company with Requirements of Act, § 61.



Power to enter into Contracts, § 62.  
 Terms as to Use of Station at Landport, § 63.  
 Protection of certain Church Property, § 64.  
 Schedules (Forms).

*Cap. xxxii.*

“*The Forth and Clyde Navigation Amendment Act, 1859.*”

Recites 4 & 5 Vict. c. lv. and 13 & 14 Vict. c. xxvii.; further extends the Time for Sale of superfluous Lands for Ten Years; and provides for the enlarging of the Aqueduct over the Possil Road.

Schedule (Lands).

*Cap. xxxiii.*

“*Hertford, Luton, and Dunstable Railway Act, 1859.*”

Recites Acts of 1854 and 1855, incorporating the Two Companies, the State of their Capital at the Time of their Amalgamation in 1858; that under the Act of 1858 the Capital of the Company is 185,000*l.*, consisting of 54,460*l.* in 5,446 Shares of 10*l.* each, by that Act appropriated to the Hertford Section; and 10,540*l.*, by that Act authorized to be raised by new Shares for the Purposes of the Hertford Section; and 70,000*l.* in 7,000 Shares of 10*l.* each, by that Act appropriated to the Luton Section; and 50,000*l.* by that Act authorized to be raised by new Shares for the Purposes of the Luton Section; that the Company are authorized to issue the new Shares as preferential Shares, but the preferential Dividend thereon is limited to 5*l.* per Centum per Annum on the Amount from Time to Time paid up thereon; and the Company are precluded from paying that Dividend for any Year, except out of the Profits for the same Year; that by the Act of 1858 the Company are authorized to borrow on Mortgage of the Hertford Section not exceeding 21,600*l.* inclusive of the Debenture Debt of the dissolved Hertford Company, and to borrow on Mortgage of the Luton Section not exceeding 40,000*l.*; that by the Act of 1858 Provision is made for all Moneys raised by the Company in respect of the Hertford Section and the Luton Section respectively, being applicable only to those Sections respectively; that the Shares of the 54,460*l.*, Part of the Hertford Capital, are fully paid up; and the Company some Time since created and resolved on issuing the new Shares of the 10,540*l.*, as Residue of the Hertford Capital, as preferential Shares, bearing a fixed Dividend at the Rate of 5*l.* per Centum per Annum, but they have not issued any of those Shares; that the Debenture Debt of the Company in respect of the Hertford Section is 20,900*l.*; that the Company require for the Purposes of the Hertford Section, and propose to raise by new Shares 10,000*l.* in addition to the Amount which they are now authorized to raise for those Purposes;

proposes to repeal the Restriction limiting the Preference Dividend to 5*l.* per Cent., and to continue to keep the Accounts separate, and to extend Period for Completion of Luton Section.

Incorporation of Part of Companies Clauses Act, §§ 3, 4.

Partial Repeal of Section 45 and Part of Section 46 of the Act of 1858, § 5.

Unissued Shares of 10,540*l.*, Part of Hertford Capital, cancelled, § 6.

Power to create Shares for 10,540*l.* instead of cancelled Shares, § 7.

Power to raise 10,000*l.* additional Hertford Capital by new Shares, §§ 8 to 11.

Limit of Hertford Capital to 75,000*l.* and Loan converted into Capital, § 12.

Hertford Capital to be distinct from Luton Capital, § 13.

Power to create new Shares of Hertford Capital and to attach a Preference not exceeding 6*l.* per Cent., §§ 14 to 17.

Appropriation of new Shares, §§ 18 to 26.

Privileges of Holders of new Shares, §§ 27 to 29.

Application of Moneys, § 30.

Period for Completion of Luton Section extended Two Years from passing of Act, §§ 33 to 35.

Saving Rights of the London and North-western Railway Company, § 36.

#### Cap. xxxiv.

“The *Maybole and Girvan* Railway (Amendment) Act, 1859.”

Recites Incorporation in 1856, with a Capital of 68,000*l.*; and Power to borrow 22,600*l.*; and for the Glasgow and South-western Railway to contribute 20,000*l.* towards the Share Capital; that their Funds are insufficient to complete their Railway; and that a Deviation is required.

Incorporates Lands and Railways, and Parts of Companies Clauses (Scotland) Acts, §§ 3, 4.

Power to raise 45,000*l.* by new Shares with or without a Preference not exceeding 6*l.* per Cent., §§ 5, 6.

Power to borrow 15,000*l.*, § 7.

Power for Glasgow and South-western Company to hold Shares to the Amount of 15,000*l.*, and to raise Money by Shares in their own Undertaking with or without a Preference not exceeding 5*l.* per Cent., §§ 8 to 15.

Power to fund Mortgage Debt, and Payment of Annuities in respect thereof, §§ 16 to 24.

Power to create Debenture Stock in lieu of Mortgage or funding Debt, with Interest not exceeding 5*l.* per Cent.; Stamp Duties, §§ 25 to 27.

Surrender, cancelling, Re-issue of Shares, §§ 28 to 30.

Payment of Dividends, § 31.

Deviation of Line; compulsory Powers of Purchase to be exercised within One Year; Line to be completed in Two Years, §§ 32, 33.

*Cap. xxxv.**“Caterham and South-eastern Railway Companies Act, 1859.”*

Recites Incorporation of Caterham Railway Company in 1854, with a Capital of 30,000*l.*, and Power to borrow 8,000*l.*; that the Railway is open; their Shares paid up except 70*l.*; that they have borrowed 8,000*l.*, and that Interest to the Amount of 1,000*l.* is unpaid; recites a Suit in Chancery, and Approval by the Court of Sale to the South-eastern Railway Company for the Sum of 14,000*l.*

Incorporates Lands and Railways Clauses Acts, §§ 2, 3.

Heads of Agreement in Schedule confirmed, § 4.

Transfer of Undertaking to South-eastern Railway Company, §§ 5 to 10.

Application of Moneys by South-eastern Railway Company, §§ 11, 12.

Winding-up and Dissolution of Caterham Railway Company, §§ 13 to 16.

Schedule (Heads of Agreement).

*Cap. xxxvi.**“The Baginbun and Weaford Railway Act, 1859.”*

Recites Act of 17 & 18 Vict. (incorporating the Company) and of 19 & 20 Vict. (affording Facilities for raising Funds), that their authorized Capital consists of 270,000*l.* divided into 27,000 Shares of 10*l.* each; that they are authorized to raise a Sum not exceeding 30,000*l.* by Preference Shares instead of by Ordinary Shares; that 11,270 Shares have been subscribed for; that the paid-up Capital consists of 67,962*l.*, and the Company have not created any Preference Shares; that the Company are authorized to borrow on Mortgage a Sum not exceeding in the aggregate 90,000*l.*, in the following Manner; (that is to say,) on the Completion and Opening for public Traffic of the First Division of their Railway the Company are authorized to borrow a Portion of the said Sum, not exceeding One Third of such Amount, as shall be certified by the Board of Trade to have been actually expended by the Company in executing that Portion of the Undertaking, and so in like Manner on the Opening for public Traffic of the Second, Third, and Fourth Divisions of the Railway; that the First Division has been completed and opened for public Traffic, and the Works upon the Second Division are in progress, and the Company have not borrowed any Money on Mortgage or Bond; proposes to revive compulsory Powers in respect of certain Lands; to extend Period for Completion of Railway; to enlarge borrowing Powers; and to authorize the Great Southern and Western Railway Company to acquire Shares and to enter into Agreements.

Incorporation of General Acts, § 2.

Revival and Extension for Two Years of Powers for the compulsory Purchase of Lands as regards a Portion of the Property shown on the Plans of 1854, § 3.

Compensation, § 4.

Existing Contracts and Notices not to be prejudiced, § 5.

Extension of Time for Three Years for Construction of authorized Line, § 6.

Power to make a Deviation, §§ 7, 8.

Company to abandon Part of Line for which Deviation is substituted; Compensation, §§ 9, 10.

Two Years for compulsory Purchase of Lands for Deviation, § 12.

Three Years for the Completion of Works, § 13, 14.

Power to borrow 135,000*l.*, § 15.

Payment of Principal and Interest on Mortgages, how to be enforced, § 16.

Power for the Great Southern and Western Railway Company to subscribe and hold Shares to not exceeding 25,000*l.*, § 17.

Shares created by the Great Southern and Western Railway Company in pursuance of this Act to be entitled to preferential Dividends only out of the Profits of each Year, § 18.

Great Southern and Western Railway Company may appoint a Director and Person to vote, §§ 20 to 23.

Power to increase the Number of Directors, § 25.

Power to make Working and Traffic Arrangements with the Great Southern and Western Railway Company, §§ 26 to 29.

#### *Cap. xxxvii.*

##### *“The Dublin and Drogheda Railway Act, 1859.”*

Recites the several Acts relating to the Company; that under them they have Power to raise by Shares 953,000*l.*, and to borrow 317,333*l.*; that their Capital consists of 6,000 ordinary Shares of 75*l.* each, and 6,000 ordinary Shares of 25*l.* each, upon which 526,772*l.* 17*s.* 2*d.* has been paid, 8,831 Five per Centum Preference Shares of 25*l.* each, upon which 188,350*l.* has been paid, and 1,769 Four per Centum perpetual Preference Shares of 25*l.* each, upon which 44,225*l.* has been paid, and the existing Mortgage Debt is 258,051*l.* 4*s.*; proposes to create Stock with a preferential Dividend for redeeming the Mortgage Debt, and to create Preference Shares at a lower Rate of Dividend, for the Purpose of redeeming certain Preference Shares; to enlarge their Station at Dublin.

Incorporates General Acts, § 2 and § 14.

Power to create Debenture Stock with a Preference not exceeding 5*l.* per Cent., §§ 3 to 9.

Power to create new Shares for Redemption of Preference Shares, §§ 10 to 13.

Power to enlarge Station at Dublin, §§ 14, 15.

#### *Cap. xxxviii.*

##### *“The Newry and Armagh Railway Amendment Act, 1859.”*

Recites Act of 1857, and proposes to alter Line, make a Deviation, and authorize Use of the Station of the Ulster Railway Company.

Incorporates General Acts, § 1.

Railways, §§ 3 to 5 ; to be completed in Three Years, §§ 13, 14.

Power to abandon Portion of Line ; Compensation, §§ 6, 7.

Board of Trade Provisions, §§ 8 to 11.

Two Years for compulsory Purchases, § 12.

Power to use Station of Ulster Railway at Armagh, §§ 15 to 20.

Tolls, § 21.

Repeals Section 42 of Act of 1857, and enables Company to borrow 78,000*l.* upon Capital being paid up, § 23.

*Cap. xxxix.*

“The *Norwich* Corn Exchange Act, 1859.”

Incorporation of Companies and Lands Clauses Acts, and Parts of the Markets and Fairs Clauses Act, 1847, §§ 2, 3.

Incorporation of Company, § 4.

Capital, 16,000*l.*, in 25*l.* Shares, §§ 5, 6.

Power to borrow 4,000*l.*, § 7.

Votes and Directors ; Auditors, §§ 8 to 13.

Company may construct Corn Exchange, &c., on Lands shown on Plans, §§ 14 to 16.

Power to remove the existing Corn Exchange, and no other Corn Exchange or Corn Market to be established in *Norwich* without Authority of Parliament, § 17.

Charges for Admission to, and Use of, Corn Exchange, and of Stand therein, § 18.

Byelaws, § 19.

Power for Corporation of *Norwich* to purchase, § 20.

Power of Company to sell or lease superfluous Lands or Buildings, § 21.

Corporation to have Pre-emption of superfluous Lands, §§ 22 to 24.

Saving Rights of the Corporation of *Norwich*, § 25.

*Cap. xl.*

“The *Gloucester and Cheltenham* Tramroads Abandonment Act, 1859.”

Recites several Acts relating to the Tramroad ; that the Shares in the Undertaking are all vested in the Midland and Great Western Railway Companies ; proposes to enable those Companies to sell and abandon the Tramroad, and to repeal the Acts relating to the Company.

Repeal of Tramroad Acts, and Dissolution of Tramroad Company, §§ 2, 3.

Midland and Great Western Railway Companies to be jointly seised and possessed of Property of Tramroad Company, § 4.

Liabilities under repealed Acts saved, §§ 5, 6.

Midland and Great Western Railway Companies to sell Tramroads, §§ 7, 8.

Portions to be vested in the *Cheltenham* Improvement Commissioners, § 9.

Tramroad forming Part of Road not within Jurisdiction of Commissioners, §§ 10, 11.  
 Rights of adjoining Owners, §§ 12 to 15.  
 Arbitration in case of Dispute, §§ 16 to 18.  
 Fences ; Crossing of Tramroad ; Compensation ; §§ 20 to 24.  
 Providing for Carriage of Stone for the Roads, and for the Cheltenham Improvement Commissioners, §§ 25, 26.

*Cap. xli.*

“The *Ulster* Railway Act, 1859.”

Recites Acts relating to the Company, especially Acts of 1856 and 1857, enabling them to subscribe towards the Portadown and Dungannon Railway ; proposes to extend their Railway ; to provide for the Interchange of Traffic between the Railway by this Act authorized and a Railway intended to be made from Clones to Cavan ; to authorize the Use of the Station of the Dundalk and Enniskillen Railway Company at Clones, and the Station of the Midland Great Western Railway of Ireland Company at Cavan ; further recites that the Share Capital of the Company consists of 750,000*l.*, and they are authorized to borrow 250,000*l.* ; that they have raised by Shares the Sum of 720,000*l.*, and their Mortgage Debt consists of 222,688*l.* ; that they have not any Preference Shares or Stock, and it is expedient that they should be authorized to raise further Sums, and to create Stock or Shares bearing a fixed Rate of Interest for the Purpose of paying off their Mortgage or Bond Debt, or in lieu of any Moneys which they may be authorized to borrow.

Incorporation of General Acts, § 1.

Construction of Works, §§ 4, 5.

As to Construction of the Bridge or Tunnel at Portadown, § 6.

As to Communications with the Dundalk and Enniskillen Railway, §§ 7 to 9.

Inclination of a certain Road, § 11.

Two Years for compulsory Purchases, § 12.

For Completion of Works, Three and Five Years respectively, § 13 and § 16.

Compensation, § 14.

As to Works of Messrs. Boyd, 15.

Tolls, §§ 18, 19.

Power to use Station of Dundalk Company at Clones, and also the Cavan Station of the Midland Company, § 20.

To facilitate the Transmission of Traffic, §§ 21, 22.

Power to raise 225,000*l.* by Shares (without Preference), but 40,000*l.*, Part thereof, to be raised only as Subscription to the Portadown and Dungannon Railway, §§ 23 to 27.

Power to borrow 50,000*l.*, §§ 28, 29.

Power to convert Debentures into Stock at 4*l.* per Cent. ; Interest to be payable only out of Revenue ; Regulation of Debenture Stock, §§ 30 to 38.

*Cap. xlii.**“Bury Saint Edmunds Gas Act, 1859.”*

Recites Incorporation in 1849, with a Capital of 12,000*l.* and Power to borrow 4,000*l.*, inclusive of a Sum of 2,500*l.* then owing; that all the authorized Share and Loan Capital is raised, and that they owe 1,800*l.* in addition; proposes to raise further Moneys.

Capital defined, viz., 30,000*l.*, § 3.

Power to raise further Capital of 18,000*l.* by new Shares, § 4.

Preferential Dividend for new Shares, 6*l.* per Cent., § 6.

Appropriation of new Shares, §§ 8 to 14.

Power to borrow 9,000*l.*; Mortgages, §§ 17 to 21.

Saving. Rights of Paving Commissioners, § 23.

*Cap. xliii.**“Border Counties Railway (Liddesdale Section and Deviations) Act, 1859.”*

Recites Incorporation in 1854, with a Capital of 250,000*l.* in 20*l.* Shares, and a Power (unexercised) to borrow to One Third; proposes to authorize Construction of the Liddesdale Section, and a Deviation from the North Tyne Section; the raising of further Capital, and Traffic and Working Arrangements with the North British Railway Company; and to extend Time for completing North Tyne Section.

Incorporation of Lands and Railways Clauses Acts, and of Lands and Railways Clauses (Scotland) Acts, and Part of Companies Clauses Acts, §§ 2 to 5.

Power to increase Number of Directors, § 6.

Power for Company to make Liddesdale Section and Deviation Lines, and to take Lands for Works authorized, § 7.

Period for compulsory Purchase of those Lands Three Years and One Year respectively, § 8.

Power to feu Lands, §§ 10 to 13.

Railways authorized: 1st, Liddesdale Section; 2nd, the Countess Park Deviation; 3rd, the Hawkhope Deviation; to be respectively completed in Five, One, and Two Years, § 14, and §§ 20 to 22.

Power to abandon Parts of North Tyne Section, and Compensation, §§ 16, 17.

Deviation Lines to be Parts of North Tyne Section, § 19.

Extended Period of Two Years for Completion of North Tyne Section, § 21.

Tolls, §§ 23 to 26.

Power for Company to raise additional Capital of 100,000*l.*, §§ 27 to 29.

To borrow not exceeding 116,666*l.*, §§ 30 to 32.

Application of Moneys, §§ 33, 34.

North Tyne Section Accounts and Liddesdale Section Accounts, §§ 35 to 37.

Power for North British Railway Company to contribute towards Funds of Company, and to raise further Funds for such Contribution, and North British Company authorized to guarantee out of their Revenues Interest to Company, §§ 42 to 44.

Votes and Directors, §§ 46 to 54.

Power to enter into Working and Traffic Arrangements with North British Railway Company, §§ 55 to 61.

*Cap. xliv.*

*"South-western Railway Act, 1859."*

Recites the several Acts relating to the London and South-western Railway Company, the North and South-western Junction Railway Company, the Kingston-upon-Thames Bridge, the Portsmouth Railway Company, and the London, Brighton, and South Coast Railway Company; proposes to authorize a new Line of Railway called the Barnes Curve, having a Junction with the London, Richmond, and Windsor Railway and the Loop Line of that Railway; also a new Line of Railway called "The Kew Curve," having a Junction with the Loop Line and the Junction Railway; also a new Line of Railway called the Kingston Bridge Line, commencing by a Junction with the Windsor Railway, and terminating near to the Foot of Kingston Bridge; also to provide additional Accommodation near to and in connexion with the Bletchynden or Southampton (West) Station, and in order thereto to embank and inclose a Part of the Mudlands of the Southampton Water there, and to alter the Situation and Line on the Southern Side of the Company's Southampton and Dorchester Railway, of Part of the Western Shore Road, and the Situation and Line on the Southern Side of that Railway of Part of the public Esplanade there; also to authorize the Purchase of Lands at Hamworthy adjoining or near to the Company's Poole Station of their Line of Railway; to sanction Sale or Lease of the Portsmouth Railway, and Agreements with the Brighton Railway Company, and the raising of further Moneys.

Incorporation of Lands and Railways Clauses Acts, §§ 2, 3.

Power to take and use Lands for Works authorized by this Act, § 4.

Company not to take certain Lands in All Saints, Southampton, §§ 3, 5, nor Lands of Corporation, §§ 7, 8.

Power to make Works authorized by Act, § 6.

New Works authorized by Act, § 9.

Company to restore Western Shore Road and Esplanade, §§ 10 to 12.

Provisions of Act 11 & 12 Vict. c. 89. ss. 20 and 21, to apply to restored Western Shore Road and public Esplanade, § 13.

Admiralty Provisions, §§ 14 to 17.

Undertaking of Company declared, § 19.

Period for compulsory Purchase of Lands One and Two Years respectively, § 20.



Period for Completion of Railways One and Three Years respectively, §§ 22, 23.

Tolls on Railways, §§ 24, 25.

Company and Junction Company may make Station Arrangements for Kew Curve, §§ 26 to 33.

Power to raise by new Shares further Capital not exceeding 100,000*l.*, §§ 34 to 36.

Provision of Companies Act of 1858 as to Offer and Cancellation of Shares to apply to Shares under this Act, § 37.

Company may issue new Shares instead of cancelled Shares, § 38.

Dividends on new Shares, § 39.

Power for Company to borrow 33,000*l.*, §§ 40 to 42.

Provisions of Company's Act of 1858 as to Debenture Stock to apply to Debenture Stock under this Act, § 43.

Appropriation of Debenture Stock, §§ 44, 45.

Company to keep separate Accounts of Debenture Stock, § 48.

Application of Moneys, § 49.

Power to make Arrangements with Brighton Railway Company, subject to Revision of Board of Trade, §§ 50 to 52.

Power to reduce the Number of Directors of the Company, § 53.

Saving Rights of the Crown and of Companies, §§ 56, 57.

*Cap. xlv.*

"The *Sevenoaks* Railway Act, 1859."

Incorporates General Acts, § i.

Company incorporated, with a Capital of 120,000*l.* in 20*l.* Shares, and Power to borrow 40,000*l.*, §§ 3 to 10.

Meetings; Directors, §§ 11 to 14.

Railways, §§ 17, 18.

Communication with East Kent Railway Company, §§ 19 to 22.

Two Years for compulsory Purchases, § 24.

Four Years for Completion of Railway, §§ 25, 26.

Tolls, §§ 27 to 34.

User of East Kent Railway; Working Arrangements, and Arbitration in case of Difference, §§ 35 to 43.

*Cap. xlvi.*

"The *Witney* Railway Act, 1859."

Incorporates General Acts, §§ 2, 3.

Company incorporated, with Capital of 50,000*l.* in 10*l.* Shares, and Power to borrow 16,000*l.*, §§ 4 to 11.

Meetings; Directors, §§ 12 to 18.

Railways, §§ 19 and 22.

Two Years for compulsory Purchases, § 21.

Junction with Oxford, Worcester, and Wolverhampton Railway, §§ 23 to 26.

Four Years for Completion of Railway, §§ 27, 28.

Board of Trade Provisions, §§ 29 to 31.

Tolls, §§ 32 to 39.

Working Agreements with Oxford, Worcester, and Wolverhampton Company, §§ 40 to 45.

Short Distance Clause, § 46.

*Cap. xlvii.*

“The *Swunsea Harbour Act, 1859.*”

Extends Time limited by Act of 1854 for Completion of Works; Exercise of Powers for Construction of Works, and borrowing Money until 1st June 1860.

*Cap. xlviii.*

“The *Great Northern and Western (of Ireland) Railway Act, 1859.*”

Recites Acts of 1857 and 1858; proposes to extend their Railway, and to raise additional Capital; and to authorize the Midland Great Western Railway Company to subscribe One Third of such Capital.

Incorporation of General Acts, § 1.

Power to make Railway, § 3.

Regulations of the Board of Trade, §§ 6 to 8.

Three Years for compulsory Purchase, § 9.

Five Years for the Completion of Works, §§ 10 and 18.

Power to Company to increase their Share Capital by 100,000*l.*, § 12.

Power to borrow further Sum of 33,000*l.*, § 13.

The Midland Company may acquire additional Shares to the Amount of 73,333*l.*, §§ 14 to 16.

Power of the Companies to make Agreement contained in the Acts of 1857 and 1858 to apply to the Railway by this Act authorized, § 17.

*Cap. xlix.*

“The *Scottish National Insurance Company's Incorporation Act, 1859.*”

Recites Formation of Company for Fire Assurance in 1841 with a Capital of 500,000*l.* in 10*l.* Shares; that 200,000*l.* has been actually subscribed; the Extension of their Business in 1843 to all Branches of Life Insurance; proposes to incorporate the Company.

Incorporation of Company; Saving of Rights and Liabilities, §§ 3 to 7.

Business of the Company, § 8.

Company may do Business both on the Participation and Non-participation Principles, § 9.

Company may sue and be sued, and issue Policies, § 10.

Stock to be Personal Estate, § 11.

Register of Shareholders, § 12.

Shareholders may transfer their Shares under certain Conditions, §§ 13 to 19.

Admission of Shareholders, § 20.

Power to make Calls, §§ 21 to 23.

Principal Office, and Meetings of the Company; Voting, §§ 24 to 30.

Directors; Committees; Local Boards; Agents; Byelaws, §§ 31 to 39.

Books and Accounts to be kept, § 40.

Investment of Capital and Funds, § 41.

Company may purchase Annuities and Reversions, § 42.

Money may be lent on Security of Lands and other Property, § 43.

Company may bring Actions and foreclose Mortgages, § 44.

Limitation of Period within which Lands may be sold, § 45.

Company may hold Land without Licence in Mortmain, § 46.

Service of Arrestments, Summonses, &c., on the Company, § 47.

Shareholders and Policyholders may sue and be sued, § 48.

Company subject to Jurisdiction of Superior Courts in England, § 49.

Representation of the Company in Matters of Bankruptcy, § 50.

Execution of Policies and Deeds, &c., §§ 51, 52.

Policies, §§ 53 to 55.

As to undertaking the Business of other Insurance Companies, § 56.

Arbitration, § 57.

Schedules (Forms).

### Cap. l.

“The Lough Swilly Railway (Deviation) Act, 1859.”

Incorporation of General Acts, § 1.

Power to make Railway, and to abandon Parts of original Railway rendered unnecessary by Deviation, §§ 3, 4.

Compensation, § 5.

Power to purchase Lands, § 6.

Description of Railway, § 7.

Regulations of the Board of Trade, §§ 8 to 10.

Admiralty Provisions, §§ 11 to 17.

Two Years for compulsory Purchase, § 18.

Three Years for the Completion of Works, §§ 19, 20.

Tolls, § 21.

Saving the Rights of the Irish Society, § 25.

### Cap. li.

“Dundalk and Enniskillen Railway Act, 1859.”

Recites Act of 1845, incorporating the Company, and Extension Act of 1855 authorizing the “Original Cavan Extension;” an Arrangement between the Company and the Ulster Railway Company for the Construction by the latter of a Railway from Monaghan to join the Company’s Railway at Clones (in lieu of a Railway authorized by Act of 1855 to be made by the Company), and for the Company

to abandon a Portion of the original Cavan Extension, and to substitute a Railway and Branch, and to abandon a Portion of their Line described as the original Quay Extension; to authorize the Ulster Company to subscribe towards the proposed Railway to Cavan and Belturbet, and to appoint Two Directors in the Company; to authorize Creation of Debenture Stock by Company, and Amendment of Acts; recites that the Dublin and Drogheda, and the Dublin and Belfast Junction Railway Companies have subscribed 30,000*l.* each towards the Railways of the Company; proposes to empower them to subscribe further Sums; and to enable the Dublin and Belfast Junction Company to raise Money for that Purpose; also to authorize Sale or Lease of the Londonderry and Enniskillen Railway to the Company.

Repeal of Section 3 of 10 & 11 Vict. c. lxxv.,—§ 2.

Limiting Application of Clause 34 of 18 & 19 Vict. c. cv.,—  
§ 3.

Contingent Repeal of Clause 37 of same Act, § 4.

Incorporation of General Acts, §§ 5 to 7.

Power to make Railways according to deposited Plans, §§ 8 to 12.

Protection of Ulster Canal, §§ 13 to 18.

Three Years for Lands to be purchased compulsorily, § 19.

Railways to be completed within Five Years, §§ 20, 21.

Company to give Notice for Lands required, and to complete Railway from Clones to Cavan within certain Periods; Provisions in case of Default, §§ 22, 23.

Period for Midland Company to acquire Lands and complete Railway, § 24.

Power to the Midland Great Western Company in a certain Event to raise 130,000*l.* additional Capital by new Shares, and 43,300*l.* by borrowing, §§ 25, 26.

New Railways if completed by Midland Company to be chargeable with Money borrowed under 12 & 13 Vict. c. 62.; Priority of Mortgages, § 27.

Tolls, § 30.

Existing Provisions as to Junctions, &c. at Cavan extended and applied to Clones and Cavan Extension and Belturbet Branch, § 31.

Abandonment of Part of authorized Works on original Cavan Extension Line, and on Quay Extension Line, § 32.

Compensation, § 33.

Power to create new Shares for Clones and Cavan Extension and Belturbet Branch Line to 130,000*l.*, with a preferential Dividend not exceeding 6*l.* per Cent., §§ 34 to 38.

Company may create Debenture Stock with Interest at 5*l.* per Cent., §§ 40 to 45.

Power for the Ulster Railway Company to subscribe 30,000*l.* towards Clones and Cavan Extension and Belturbet Branch, § 46.

Power for the Two Dublin Companies to subscribe 20,000*l.*, § 47.

Power for Ulster Company and Dublin and Belfast Company to raise Money by Shares or Stock, § 49.

Regulations as to new Shares, §§ 50 to 58.

Ulster Company may appoint Persons to vote and Directors, §§ 59 to 63.

Separate Board Meetings for Clones and Cavan Extension and Belturbet Branch, § 64.

To facilitate the Transmission of Traffic, § 65.

Board of Trade Regulations, §§ 66 to 70.

Power to enter into Traffic Arrangements with Londonderry and Enniskillen Railway Company, §§ 71 to 76.

As to Transfer of Undertaking of the Londonderry and Enniskillen Railway Company to the Company, §§ 77 to 82.

Power for the Company to apply their Capital, and to raise additional Capital to effect Purchase, and to borrow to pay off Mortgages and Bonds of Vendors, §§ 83 to 86.

Leasing Powers as to Londonderry and Enniskillen Railway Company, §§ 88 to 94.

Power to enter into Contracts with Londonderry and Enniskillen Railway Company, §§ 95, 96.

### Cap. lii.

#### “The City of London Gas Company’s Act.”

Recites Incorporation of Company for 46 Years under 57 G. 3. c. xxiii., with a Capital of 200,000*l.* in 100*l.* Shares; that they have expended 100,000*l.* from their Profits upon the Works; and that each 100*l.* Share has been treated as an 150*l.* Share; proposes to raise further Moneys, and to incorporate the Company perpetually.

Repeal of 57 G. 3. c. xxiii.,—§ 1.

Incorporation of General Acts, §§ 2 to 5.

Incorporation of Company; Saving of Rights and Liabilities, §§ 7 to 13.

Purposes of Company, and Limits of the Act, §§ 14, 15.

Power of the Company to construct and lay down Buildings, Mains, &c., § 16.

Price of Gas, and testing of Quality, §§ 17 to 21.

Capital, 400,000*l.*, § 22.

Division of Portion of existing Capital into 10,000 Shares of 20*l.*, § 23.

Division of the Remainder of existing Capital into 10,000 Shares of 10*l.*, § 24.

Shares representing existing Capital to be deemed fully paid up, § 25.

Certificates of original Shares to be cancelled, and substituted Shares to be issued in lieu thereof, §§ 26, 27.

Limit of Dividend or Interest on a Portion of the existing Capital, § 28.

Appropriation of new Shares, §§ 29 to 31.

Dividend on new Shares, §§ 32 to 35.

Preference Shares, §§ 33, 34.

Power to borrow 60,000*l.*, § 37.

Meetings, §§ 38 to 40.

Voting, §§ 41, 42.

Directors ; Committees ; Auditors, §§ 43 to 48.

Limit of Land to be taken, § 49.

Saving Rights of Metropolitan Board of Works, § 51.

*Cap. liii.*

“The *Midland Great Western Railway of Ireland (Liffey Branch) Act, 1859.*”

Recites Acts relating to the Company ; proposes to make a Branch Railway ; to raise further Moneys ; and to extend Time for Purchase of Lands.

Incorporates General Acts, § 1.

Railway, § 4, to be completed in Four Years, §§ 10, 11.

Saving certain Lands let on Lease, § 5.

New Bridge over Royal Canal, § 7.

Three Years for compulsory Purchases, § 9.

Tolls, § 12.

Power to raise 50,000*l.* by new Shares, §§ 14 to 16.

Power to borrow 16,600*l.*, §§ 17 and 20.

Power to raise 135,800*l.* by Shares or borrowing to discharge Liabilities in respect of Royal Canal, §§ 18 and 20.

Extension of Time for One Year for Purchase of Lands, § 19.

New Railway charged with Moneys borrowed under 12 & 13 Vict. c. lxii.—§ 21.

*Cap. liv.*

“*London, Chatham, and Dover Railway Act, 1859.*”

Recites Incorporation in 1853 of the East Kent Railway Company, with a Capital of 700,000*l.* in 28,000 Shares of 25*l.* each, and with Power to borrow 283,333*l.*, 6*s.* 8*d.* for the Purpose of making and maintaining the Railway to Canterbury, and Branch Railways in that Act described ; that by an Act of 1855 they were authorized to extend their Railway to Dover, to make certain Branch Railways or Tramways, in connexion with that Extension, and to raise an additional Capital of 500,000*l.* with such Preference or Priority in Payment of Dividend as should be authorized by a Meeting of the said Company, and to borrow a further Sum of 166,666*l.* ; that by their Extension to Dover Act of 1858 they were empowered to cancel forfeited Shares, and to issue in lieu of each cancelled Share Two Half Shares of the Amount of 12*l.* 10*s.* each, to be called respectively “Preferred Half Share,” and “Deferred Half Share,” and also to issue in like Half Shares any Capital remaining to be raised under the secondly-recited Act, and also to give to the Holders of Shares in the Capital of the Company the Option of having such Shares divided into like Half Shares ; and it was thereby provided that the Dividend which, if any entire Share had not been so converted, would have been payable thereon, should be applied in Payment of Dividends on the Two Half Shares substituted for the entire

Share, but it was not expressly stated that the Half Shares issued in lieu of Shares bearing any preferential Interest or Dividend, or the Half Shares into which any Share bearing any preferential Interest or Dividend should be divided, should be entitled to the same Preference or Priority; that by their Western Extension Act, 1858, they were empowered to make an Extension (called the Western Extension) of their Railway, to join the Mid-Kent Railway (Bromley to Saint Mary's Cray), and to use the Lines of the Mid-Kent Railway (Bromley to Saint Mary's Cray) Company and the West End of London and Crystal Palace Railway Company, and to raise further Moneys by the Creation of Shares and by borrowing, with the Option of charging those Moneys on the Western Extension alone; that they have completed and opened for public Traffic the Portion between Strood and Faversham of the Railway by the firstly-recited Act authorized, and the Residue of the Works on that Railway, as well as the Works on the other Railways authorized by the above-recited Acts, are in course of Construction; proposes to change the Name of the Company, and to authorize raising of further Moneys.

Alteration of Name of Company, §§ 4 to 7.

Power to create new Shares to Amount of 80,000*l.*, with a Preference not exceeding 6*l.* per Cent., §§ 8 to 16.

Power to borrow 26,600*l.*, §§ 17, 18.

Incorporating certain Provisions of Companies Clauses Act, § 19.

Half Shares to be entitled to same Preference as entire Shares for which they are substituted, § 20.

Application of Moneys raised, § 21.

#### *Cap. lv.*

##### *"The Mountsorrel Railway Act, 1859."*

Recites an unexercised Power of the Midland Railway Company to construct the Railway, and that Lord Lanesborough is willing to do so at his own Expense.

Incorporation of Lands Clauses and Railways Clauses Acts, § 2.

Power to Lord Lanesborough to make and maintain the Railway, §§ 3 to 5.

Two Years for compulsory Powers, § 6.

Four Years for Completion of Railway, §§ 8, 9.

Mode of effecting Junction with the Midland Railway, §§ 11 to 14.

Power to levy Tolls; Regulation of Tolls and Charges, §§ 15 to 24.

#### *Cap. lvi.*

##### *"Somerset Central Railway (Narrow Gauge) Act, 1859."*

Recites that under their Act of 1855 their Share Capital was limited to 140,000*l.*, and their Loan Capital 48,000*l.*; that by an Act of 1856 they have Power to raise 100,000*l.* by

- Shares, and 33,000*l.* by borrowing ; proposes to lay down additional Rail to admit of Double Gauge ; to raise further Moneys, and to regulate Capital and Debt.
- Incorporation of General Acts, §§ 2, 3.
- Company may lay down Narrow Gauge Rails as well as Broad Gauge Rails, § 4.
- For Protection of Bristol and Exeter Railway, § 5.
- Capital of Company, § 6.
- Power to raise further Capital of 75,000*l.*, §§ 7, 8.
- Cancelling of Shares, §§ 9 to 15.
- Power to create new Shares of different Classes, and with preferential Dividend not exceeding 6*l.* per Cent., §§ 16, 17.
- Appropriation of new Shares, §§ 21 to 27.
- Power to borrow 24,000*l.* more, §§ 29 to 31.
- Power to create Somerset Central Debenture Stock with Dividend not exceeding 5*l.* per Cent., §§ 32 to 38.
- Limit of Amount to be raised by Stock, Shares, and borrowing, § 39.
- Voting, §§ 44, 45.

*Cap. lvii.*

*“Wear Navigation and Sunderland Dock Act, 1859.”*

Recites that by an Act of the 11th G. 4. Commissioners were appointed, with Powers for the Improvement and Conservancy of the River Wear and the Port and Haven of Sunderland within the Limits therein described ; that they were empowered to levy and receive in respect of Coals and Cinders cast or delivered on board any Ship or Vessel within the Limits therein described the Sum of 4½*d.* per Chaldron from the Coal Owner and 1½*d.* per Chaldron from the Fitter or Coal Factor, and to levy in respect of Ships or Vessels entering or using the Port of Sunderland, except as therein mentioned, a Rate or Duty of 1*d.* for every Ton of the Burthen of such Ship or Vessel for each Voyage, not exceeding Three Voyages within each Year ; and to take in respect of any Ship or Vessel entering the River Wear or Port of Sunderland, once in every Voyage, the Duty or Sum of 1*s.* for each such Ship or Vessel, and also the Sum of ¼*d.* for every Two Tons of the Burthen of such Ship or Vessel ; and to levy in respect of every Ship or Vessel entering the said River or Port for Safety or Refuge only a Rate or Duty of 1½*d.* for every Ton of the Burthen of such Ship or Vessel ; and to borrow Money on Mortgage of such several Rates and Duties ; that in such Act it is recited that a Survey Map or Chart had been made by John Rennie the elder, and that upon such Map or Chart a Line called the “Quay Line” had been delineated by John Rennie the younger, and Provision is made in such Act for preventing the Erection of any Dock, Quay, or other Work, except between the Quay Line and the Meer Stones (therein mentioned), denoting the extreme Flow of the Equinoctial Spring Tides, and for regulating the Quays and other Works to be made and maintained under the Act ; that by “The



Sunderland Dock Act, 1855," the Acts therein recited are repealed, and it is enacted that the Sunderland Dock Company should remain incorporated, and the Docks, Works, Lands, and Property of the Company should continue vested in and be maintained by the Company, and they were authorized to make and maintain further Works, and to take Rates, Tolls, and Duties upon Ships and Vessels, and Goods, Wares, Minerals, Merchandise, and other Articles, Matters, and Things, as set forth in the Dock Act and the Schedules thereto; that the Docks and Works of the Company consist of a Dock and other Works, with an Entrance from the River and an Entrance from the Sea (all being within the Limits of the Wear Act); and by the Dock Act the Commissioners are entitled to levy, in respect of Vessels entering or using the Dock, and in respect of Coals and Cinders shipped or delivered therein, the same Rates as they are by the Wear Act authorized to levy within the River and Port and Haven of Sunderland; that the Company have Power to raise the following Sums of Money; (that is to say,) 300,000*l.*, divided into 12,000 Shares of 25*l.* each, herein-after called "the ordinary Capital;" 150,000*l.*, bearing a preferential Dividend of 4*l.* per Centum per Annum (but entitled to participate in any Dividend beyond that Rate declared on the ordinary Capital), divided into 12,000 Shares of 12*l.* 10*s.* each, in this Act called "the First Preferential Capital;" 112,500*l.*, entitled to a preferential Dividend of 5*l.* per Centum per Annum divided into 18,000 Shares of 6*l.* 5*s.* each, in this Act called "the Second Preferential Capital," divided into Two Classes, (namely,) Series A, containing 11,378 Shares, representing a Capital of 71,112*l.* 10*s.*, redeemable at Par at the End of 10 Years from the Time of the Issue of such Shares, on 12 previous Months Notice in Writing given by the Company; and Series B, containing 6,622 Shares, representing a Capital of 41,020*l.* 13*s.* 4*d.*, not redeemable; the several Sums of 100,000*l.*, 50,000*l.*, and 37,500*l.*, by borrowing on Mortgage or Bond; that the Company owe divers Sums of Money, and have deposited or conditionally issued certain of the Shares of the Company for the Purpose of securing the same or some Part thereof; that an Arrangement has been entered into between the Company and the Commissioners for the vesting and Transfer of the Undertaking of the Dock Company upon the Terms and Conditions herein-after expressed, subject to such additional Arrangements as may be necessary for giving full Effect to the Transfer; that it is expedient that the Commissioners be empowered to charge the Revenue derived from the Rates, Tolls, Dues, and Duties now receivable by them, and also the Dock Rates, in such Manner as herein-after expressed; that the Commissioners have borrowed Money upon Mortgage under the Powers of the Wear Act, and the Sum of 34,200*l.*, or thereabouts, remains due and owing; proposes to alter the Coal Duties, the Commissioners Tonnage Rates, and the Lighthouse

Dues received by the Commissioners, and also the Dock Rates after the Transfer has taken place, and to authorize certain Duties upon Goods imported into and exported from the Port; also to incorporate the Commissioners, to alter the Quay Line, to establish a Ballast Office, and amend Acts.

Incorporation of Parts of Commissioners Clauses Act and the Lands and the Harbours Clauses Acts, §§ 2 to 6.

River Wear Commissioners incorporated, §§ 7 to 11.

Commissioners for executing Act, and Qualification and Election, §§ 12 to 23.

Clerk to the Commissioners to make yearly List of Coal Owners and Quantities of Coal shipped, § 24.

Collector to make yearly List of registered Shipowners, Vessels, and Tonnage, § 25.

Certified Lists to be printed, § 26.

Scale of Votes for Coal Owners and for registered Shipowners, §§ 27, 28.

Commissioners to make a yearly Register of Importers and Exporters, § 29.

Period of Register of Importers and Exporters, § 30.

Commissioners to make a yearly alphabetical List of Importers and Exporters, § 31.

Votes of Importers and Exporters, §§ 33, 34.

Revision of Lists, §§ 35 to 43.

Meetings for Election of Commissioners, §§ 44 to 47.

Retirement; Rotation; Election; Vacancies of Commissioners, §§ 48 to 55.

Ordinary, Annual, and Special Meetings of Commissioners, §§ 57 to 61.

Powers of Survey Committee, § 62.

Auditor, § 63.

Provision as to Sunday, &c., § 64.

Saving of Rights and Liabilities under recited Acts, §§ 65 to 68.

Docks vested in Commissioners, § 69.

Commissioners to pay Charges on Company's Undertaking, § 70.

As to Debts due to and by the Company, § 71.

Commissioners to represent Company, § 72.

Commissioners to perform Duties of Company, § 73.

Saving Rights and Liabilities, §§ 74 to 86.

Dissolution of Company, § 87.

Company's Mortgage and Bond Debt and Share Capital charged on Funds of the Commissioners, §§ 88 to 91.

As to Discharge of Company's unsecured Debts, § 92.

Commissioners may pay off Shares, &c., § 93.

Priority of Mortgages for paying off Shares, &c., § 94.

Arrears due to Mortgagees to be enforced by Appointment of a Receiver, § 95.

The like as to Arrears of Interest on Shares, § 96.

Repeal of Sections of Wear Act as to Works between Quay Line and Meer Stones, and Power to alter Quay Line, §§ 97, 98.

Notice, Plans, &c. of Works between Quay Line and Meer Stones to be given to Engineer of Commissioners, and Power to Commissioners to grant or withhold Permission, §§ 99 to 101.

Appeal to the Admiralty from Determination of Commissioners as to proposed Works, § 102.

Water Space not to be diminished by the Works, § 103.

Leases for the Works, &c., § 104.

Power to construct Works, §§ 105, 106.

Works in connexion with Docks, § 107.

Power to deviate, § 108.

As to Works to be constructed in connexion with Battery, § 109.

When Works constructed Contribution to Expense of Battery not to be made, § 110.

Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c., § 111.

Period for completing Works, § 112.

Admiralty Provisions, §§ 113 to 115.

The same Rates in additional Dock as in existing Dock, § 116.

Officers of Customs to have free Access to Docks, 117.

Commissioners may apply Moneys raised under Wear Act to Purposes of this Act, § 118.

Repeal of Coal Duties, § 119.

New Duties, § 120.

Repeal of certain Exemptions, § 121.

Repeal of Commissioners Tonnage Rates, § 122.

Tonnage Duty on Ships leaving the Port, § 123.

Restrictions as to Rates on Coals, &c., § 124.

Power for Commissioners to lease Coal Drops or Spouts at Dock, § 126.

Repeal of Lighthouse Dues, § 127.

Power to take new Lighthouse Dues, § 128.

Recovery of Rates, § 129.

Rates on Goods, and for protecting Piers, §§ 130, 131.

Power to vary the Rates at Annual Meeting, § 133.

Rates how to be taken, § 134.

Distinction between Port Dues and Dock Dues, § 135.

CXXXVI. All Moneys arising from the Rates and Duties, by the Wear Act and this Act authorized to be taken (except the Rates for the protecting Piers), and all Moneys arising from the Dock Rates, and all other Sums of Money receivable by the Commissioners, shall form Part of the consolidated Revenue of the Commissioners.

Consolidated Revenue.

CXXXVII. The consolidated Revenue of the Commissioners shall, for every Year ending the 31st Day of December, be applied as follows; that is to say,

Application of consolidated Revenue.

1st. In Payment of the ordinary current Expenditure of the Commissioners in and about the Maintenance, Repair, Management, Regulation, and Improvement of the River Wear, and of the Docks and Works vested in them by this Act, and the carrying of the Wear Act and the Dock Act, and this Act respectively into execution; provided, that the Amount to be so expended in and about the Maintenance, Repair, Management, Regulation, and Im-

provement of the River Wear shall not (inclusive of 3,000*l.*, which may be expended on new Works,) exceed 15,000*l.* a Year, and the Amount to be yearly expended for the Maintenance, Repair, and Management of the existing Dock shall not exceed the Amount expended on an Average of the last Three Years by the Company for the like Purposes :

- 2d. In Payment of the Interest on the present Debenture Debt of 34,200*l.* of the Commissioners, or on such Part thereof as from Time to Time is re-borrowed and not paid off:
- 3d. In Payment of the Interest from Time to Time payable on the existing Mortgage or Bond Debt of the Company, amounting to 187,500*l.*, and on the future Debenture Debt of the Commissioners, not exceeding 128,300*l.*; or on such Parts of those respective Amounts as are from Time to Time re-borrowed and not paid off:
- 4th. In Payment of the Interest of the First Preferential Capital from Time to Time not paid off or purchased by the Commissioners, and of the Interest on any Money from Time to Time borrowed by them, with the like Priority or Preference for the paying off or purchasing of the same :
- 5th. In Payment of the Interest of the Second Preferential Capital from Time to Time not paid off or purchased by the Commissioners, and of the Interest on any Money from Time to Time borrowed by them, with the like Priority or Preference for the paying off or purchasing of the same :
- 6th. In Payment of the Interest of the ordinary Capital from Time to Time not paid off or purchased by the Commissioners, and of the Interest on any Money from Time to Time borrowed by them, with like Priority or Preference for the paying off or purchasing of the same :
- 7th. In providing the Sinking Fund by this Act required :
- 8th. In Payment of the Interest on any other Moneys from Time to Time borrowed by the Commissioners :
- 9th. For any of the Purposes of the Wear Act, and the Dock Act, and this Act respectively.

Sinking Fund, § 138.

Power to lease Lands, § 139.

Power to hire Ballast Grounds ; and Office, §§ 140, 141.

Byelaws, § 142.

Ballast Licences, §§ 143 to 145.

Protecting Rights of Lady Londonderry, §§ 146 to 151.

Saving Rights of Crown, § 152.

Schedules A. (Form of Appointment of Commissioners).

B. (Rates).

### *Cap. lviii.*

“ *Wirral Waterworks Act, 1859.*”

Limits of Act, § 2.

Incorporation of General Acts, §§ 3, 4.

Incorporation of Wirral Waterworks Company, with Capital of 40,000*l.* in 10*l.* Shares, and Power to borrow 1 0,000*l.*, § 5.

Meetings ; Votes ; Directors, §§ 11 to 20.  
 Power to make Waterworks and take Lands, § 21.  
 Two Years for compulsory Purchase of Lands, § 22.  
 Works authorized, §§ 25 to 27.  
 Two and Three Years for Completion of respective Works,  
 § 28.  
 Power for Justices to compel Repair of Reservoirs, §§ 29 to  
 38.  
 Provision in case of Local Government Act, 1858, being  
 adopted in Township of Tranmere, § 39.  
 Limits of Obligation on Company to supply Water, § 40.  
 Company in certain Event to supply Noctorum, § 41.  
 Water not necessarily supplied under Pressure, § 42.  
 Supply of Water, Rates for, and Recovery of, §§ 43 to 56.

*Cap. lix.*

*“Merthyr, Tredegar, and Abergavenny Railway Act,  
 1859.”*

Incorporation of General Acts, § 1.  
 Incorporation of Company, with Capital of 150,000*l.* in 20*l.*  
 Shares, §§ 3 to 7.  
 Power to borrow 49,900*l.*, §§ 8, 9.  
 Meetings ; Directors, §§ 10 to 14.  
 Power to Company to make Railways and Branch Railway,  
 §§ 16 to 18.  
 For Protection of the Lands of the Ebbw Vale Iron Company,  
 § 19.  
 Level Crossings ; Inclination of Roads, §§ 20 to 26.  
 Junction with Newport, Abergavenny, and Hereford Railway,  
 §§ 27 to 30.  
 Three Years for compulsory Purchase of Lands, § 32.  
 As to Purchase of Land whereof the Reversion is in the  
 Crown, § 33 to 35.  
 For Purchase of Part of the Llanvihangel Railway, § 36.  
 Running Powers for Newport, Abergavenny, and Hereford  
 Railway over Part of Railway, § 37.  
 For the Purchase of Messrs. J. and C. Bailey's Tramroad,  
 § 38.  
 Compensation to be made to Persons using Messrs. Bailey's  
 Tramroads for Suspension of Traffic, § 39.  
 Compensation in case of Interruption of Traffic of Llanvihangel  
 Railway, § 40.  
 For the Protection of the Abergavenny Gasworks, § 41.  
 Five Years for Completion of Railways, §§ 42, 43.  
 Tolls, §§ 44 to 52.

*Cap. lx.*

*“Portsmouth Docks Act, 1859.”*

Recites 2 & 3 Vict. c. lxxii. ; and proposes to construct a new  
 Dock.  
 Lands Clauses and Parts of Harbours Clauses Acts incor-  
 porated, §§ 1, 3.

Docks and Works, §§ 6 to 8 ; to be completed in Five Years, § 15.  
 Admiralty and War Department Provisions, §§ 9 to 13.  
 Three Years for compulsory Purchases, § 14.  
 Rates, §§ 18, 19.  
 Officers of Customs, § 17.  
 Dock-master, Meters, and Weighers, §§ 20, 21.  
 Power to borrow 30,000*l.*, § 22, and §§ 24 to 27.  
 Part of Commissioners Clauses Act incorporated, § 23.  
 Dock Accounts, and Application of Moneys, §§ 28 to 30.  
 Saving Rights of Crown, of Admiralty, and of War Department, §§ 32, 33.

*Cap. lxi.*

“*The Tottenham and Edmonton Gas Act, 1859.*”

Recites that under Deed of Settlement of 1847 their Capital is 25,000*l.* in 5*l.* Shares, with Power to increase it to 75,000*l.*, and to borrow 15,000*l.* ; that 4*l.* per Share has been paid up, and they have raised 4,700*l.* more; proposes to raise further Moneys and extend Limits.  
 Incorporates General Acts, §§ 2, 3:  
 Limits of Act, § 4.  
 Company incorporated, § 5.  
 Saving of Rights and Liabilities, §§ 6 to 14.  
 Capital 25,000*l.* (Original Capital) in 5*l.* Shares, and 35,000*l.* (Additional Capital) in new Shares, §§ 15, 16.  
 Creation and Disposal of new Shares, §§ 17 to 21.  
 Power to borrow 15,000*l.* in the whole, §§ 22 to 24.  
 Meetings ; Voting ; Directors, §§ 25 to 39.  
 Gasworks, Pipes, Meters, Rates, and Rents, §§ 40 to 49.  
 Gas, Quality, Price, Supply, Testing of, §§ 50 to 56.  
 Protection of Metropolitan Roads, §§ 57 to 61.  
 Saving Rights of Local Boards of Health, § 62.

*Cap. lxii.*

“*The Midland Great Western Railway of Ireland (Sligo Extension) Act, 1859.*”

Recites Acts relating to the Company, and proposes to make a Deviation and to amend Acts.  
 Incorporates General Acts, § 1.  
 Railways, § 4, to be completed in Three Years, §§ 9 and 11.  
 Two Years for compulsory Purchases, § 8.  
 Power to abandon Parts of Line, and Compensation, §§ 5 to 7.  
 Railway not to be opened until Line made between Sligo and Boyle, § 10.  
 Tolls, § 12.  
 Railway to be subject to Moneys borrowed under 12 & 13 Vict. c. lxii.,—§ 15.  
 Saving Rights of Commissioners of Works as to River Shannon, § 19

## Cap. lxxiii.

"The *Mid-Wales* Railway Act, 1859."

Proposes to make a Railway from the Llanidloes and Newtown Railway, at Llanidloes in the County of Montgomery, to Newbridge in the County of Radnor, and to authorize the London and North-western, the Great Western, the Birkenhead, Lancashire, and Cheshire Junction, the Oswestry and Newtown, the Llanidloes and Newtown, the Shrewsbury and Welchpool, and the Newtown and Machynlleth Railway Companies, and the Company, to enter into Working and Traffic Arrangements.

Incorporation of General Acts, § 1.

Subscribers incorporated, with Capital of 175,000*l.* in 10*l.* Shares, §§ 4, 5.

Power to borrow 56,000*l.*, §§ 8, 9.

Power to Llanidloes and Newtown Railway to subscribe not exceeding 25,000*l.*, and raise Capital for the Purpose, § 10.

Meetings; Directors, §§ 13 to 19.

Power to make Railways, §§ 20 to 22.

Three Years for Lands to be purchased by Compulsion, § 23.

Five Years for Completion of Railway, §§ 24 and 42.

As to Communication with the Llanidloes and Newtown and Vale of Towy Railways, §§ 25 to 27.

Tolls, §§ 28 to 36.

Power to enter into Agreements with Companies mentioned in Preamble, §§ 37 to 41.

## Cap. lxxiv.

"The *Vale of Llangollen* Railway Act, 1859."

Proposes to make a Railway from near the Ruabon Station of the Great Western Railway to Llangollen; and to authorize Agreements with the Great Western Railway Company.

Incorporation of General Acts, § 1.

Subscribers incorporated with Capital of 45,000*l.* in Shares of 10*l.*, §§ 3 to 5.

Power to borrow 15,000*l.*, §§ 7, 8.

Meetings, Directors, §§ 11 to 18.

Line of Railway, §§ 19, 20.

Railway not to be deviated in certain Properties, § 21.

Communications with the Great Western Railway, §§ 22 to 25.

Connexion with Shropshire Union Tramway, § 26.

Three Years for the compulsory Purchase of Lands, § 28.

Four Years for Completion of Works, §§ 29, 30.

Roads and Bridges, §§ 31 to 33.

Tolls, §§ 34 to 43.

Traffic Arrangements with the Great Western Railway, §§ 44 to 52.

Power to the New British Iron Company to contribute not exceeding 6,000*l.*, § 53.

Saving Rights of the Shropshire Union Railways and Canal Company, § 54.

Saving Rights of George Hammond Whalley under Agreements with New British Iron Company, § 55.

Saving Rights of the Crown, § 56.

*Cap. lxxv.*"The *Stokes Bay* Railway and Pier Act, 1859."

Recites Incorporation of Company by their Act of 1855 with a Capital of 24,000*l.*, and Power to borrow not exceeding 8,000*l.*; proposes to authorize the Company to raise further Moneys.

Power to raise by the Creation and Issue of new Shares any further Sums not exceeding in the whole 16,000*l.*, in addition to the total Share Capital of 24,000*l.*, by the first-recited Act authorized; and to attach a Preference not exceeding 6*l.* per Cent., §§ 2 to 6.

Power to borrow 5,000*l.* more, §§ 7 to 9.

*Cap. lxxvi.*"The *Droitwich* Roads Act, 1859."

Recites Act 5 G. 4. c. 33; that the Trustees have raised Money on the Credit of the Tolls; proposes to repeal Act and grant new Powers.

Recited Act repealed, and this Act to be put in force, § 1.

Arrears of Toll and Money under recited Act vested in the Trustees under this Act, § 2.

Trustees; Committees, §§ 5 to 8.

Existing Roads to be improved and kept in repair, § 9.

Power to take Tolls, §§ 10 to 19.

As to Mode of discharging Debt, § 20.

Mortgagees to take Possession for Payment of Interest only, § 21.

No Tolls to be taken or Money laid out in Towns, § 22.

No more Money to be borrowed on the Tolls, § 23.

Repair of Water Pipes, §§ 24, 25.

Term of Act, § 27.

Schedule (Mortgagees).

*Cap. lxxvii.*"The *Hinckley and Melbourne* Roads Act, 1859."

Recites 9 G. 4. c. 5; that the Trustees have raised Money on Credit of the Tolls; proposes to repeal Act, and to grant new Powers.

Recited Act repealed, § 1.

Arrears of Toll and Money under recited Act vested in the Trustees under this Act, § 2.

Trustees; Committees, §§ 5 to 8.

Existing Roads to be repaired and maintained, § 9.

Power to take Tolls, § 10 to 19.

As to Mode of discharging Debt, § 20.

Extinguishment of Marstone's Debt and Interest, § 21.

Mortgagees to take possession for Payment of Interest only, § 22.

No Tolls to be taken or Money laid out in Towns, § 23.

Interest not to accrue until Expenses of Act paid, § 24.

No more Money to be borrowed on the Tolls, § 25.

Term of Act, § 27.

Schedule (Mortgagees).



*Cap. lxxviii.*

*“Brecon and Merthyr Tydfil Junction Railway Act, 1859.”*

Incorporation of General Acts, § 1.

Subscribers incorporated with a Capital of 80,000*l.* in Shares of 10*l.* ; Power to borrow 26,600*l.*, §§ 3 to 7.

Directors, §§ 8 to 11.

Power to make Railways, §§ 12 to 14.

For Protection of Lands and Works, and Rights of the Dowlais Iron Company, §§ 15 to 22.

In the Construction of the Railway through the Lands of W. H. Forman, Esq., Company to be subject to certain Restrictions, §§ 23 to 26.

Protection of Brinore Tramroad Company, § 27.

Three Years for compulsory Purchase of Land, § 29.

Five Years for Completion of Works, §§ 30, 31.

Tolls, §§ 33 to 44.

Extending Provisions of General Turnpike Acts to Road, § 50.

Power to erect Toll Gates on Bridge and take Tolls thereon, §§ 43 to 45.

Regulations as to Tolls, §§ 46 to 49.

*Cap. lxxix.*

*“London, Brighton, and South Coast Railway Company’s Act, 1859.”*

Recites London and Brighton Company’s Act of 1846 ; an Act of 1857 incorporating the Mid-Sussex Railway Company, and enabling them to enter into Agreements with the Brighton Company ; also an Act of 1858 enabling the Company to raise Moneys for certain new Lines ; proposes Alterations in their existing and authorized Lines and Works ; to improve their Norwood and Brighton Stations ; to raise further Moneys ; to obtain further Powers of converting Mortgage Debt into Debenture Stock ; to give Guarantees to the Mortgagees of the Mid-Sussex Railway Company, and to authorize Leases and Transfers of the Mid-Sussex Railway and of the Lewes and Uckfield Railway.

Incorporation of Railways and Lands and Parts of Companies Clauses Consolidation Acts, §§ 2 to 4.

Power to make Works, §§ 6 to 9.

Board of Trade Provisions, §§ 10 to 13.

As to Communications with the Farnborough Extension of the West End of London and Crystal Palace Railway, §§ 14 to 18.

Three Years for compulsory Purchase of Land, § 20.

Three Years for Completion of new Lines, §§ 22, 23.

For securing Transmission of East Kent Railway Company’s Traffic over Part of Brighton Company’s Lines, §§ 24, 25.

Tolls, § 26.

Company to abandon Part of Line for which Deviation is substituted, and Compensation, §§ 27, 28.

Discontinuance of Footpath near New Cross Station, § 29.

Application of Funds, § 30.

Power to raise a further Sum of 100,000*l.*, with or without preferential Dividend not exceeding 5*l.* per Cent., §§ 31 to 33.

Disposal of new Shares, §§ 35 to 42.

Power to borrow 33,000*l.*, §§ 43 to 45.

Guarantees to Mid-Sussex Railway Company, § 46.

Extending Powers for Conversion of Debt into Debenture Stock, §§ 47 to 49.

Transfer of the Undertakings of Mid-Sussex and Lewes and Uckfield Railway Companies, §§ 50 to 55.

Power for the Company to apply their Capital towards such Purchase, § 56.

Power to raise additional Capital to effect Purchase, and to borrow to pay off Mortgages, §§ 57 to 60.

Power to lease Undertakings of the Two Companies, §§ 61 to 63.

Regulations as to Leases and Rents, §§ 64 to 67.

### *Cap. lxx.*

#### “The *Tweed* Fisheries Amendment Act, 1859.”

Proposes to amend the Act of 1857 ; to alter the Close Times ; and to extend the Limits of the Mouth or Entrance to the River.

Certain Sections of recited Act repealed, § 3.

Extension of Limits of the Mouth or Entrance of the River *Tweed*, § 4.

Assessment and Regulation of Fisheries within the Limits of the Mouth or Entrance as extended, § 5.

Annual Close Times, § 6.

Weekly Close Time, § 7.

Penalty for fishing in Annual or Weekly Close Times, § 8.

Provisions of recited Act applicable to Annual and Weekly Close Times, § 9.

Penalty for having or selling Fish caught in Annual Close Times, § 10.

Removal of Boats and Nets used in Fishing, § 11.

Regulating Stake and Bag Nets, § 12.

Regulating Size of Meshes of Nets, § 13.

Penalty for using or having Pout Nets or Rake Hooks, § 14.

Penalty on Persons fishing who are not entitled, § 15.

Cleeks not to be used in landing Fish, § 16.

Recited Act not to require the putting back into the River of foul Fish taken by Rod and Line, § 17.

Superintendent of Water Bailiffs may prosecute for Offences ; Penalties and Forfeitures, §§ 18 to 20.

Saving Rights of the Admiralty, § 21.

*Cap. lxxi.*

“The *Bradford, Wakefield, and Leeds Railway Act, 1859.*”

Recites Act of 1854 ; proposes to raise additional Capital, and to convert Mortgage Debt into Debenture Stock.

Power to raise 40,000*l.* by new Shares, with or without a Preference not exceeding 5*l.* per Centum, §§ 2 to 8.

Conversion of borrowed Money into Debenture Shares or Stock at 5*l.* per Centum, §§ 9 to 14.

*Cap. lxxii.*

“The *Ipswich Fishery Act, 1859.*”

Recites that by a Charter granted by King Henry the Eighth in the Year One thousand five hundred and eighteen, “to His Bailiffs, Burgesses, and Commonalty of the Town of Ipswich” the Port of the said Town and Water running by the Flux and Reflux of the Sea from the said Port towards the South-east unto a Place called Pollesheved, otherwise called Polleshead, and also the Land and Soil at any Time overflown or covered with Water by such Flux and Reflux of the Sea, were declared and notified to have been and to be within the Liberty and Franchise and of the Liberty and Franchise of the Town aforesaid ; and the same Port, Water, and Current of the Water, and the aforesaid Lands and Soil whensoever overflown or covered with Water by the Flux or Reflux of the Sea, although theretofore they had not been Parcel of the Town aforesaid, and within the Liberty, Franchises, and Privileges of the same Town, were annexed and united to the same Town as Parcel of the same Town, and within the Liberty and Franchise of the same, to have and to hold to them, the said Bailiffs, Burgesses, and Commonalty, and their Successors, as Parcel of the Town aforesaid as within the Liberty and Franchise of the same Town for ever ; that the said River is well adapted to the growth of Oysters, and the Freemen of the said Borough have been in the habit of dredging for Oysters within the said River, and the Mayor, Aldermen, and Burgesses of Ipswich and their Predecessors have also granted Licenses to Persons not being Freemen of the said Borough to dredge for Oysters within the said River ; and they likewise recently granted a Lease to Mr. William Colchester, of the exclusive Right to dredge for Oysters therein, upon the faith of which Lease the said William Colchester had expended considerable Sums of Money in the Propagation of Oysters there, but the exclusive Right so granted to him by the Corporation had been disputed by certain of the Freemen of the said Borough, and Actions were then pending in the Court of Queen’s Bench at the Suit of and against the said William Colchester, to determine the Validity of the said Lease ; and it had been agreed between all the Parties to the said Actions that the said Litigation

should cease, and that the Lease so granted to William Colchester should be cancelled upon the Conditions herein-after contained; that it is essential to the Preservation of the said Fishery that the Powers of the Corporation with relation thereto, and for the Regulation and Improvement thereof, should be increased, and that the Corporation should be enabled to expend Money in the Cultivation of the said Fishery.

Limits of the Act.

I. The Limits of this Act shall be such Part of the Water and Soil of the River and Estuary of the Orwell in the County of Suffolk, as lies within the following Boundaries, namely, the Southern Extremity of the new Cut made by the Ipswich Dock Commissioners on the North-west, thence along the Right Bank of the said River to Shotley Point; thence by a Line drawn in a due Eastward Direction to Fagborough Cliff, and then along the Left Bank of the said Estuary and River to the Southern Embankment of the Ipswich Wet Dock; together with all the Land covered by the Flux and Reflux of the Tide within the said Limits, such Limits being herein-after called the River Orwell.

Corporation to prepare Byelaws, §§ 3, 4.

As to Deposit of Refuse, § 5.

Water Bailiff and his Powers, § 6.

Dredger Men must be licensed, § 7.

Corporation to grant Licences, § 8.

As to Sale of Oysters and Proceeds of Sale, § 9.

Corporation to keep Account of Fishery, § 10.

As to Lease and Suits, § 11.

Depth of Orwell to be maintained, § 12.

Survey to be made, § 13.

Accumulations to be prevented, § 14.

Corporation may borrow 6,000*l.*, § 15.

Application of Penalties, § 16.

Saving Rights of Ipswich Dock Commissioners, § 17.

Saving Rights of Crown and Corporation, § 18.

Schedule.

### Cap. lxxiii.

#### *“South Durham and Lancashire Union Railway Deviation Act, 1859.”*

Recites 20 & 21 Vict. c. xl., that it is expedient to authorize a Deviation in the Line of the Company's Railway, and to enable them to issue further Capital and to grant a Preference Dividend thereon.

Incorporation of General Acts, § 1.

Power to make Deviation in Railway, §§ 4, 5.

Authority to make level Crossings, §§ 6, 7.

Inclination of Roads, § 10.

Two Years for compulsory Purchase of Land, § 11.

Four Years for Completion of Line, §§ 12, 13.

Power to abandon certain Portions of Railway; Compensation, § 15.

Tolls, §§ 16, 17.

Working Agreements with Stockton and Darlington Company, §§ 19, 20.

Power to create new Shares with Preference Dividend, and to convert into Stock, §§ 21, 22.

Power to convert Mortgage Debt into Debenture Stock, § 23.

Regulations as to Debenture Stock, §§ 24 to 29.

*Cap. lxxiv.*

“*The Birkenhead Railway Act, 1859.*”

Recites their Consolidation Act of 1852 ; proposes to construct new Branches ; to change the Corporate Name ; to convert Part of Capital into Preference Stock ; and to authorize Agreements with the London and North-western and the Great Western Railway Companies.

8 & 9 Vict. cc. 18. and 20. incorporated, § 2.

Power to construct Railways, § 3.

Board of Trade and Admiralty Provisions, §§ 4 to 12.

For the Protection of the Shropshire Union Railways and Canal Company, §§ 13 to 18.

Agreement between Company and Mr. George Cornwall Legh to be carried into effect, § 19.

Five Years for Completion of Railways, §§ 21, 22.

Power to apply surplus Capital to Purposes of Act, § 23.

Tolls, § 24.

Company, in certain Events, empowered to stop up Part of Canning Street in Birkenhead, and to purchase, &c. Land at Birkenhead and Poulton-cum-Seacombe, §§ 25, 26.

Name of the Company changed, § 27.

Saving of Rights, § 29.

To convert Part of Capital into 4l. 10s. per Cent. Preference Stock, §§ 30, 31.

Traffic Arrangements with the London and North-western and Great Western Railway Companies, §§ 32 to 39.

Extending Provisions in the Shrewsbury and Chester Acts of 1851 and 1854, as to the Use of the Railways, &c. to the Branch Railway to Tranmere Pool, § 40.

For facilitating the Interchange of Traffic between the Great Western Railway Company's System of Railways and the Birkenhead, Lancashire, and Cheshire Junction Railway Company's System of Railways, § 41.

Agreements for working, or Lease of joint Station, § 42.

Contracts and Obligations affecting joint Station to be binding on Person or Company entering into Agreement or taking Lease, § 43.

Saving Rights of Commissioners of Woods, &c., § 46.

*Cap. lxxv.*

“*The Bray Commons Inclosure Act, 1859.*”

Proposes to inclose certain Commons in the Parish of Old Connaught in the County of Dublin, of which the Earl of Meath is the Lord of the Manor, and also a Proprietor, together with the Right Honourable Sidney Herbert, Phineas Riall, P. W. Jackson, and F. de Butts, Esquires.

Appointment of Commissioners, § 3.

- Commissioners to make Declaration, § 4.  
 Penalty on Persons acting not qualified, § 5.  
 For appointing new Commissioners, § 6.  
 No Party interested to be appointed a Commissioner, &c., § 7.  
 What shall be a Refusal to act, § 8.  
 Commissioners to appoint a Clerk, § 9.  
 Allowance to Commissioners and their Clerk, § 10.  
 Until the Division be completed, the Lands may be entered by the Commissioners, or any Persons they may appoint to make Surveys, &c. ; Maps, § 11.  
 Surveyor to make a Declaration ; Penalty, §§ 12, 13.  
 Notices, §§ 14, 15.  
 Orders of Commissioners to be entered in a Book and signed, § 16.  
 Sittings of the Commissioners, § 17.  
 Proprietors to pay their own Expenses at Meetings, § 18.  
 Commissioners and Clerk not to be paid more than Two Thirds of Allowance until Three Months after the Execution of the Award, § 19.  
 Claimants of Rights in Lands to be inclosed to deliver to the Commissioners Schedules of Particulars ; Objections to Claims, § 20.  
 Suits not to delay the Execution of the Act, § 21.  
 Deaths of Parties not to suspend Execution of the Act, § 22.  
 Extinguishment of Rights of Common, § 23.  
 Power to distrain Cattle doing Damage after the Right of Common extinguished, § 24.  
 Commissioners to set out Drains, to enlarge and turn Water-courses, and to direct Fences, Roads, &c. to be made, §§ 25, 26.  
 Encroachments, §§ 27, 28.  
 Act not to affect the Powers of the Grand Jury respecting Roads, § 29.  
 Allotment to the Lord of the Manor, § 30.  
 Commissioners empowered to sell Land for defraying the Expenses, § 31.  
 Application of Surplus Money arising from Sale of Land, § 32.  
 Allotment to be set out for the Recreation of the Inhabitants, § 33.  
 Allotment of Watering Places for Cattle, and as a Market or Fair Green, § 34.  
 Allotment of Residue, § 35.  
 Power to sell or lease Allotments, § 36.  
 Persons entitled to Allotments may require same to be allotted for public Walks, &c., § 37.  
 Residue to be awarded for public Walks, &c., under certain Circumstances, § 38.  
 In case of Sale before Award, Commissioners to allot to Purchaser, § 39.  
 Distinct Allotments to be made for Lands holden by distinct Titles, § 40.  
 Fencing the Allotments, § 41.  
 For preserving young Trees, § 42.  
 For enforcing the keeping up of Fences, § 43.

Deeds, Wills, &c. not to be affected, § 44.

Money advanced for Purposes of Act to be repaid with Interest, § 45.

Application of Moneys paid for Purchase or Exchange, §§ 46 to 48.

Power to borrow Money, § 49.

Power to make Exchanges, § 50.

For determining Objections to Allotments, § 51.

Alterations may be made in the Allotments or private Roads before Execution of Awards, § 52.

Award to be made and deposited, § 53.

Moneys may be recovered after Execution of the Award, § 54.

Accounts to be audited, § 55.

Appeal to Quarter Sessions, § 56.

Rights of the Lord of the Manor not to be prejudiced, § 57.

*Cap. lxxvi.*

“*The Oxford, Worcester, and Wolverhampton Railway Act, 1859.*”

Recites the Acts relating to the Company, and that by their Act of 1858 they were authorized to relinquish a Portion of the Kingswinford Branch, and to enter into Agreements with respect to a Line of Railway to connect the Works of the Kingswinford Ironmasters and the Estates of Lord Ward with the Part of the Kingswinford Branch authorized to be constructed ; that the Main Line of Railway is carried over certain Valleys in the Forest of Kidderminster, in the Parish of Hagley, in the Hamlet of Amblecote, and in the Parish of Kingswinford, by means of lofty Timber Viaducts, and it is apprehended that such Viaducts, or some of them, may become insecure, and it is therefore expedient that the Company be empowered to purchase Lands adjoining to such Viaducts for the Purpose of strengthening them, and, if needful, of substituting solid Embankments ; also expedient that further Time be granted to the Company for the compulsory Purchase of Lands for such Purposes ; that the Company are by their Acts required to construct their Railway with a double Line of Rails on the Broad Gauge, and in other respects so as to be worked continuously with the Great Western Railway ; that the Great Western Railway, at the Points at which it joins the Railway of the Company, is constructed with Rails on the Narrow Gauge as well as on the Broad Gauge ; that the Railway of the Company has been constructed with Rails on the Narrow Gauge, and also to a certain Extent with Rails on the Broad Gauge, in connexion with the Broad Gauge Rails of the Great Western Railway ; that by an Agreement dated the 2d Day of February, 1859, it has been agreed between the Great Western Railway Company and the Company that in consideration, amongst other things, of the Payment of 18,000*l.* to the Great Western Railway Company by the Company, and that each of such Companies may respectively for a Period of Nine Years run Trains over and use certain

Portions of the Railway of the other of such Companies without any Payment of Toll or otherwise, the Company should be relieved from any Obligations in respect of the Broad Gauge, except in respect of those Portions of their Railway which lie between the Junction thereof with the Line of the Birmingham, Wolverhampton, and Dudley Railway, near Priestfield Furnaces, in the Parish of Wolverhampton, and the joint Station at Wolverhampton, authorized by "The Oxford, Worcester, and Wolverhampton Railway (Deviation) Act, 1848," and between the said joint Station and a certain Field numbered on the Plans referred to in "The Oxford, Worcester, and Wolverhampton Railway (Deviation) Act, 1848," Thirteen in the Parish of Wolverhampton in the County of Stafford, and it is now no longer expedient that the Railway of the Company, except as aforesaid, should be constructed or maintained on the Broad Gauge; that by their Capital Act of 1856, the Company are authorized to raise the Sum of 350,000*l.* by the Creation of a First Preference Stock, to be called "Debenture Stock," and such Sum is made applicable, with respect to 200,000*l.*, Part thereof, to the Purposes therein referred to, and with respect to 150,000*l.*, other Part thereof, to the Construction of the Works necessary for the Completion of the Main Line of Railway with a double Line of Rails in the Manner prescribed by "The Oxford, Worcester, and Wolverhampton Railway (Stratford and Stourbridge Branches) Act, 1854;" that the Company will require Part of such Sum of 150,000*l.* for certain Payments engaged to be made to the Great Western Railway Company as One of the Conditions of their Assent to the Repeal of the Obligation to lay down the Broad Gauge, and some of the said Sum is fairly applicable to such Purpose as relieving the Company from the Liabilities on account of which the said Debenture Stock was granted; that by the Capital Act of 1856, as an Indemnity to the Proprietors of the then existing Preference Stock of the Company for any Loss which might arise to them by reason of the Creation of such Debenture Stock, such existing Preference Stock was made a first guaranteed Stock, bearing a guaranteed Dividend of 6*l.* per Centum per Annum, and as an Indemnity to the Proprietors of the then existing guaranteed Stock of the Company for any Loss which might arise to them by reason of the creation of such Debenture Stock, the Rate at which such Stock is to be redeemable is 115*l.* instead of 110*l.*, as provided by the Resolution of the Meeting under which the same was created; that it is expedient that the Company should be authorized to apply such Sum of 150,000*l.* in or towards the Purposes herein-after mentioned; that the Stratford Canal Annuities, and the Principal Money due upon Mortgage, Bond, or other Security on that Canal, is a Charge upon the general Undertaking of the Company (subject nevertheless to any Money raised or which was authorized to be raised previous to the passing of "The Oxford, Worcester, and Wolverhampton Railway (Improve-



ments and Branches) Act, 1855," by Mortgage or Bond, on the Security of such Undertaking, and subject also to any Rents or other Charges or Incumbrances payable by the Company in respect of Land or any other Undertaking purchased or held under Lease by them); that the Amount to which the Company is liable to indemnify and save harmless the Company of Proprietors of the Stratford-upon-Avon Canal Navigation, in respect of the Annuities, Mortgages, and other Debts and Liabilities of the last-named Company of Proprietors, is the Sum of 52,104*l.* 4*s.* 10*d.*, and the Amount the Company is liable to pay for Distribution amongst the Shareholders is 108,330*l.*; that by reason of such existing Claims on the Company it is expedient that the Company should be authorized to issue Debenture Stock, ranking *pari passu* with the general Debenture Stock, and that upon such Redemption the Stratford Canal Annuities and Principal Moneys aforesaid, which now form a prior Charge on the Undertaking of the Company, should be extinguished; that by "The Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854," Provision is made for the Working of the Branch by the Company, and the said Act contains Arrangements for the Distribution of the Profits received in respect of such Branch, and it is expedient that such Arrangements should be altered; and that the Company's Acts be otherwise amended.

Incorporation of Lands Clauses Act and Railways Clauses Act, § 2.

Power to make connecting Railway, §§ 3, 4.

Regulating Mode of crossing the Dudley and Brettell Lane Turnpike Road, § 5.

Eighth Section of Act of 1855 to apply, § 6.

Board of Trade Provisions, §§ 7 to 11.

Connecting Railway to be deemed Railway contemplated by Act of 1858,—§ 12.

Lord Ward not to be paid for Land taken from him, § 13.

Two Years for compulsory Purchase of Lands for Railway by this Act authorized, § 14.

Three Years for Completion of Works, § 15 and § 17.

Same Tolls as on Oxford, Worcester, and Wolverhampton Railway, § 16.

Power to take certain Lands for Improvements in Main Line, § 18.

Seven Years for Purchase of Lands for Improvements, § 19.

Improvements to be deemed Part of Main Line, § 20.

XXI. From and after the passing of this Act the respective Sections following; (that is to say,) Section Thirty-eight of "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," Section Eleven of "The Oxford, Worcester, and Wolverhampton Railway (Deviation) Act, 1848," Section Eight of "The Oxford, Worcester, and Wolverhampton Railway (Extension of Time) Act, 1852," Section Nineteen of "The Oxford, Worcester, and Wolverhampton Railway (Stratford and Stourbridge Branches) Act, 1854," Section

As to Broad Gauge.

Thirteen of "The Oxford, Worcester, and Wolverhampton Railway (Chipping Norton Branch) Act, 1854," Section Four of "The Oxford, Worcester, and Wolverhampton Railway (Extension of Time) Act, 1856," and all other Sections and Parts of Sections of the Company's Acts authorizing or requiring that the Railway, Branch Railways, and Works of the Company shall be made and maintained on the Broad Gauge, or of such Gauge and according to such Mode of Construction as will admit of the same being worked continuously with the Great Western Railway, shall (except in respect of such Portions of their Railway as lie between the Junction thereof with the Line of the Birmingham, Wolverhampton, and Dudley Railway, near Priestfield Furnaces, in the Parish of Wolverhampton, and the joint Station at Wolverhampton authorized by "The Oxford, Worcester, and Wolverhampton Railway (Deviation) Act, 1848," and between the said joint Station and a certain Field numbered on the Plans referred to in "The Oxford, Worcester, and Wolverhampton Railway (Deviation) Act, 1848," Thirteen in the Parish of Wolverhampton in the County of Stafford) shall be and the same are hereby repealed, and the Company may make, complete, and maintain their Railways, or any of them, save as aforesaid, on the Narrow Gauge only.

Company to run certain Trains daily to and from Oxford Station, § 22.

Confirmation of Agreement with Great Western Railway Company, §§ 23, 24.

Provision of 19 & 20 Vict. c. cxxvi. as to Application of 150,000*l.* repealed.

XXV. So much of the Seventh Section of the Capital Act of 1856 as enacts that a Sum not exceeding 150,000*l.*, Part of the Sum of 350,000*l.* therein mentioned, shall be applied to the Construction of the Works necessary for the Completion of the Main Line of Railway with a double Line of Rails in the Manner prescribed by the Act of 1854, and to and for no other Purpose whatsoever, shall be and the same is hereby repealed.

Application of the said Sum of 150,000*l.*

XXVI. The Company may apply the said Sum of 150,000*l.*, Part of such Sum of 350,000*l.* authorized to be raised by the Capital Act of 1856, in the Manner following; (that is to say,)

As to a Sum not exceeding 60,000*l.*, Part thereof, in Payment to the Great Western Railway Company of the Sum of 18,000*l.* Pounds payable to them in respect of their consenting to the Company being relieved from the Obligation to lay down the Broad Gauge, and the Remainder of the said Sum of 60,000*l.* in compensating the Revenue of the Company for the Loss it is estimated to sustain by reason of the Great Western Railway Company being permitted by the Company to run Trains over and use certain Portions of the Railway of the Company without any Payment of Toll or otherwise under the hereinbefore mentioned Agreement;

As to a Sum not exceeding 10,000*l.*, further Part thereof, in completing the Branch to the Town of Stourbridge, as authorized by the Company's Acts;

As

As to a Sum not exceeding 20,000*l.*, further Part thereof, in completing the Kingswinford Branch, as authorized by the Company's Acts and this Act ;

As to a Sum not exceeding 20,000*l.*, further Part thereof, towards the Completion of the Railway with a double Line of Rails on the Narrow Gauge ;

As to a Sum not exceeding 25,000*l.*, Part thereof, towards the Completion of the Stratford Branch, as authorized by the Company's Acts ; and

As to the Residue of such Sum of 150,000*l.*, towards the Expense of completing and laying down a double Line of Rails upon the Narrow Gauge upon the Railway, and for the general Purposes of the Undertaking, and to and for no other Purpose whatsoever.

XXVII. The Company may from Time to Time, in addition to any Moneys which they are authorized to raise by the Company's Acts, raise, in manner and for the Purposes hereinafter mentioned, any further Sum of Money not exceeding in the whole the Sum of 160,000*l.*

Further Powers of raising Money.

XXVIII. Such Sum of 160,000*l.* shall be raised by the Creation and Issue of additional Debenture Stock in manner prescribed by the Capital Act of 1856 with reference to the Debenture Stock thereby authorized to be issued, and such Debenture Stock may be issued at such Times, in such Manner, and to such Persons as the Directors of the Company from Time to Time determine.

Mode of raising such Money.

XXIX. The additional Debenture Stock so to be issued shall be subject to the same Provisions in all respects as are contained in the Capital Act of 1856, with reference to the Debenture Stock by that Act authorized to be raised, except the Provisions contained in the Sixth Section of that Act with respect to the Offer of new Stock to the Proprietors of Shares in the Company.

As to Issue of Debenture Stock.

XXX. ' And whereas the Stratford Canal Annuities, and the Mortgage and other Debts, to the Payment of which the Company became liable on the Purchase of the Canal, are a Charge on the Undertaking of the Company in priority of the existing Debenture Stock : ' Therefore the respective Holders of Debenture Stock issued under the Authority of the Capital Act of 1856 and this Act, and whether issued before or after the passing of this Act, shall proportionably, according to the Amounts thereof held by them respectively, be entitled to be paid out of the Revenues of the Company the preferential Dividend secured thereon, without any Preference one above another by reason of the Priority in Date of the Issue of such Debenture Stock or otherwise howsoever, and in priority to the Payment of Interest or Dividend upon all the existing Stock of the Company, whether preference, guaranteed, or ordinary, in manner provided by the Capital Act of 1856.

No Priority in Debenture Stock.

XXXI. Provided always, That the Debenture Stock to be issued under the Powers of this Act, and the Moneys raised by the Disposal thereof, shall be respectively applied exclusively for redeeming, paying off, or satisfying the Stratford Canal Annuities, and the said Mortgage or other Debts,

Debenture Stock to be applied in reduction of Stratford Canal Annuities, &c.

referred to in the preceding Section, and, to the Extent of the nominal Amount of that Stock from Time to Time disposed of, the Powers of the Company to grant or re-issue those Annuities, and to re-borrow on the Security of the Stratford Canal, shall cease.

Power to agree with Holders of Annuities to accept Debenture Stock.

XXXII. The Company may from Time to Time agree with the Holders of the Stratford Canal Annuities, and Mortgages and other Securities on the Stratford Canal, for the Acceptance by such Holders of Debenture Stock in discharge of such Annuities, Mortgages, Debts, and Securities.

Restriction as to Application of Debenture Stock.

XXXIII. Provided always, That the nominal Amount of the Debenture Stock created under this Act, and issued in satisfaction of any Annuity or Mortgage or other Debt, shall not exceed the Amount of the Principal Money thereby secured or of the Redemption Money payable in respect of any such Annuity.

Account of Application of Debenture Stock.

XXXIV. In order that the due Application according to this Act of the Debenture Stock created under this Act for the Discharge of the Stratford Canal Annuities, Mortgages, and other Debts and Securities, and of the Moneys raised by the Disposal thereof, may appear, the Company shall keep separate and accurate Accounts of the Amount of that Stock from Time to Time created and disposed of, and of the Application of that Stock, and of the Money raised by the Disposal thereof.

Certain Provisions affecting the Chipping Norton Branch repealed.

XXXV. From and after the First Day of January One thousand eight hundred and fifty-nine the Twenty-fifth, Twenty-sixth, and Twenty-seventh Sections of the Chipping Norton Act shall be and are hereby repealed.

Arrangements respecting Chipping Norton Branch.

XXXVI. In lieu of the Payments by such Sections directed to be made in respect of the Chipping Norton Branch, the Company shall, from and after the First Day of January One thousand eight hundred and fifty-nine, pay in respect of the Chipping Norton Branch the following Sums; that is to say,

First, Interest from the said First Day of January One thousand eight hundred and fifty-nine, from Time to Time due in respect of the Principal Sums owing upon Mortgage or Bond upon the Chipping Norton Branch;

Secondly, Dividends upon the Chipping Norton Branch Shares, at and after the Rate of Three Pounds Five Shillings per Centum per Annum for a Period of One Year, commencing on the said First Day of January One thousand eight hundred and fifty-nine;

Dividends at and after the Rate of Three Pounds Ten Shillings per Centum per Annum for a Period of One Year, commencing on the First Day of January One thousand eight hundred and sixty;

Dividends at and after the Rate of Three Pounds Fifteen Shillings per Centum per Annum, for a Period of One Year, commencing on the First Day of January One thousand eight hundred and sixty-one;

Dividends at and after the Rate of Four Pounds per Centum per Annum, for each Year, from and after the First Day of January One thousand eight hundred and sixty-two:

And

And such Payments shall be accepted in lieu of any Payments under the Sections hereby repealed directed to be made by the Company in respect of the Chipping Norton Branch, but, save as aforesaid, the Holders of Chipping Norton Branch Shares shall not acquire or have any further Right, Power, or Qualification in respect of those Shares than they had previously to the passing of this Act.

*Cap. lxxvii.*

*“Swanage Pier Act, 1859.”*

Incorporates Companies, Lands, and Railways, and, excepting certain Provisions, Harbours, &c. Clauses Acts, §§ 1 to 3.  
 Subscribers incorporated, with Capital of 16,000*l.*, in Shares of 10*l.*, §§ 5 to 10.  
 Power to borrow 5,300*l.*, § 11.  
 Meetings ; Directors, §§ 12 to 19.  
 Power to make Pier and Tramways, § 21 to 23.  
 Board of Trade and Admiralty Provisions, §§ 24 to 32.  
 Power for Mrs. Serrell and her Sequels in Right to make Branch Tramways, § 33.  
 Lands to be bought by Compulsion in Three Years, § 34.  
 Four Years for Completion of Works, § 35.  
 Company may take Rates and Tolls for Foot Passengers on Pier, §§ 36, 37.  
 Officers of Customs to pass free, § 38.  
 Cranes, Weighing Machines, &c., § 39.  
 Tolls on Tramway, §§ 40 to 47.  
 Tramway not to be a Passenger Tramway, § 48.  
 Saving the Rights of the Earl of Eldon and of the Crown, §§ 51, 52.

*Cap. lxxviii.*

*“Llanrwst and Abergele Road Act, 1859.”*

Trustees and Meetings, §§ 3 to 5.  
 Trustees may make Road and Branch Road, § 6.  
 Description of Roads, § 7.  
 If Mr. Nanney makes a certain Road in Llanrwst, Power to make a Portion of Road to cease, § 8.  
 Power to deviate from Plans, § 9.  
 And from Levels on Sections, § 10.  
 Land may be taken notwithstanding Errors in Books of Reference, &c., § 11.  
 Lands Clauses Act not to apply, § 12.  
 As to Construction of certain Provisions of General Turnpike Acts, § 13.  
 Freehold, &c. of Land to remain in Owners of adjoining Land, § 14.  
 Trustees to have Power of digging and using Land, &c., § 15.  
 Three Years for compulsory Purchase of Lands, § 16.  
 Four Years for Completion of Works, § 17.  
 Power to take Tolls, § 18.

Tolls, §§ 19 to 25.

Power to borrow 10,000*l.*, §§ 26, 27.

Application of Tolls, § 28.

As to the Mode of discharging Debt, § 29.

Mortgagees to take possession for Payment of Interest only,  
§ 30.

Act to be in force for 25 Years, § 32.

*Cap. lxxix.*

“*The Great North Road Act, 1859.*”

Recites 10 G. 4. c. lxi., 10 G. 4. c. lxxxiv., and 5 & 6 Vict. c. xci.; proposes to continue Powers.

Incorporation of General Turnpike Act, 1 & 2 W. 4. c. 43,—  
§ 3.

Repeal of Parts of first-recited Act, §§ 4, 5.

Power to enter into Agreements, § 6.

Toll Bars, § 7.

Quorum of Trustees, § 8.

Continuing Powers of first-recited Act in other respects,  
§ 9.

*Cap. lxxx.*

“*The Dublin and Wicklow Railway (Gorey Extension) Act, 1859.*”

Recites several Acts relating to the Company; proposes to extend their Railway.

Incorporation of General Acts, §§ 2, 3.

Power to make Railway according to deposited Plans, § 4.

Crown Lands under Control of Secretary of State for War not to be interfered with without Consent, § 5.

For Protection of Lands of William Earl of Wicklow, § 6.

Admiralty Provisions, §§ 7 to 11.

Board of Trade Provisions, §§ 12 to 15.

Confirming an Agreement with Henry Hodgson, Esq., § 18.

Three Years for the compulsory Purchase of Lands, § 19.

Five Years for Completion of Works, § 20.

Tolls, § 22.

Power to raise Capital of 200,000*l.* by new Shares, with a Preference Dividend not exceeding 6*l.* per Cent., §§ 23 to 27.

Power to borrow 66,000*l.*, §§ 28, 29.

Schedule (Agreement).

*Cap. lxxxii.*

“*The Charing Cross Railway Act, 1859.*”

Recites that the making and maintaining of a Railway commencing by a Junction on the Surrey Side of London Bridge with the North Kent and Greenwich Lines of the South-

eastern Railway, and passing thence through Parts of Southwark and Lambeth and across the River Thames at or near to the Charing Cross Bridge, and terminating at Hungerford Street, West Strand, near to Charing Cross, with a Branch Line of Railway therefrom in Lambeth, to form a Junction with the Main Line of the London and South-western Railway, would afford additional Facilities for Communication by Railway between the Western Parts of the Metropolis and the South-eastern and Southern Parts of England, and would relieve several of the principal Thoroughfares of the Metropolis between Charing Cross and London Bridge from a considerable Portion of the Traffic by which they are now at Times overcrowded, and would in other respects be of great public Advantage ; that it is expedient that the Company formed for this Purpose be authorized, if they think fit, to acquire the Charing Cross Bridge or Parts thereof, and to adapt the same to the Purposes of the Railway, and for a Thoroughfare across the Thames ; proposes to authorize the South-eastern Railway Company to contribute towards the Funds of the Company, and to legalize Traffic and Working Arrangements between the Company and the South-eastern Company.

Incorporates General Acts, §§ 2, 3.

Company incorporated, with a Capital of 800,000*l.*, in 20*l.*

Shares, and Power to borrow 266,600*l.*, §§ 4 to 8.

Meetings ; Directors, §§ 12 to 19.

Four Years for compulsory Purchases, § 21.

Railways described, § 24.

Junctions with Lines of South-eastern Railway Company, §§ 26 to 28.

Provisions relating to Junctions with Lines of South-western Railway Company, §§ 29 to 37.

Railway and Branch to be opened together, § 36.

Works for Brighton Railway Company, §§ 38 to 40.

Protection of Southwark and Vauxhall Water Company, §§ 41 to 43.

Admiralty Provisions, §§ 44 to 46.

Protecting Rights of Conservators of Thames, and Deposit of 5,000*l.* by Company before Erection of Bridge, §§ 47 to 53.

Company not to stop up or divert specified Streets in St. Olave, &c., § 54.

As to lighting Arches, § 55.

Steps at Tooley Street not to be removed until others erected, § 56.

Protection of Approach to London Bridge Stations, § 57.

Colonnade for St. Thomas's Hospital, § 58.

Company to throw Land open for Parish of St. Saviour, § 59.

Land so thrown open dedicated to the Public, § 60.

Saving Act of 56 G. 3. as to St. Saviour's, § 61.

Company to throw Land open to Borough Market Place, § 62.

Land so thrown open to be used as Part of Market Place, § 63.

Colonnade for Borough Market, § 64.

- Rails to be laid on longitudinal Sleepers between Joiner Street and Counter Street, § 65.
- Limit of Speed of Engines passing St. Thomas's Hospital, § 66.
- Steam Whistle not to be sounded between Joiner Street and York Street, § 67.
- Restriction on taking Land of St. Thomas's Hospital, &c., § 68.
- Not to stop up or divert specified Streets in St. Saviour's and Christchurch, &c., § 69.
- Company to enclose Arches in the Parish of St. Saviour, § 70.
- Company, if required by President and Governors of College of St. Saviour's, to take all their Property shown on Plan, § 71.
- Company, if required by Wardens of the Parish Church of St. Saviour, to take all their Property shown on Plan, § 72.
- Agreements between Company and President and Governors and between Company and Wardens, § 73.
- Removal of Human Remains from Land of President and Governors, § 74.
- President and Governors may acquire Land for Almshouses and apply Compensation, § 75.
- Wardens of St. Saviour may acquire Land for Almshouses and apply Compensation, § 76.
- Cost of providing temporary Accommodation for Almspeople to be repaid by Company, § 77.
- Provisions of Lands Clauses Act as to Costs to apply in respect of Purchases by Company of College Lands, &c., § 78.
- Company not to stop up or divert specified Streets in Lambeth, &c., § 79.
- Width and Headway of specified Streets, § 80.
- Company to restore Streets, &c. in the Parish of St. Martin in the Fields and in the other Districts of Board of Works, § 81.
- Company to restore Sewers, Drains, &c. in the Parish or District, § 82.
- Drainage Works in the Parish or District to be subject to Vestry or District Board, and their Rights saved, § 83.
- Local Rates to be made good, § 84.
- Company to take Lands and convey same to Metropolitan Board of Works for new Street, § 85.
- Payment to be made by the Board for Lands purchased from Metropolitan Board of Works, § 86.
- For Completion of incomplete Purchases by Board, § 87.
- Board to make new Street on Lands conveyed to them by Company, § 88.
- Character of Houses to front new Street, § 89.
- Mode of paying Purchase Money to Metropolitan Board of Works, § 90.
- For Protection of Sewers of Metropolitan Board of Works, § 91.



- Mode of Construction of Railway Bridge, § 92.  
 Agreement between Company and South-western Company as to Railway Bridge and Station, § 93.  
 Five Years for Completion of Railway, §§ 94, 95.  
 Company to form an Area in front of Station, § 96.  
 Company to make Footway from Northumberland Street to Duke Street, § 97.  
 Railway North of Thames to be used for Passenger Traffic only, § 98.  
 Tolls, §§ 99 to 109.  
 Power for Company and Two Railway Companies to make Working and Traffic and other Arrangements, §§ 110 to 116.  
 Application of Clauses of Companies Clauses Act to South-eastern Company, § 117.  
 Power for South-eastern Company to contribute 300,000*l.* towards Funds of Company, § 118.  
 Power for South-eastern Company to raise and apply Moneys, § 119.  
 Payment of preferential Dividend by South-eastern Company, §§ 120 to 122.  
 Power for South-eastern Company to nominate Persons to vote at Meetings of Company, §§ 123 to 125.  
 Notice to be given to weekly Tenants of Hungerford Market, &c., § 126.  
 Saving Rights of the Crown, of Admiralty, of Metropolitan Board of Works, Vestries, and District Boards, and of the Two Railway Companies, §§ 127 to 130.

*Cap. lxxxii.*

“ The Lands Improvement Company’s Amendment Act, 1859.”

Recites that by “ The Lands Improvement Company’s Act, 1853,” the Company were incorporated for the Purpose of undertaking and assisting the Improvement, Conversion, and Reclamation of Land, and Provisions were made for facilitating the Execution of such Improvements, and for carrying into effect the Purposes of the Company; that that Act was amended by another Act in 1855; proposes further Alterations and Amendments in the Provisions of the said Acts, and that the present Capital of the Company consists of 100,000*l.*, divided into Ten thousand Shares of 10*l.* each, all which Shares have been allotted and issued, and 2*l.* per Share has been paid, and it is expedient that Provision should be made for the Division of the 10*l.* Shares respectively into Two Shares of 5*l.* each.

This and recited Acts to be One, § 1.

III. The Fourth Section of the second-recited Act shall be **Improvements.** and is hereby repealed, and the Improvements which may be made under the Provisions of this or the recited Acts, with the Approval of the Inclosure Commissioners as herein-after mentioned,

mentioned, shall be in respect of One or more of the following Matters; (that is to say,)

1. The Drainage of Land, and the Improvement of the Drains, Streams, and Watercourses of any Land :
2. The Irrigation and warping of Land :
3. The embanking of Land from the Sea or tidal Waters, or from Lakes, Rivers, or Streams, in a permanent Manner :
4. The inclosing of Land :
5. The Reclamation of Land :
6. The making of permanent Farm Roads and permanent Tramways and Railways for Agricultural or Farming Purposes :
7. The clearing of Land :
8. The Erection of Farmhouses and other Buildings required for Farm Purposes, and the Improvement of and Additions to Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature :
9. The planting for Shelter or for any beneficial Purpose, which will increase the permanent Value of the Land :
10. The constructing or erecting of any Engine Houses, Waterwheels, Saw and other Mills, Kilns, Shafts, Wells, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, and Hatches which will increase the Value of any Lands for Agricultural or Farming Purposes :
11. The erecting of any Engines or Machinery of a permanent Nature, so as the same be erected in connexion with, and in the effecting of any Works of or Improvements in Drainage or Irrigation by this or the said recited Acts authorized :
12. The Construction or Improvement of Jetties or Landing Places on the Seacoast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other Agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for Agricultural and Farming Purposes, provided that the Inclosure Commissioners shall be satisfied that such Works will add to the permanent Value of the adjoining Lands to an Extent proportioned to the Expense thereof :

For the Purpose of effecting any Improvement under this or the recited Acts, it shall be lawful to get and work Freestone, Limestone, Clay, Sand, and any other Mineral or Substance out of the Land to be improved or charged, and to make Tramroads and other Ways, and to burn and make Bricks, Tiles, and other Things to be used in effecting such Improvements ; and also for the same Purpose to cut down and use any Timber and Trees not planted or serving for Shelter or Ornament.

Power to purchase.

V. The Sixth and Seventh Sections of the first-recited Act shall be and are hereby repealed, and the Company may, in addition to any other Land held by them, from Time to Time purchase any Land by Agreement with the Owner thereof,  
not

not being a Person under Disability, and being entitled to sell such Land absolutely in his own Right, independently of the Powers conferred by this or the recited Acts, and may improve and resell the same to any Person.

Option of converting Shares into Half Shares, § 6.

Half Shares to be registered and Certificates issued, § 7.

Apportionment of Amount paid up, § 8.

Calls, § 9.

Qualifications, § 10.

Reserve Fund, § 11.

Amending Section 32 of 16 & 17 Vict. c. cliv.,—§ 12.

Amending Section 33 of 16 & 17 Vict. c. cliv.,—§ 13.

16 & 17 Vict. c. cliv. ss. 35, 36, 38, 41, 43; 18 & 19 Vict. c. lxxxiv. s. 9 to 11, repealed, § 14.

Landowner or Company may make Application to the Inclosure Commissioners to sanction proposed Improvements, § 15.

Inclosure Commissioners may require Security for Expenses of Investigation, § 16.

Inspection of Lands to be made by an Assistant Commissioner or Engineer, who shall report his Opinion on the same, § 17.

Inclosure Commissioners, if satisfied, to sanction by Order the proposed Improvement, § 18.

Notice of Application to be given to Canal and other Companies, § 19.

Detailed Plan and Specification to be prepared and examined, and reported on, § 20.

Detailed Plan and Specification may be prepared for each Year's Work in succession, § 21.

Detailed Plan and Specification may be delivered with the Application, § 22.

Commissioners may sanction certain Modifications in Improvements, § 23.

Inclosure Commissioners to make Provisional Order, § 24.

Provisional Order not to be made until Notice of Application has been given by Advertisement, § 25.

Consent of Patron and Ordinary to be had in case of Glebe Land, § 26.

Landowner assessed under Public Act for Drainage, &c., may in certain Cases borrow the Money from the Company, and charge it on the Inheritance, §§ 27, 28.

The Company may, with the Approval of the Inclosure Commissioners, appropriate Rentcharge for Mortgage Debentures, §§ 29, 30.

Assignment of Debentures, § 31.

Power to Board of Trade to require Subscription of further Capital of 25,000*l.*, § 32.

Trust Moneys may be invested in Company's Mortgage Debentures as in Real Estate, § 33.

Power to borrow on unappropriated Rentcharges, § 34.

Mortgages of Rentcharges; Assignments, §§ 35 to 37.

Effect of Mortgages and Assignments, § 38.

Proviso for Receipt of Money, &c. paid by Company until Default, § 39.

- Power to Mortgagee or Assignee to give Notice on Default, § 40.  
 Service of Notice, § 41.  
 Rights of Mortgagee, &c. after such Notice, § 42.  
 Saving Rights and Remedies of Mortgagee against the Company, § 43.  
 Power by Agreement to withdraw Notice given, § 44.  
 Mortgage to be Personal Property for certain Purposes; Trust Moneys may be invested thereon, § 45.  
 Registry of Mortgages and Assignments by Company, § 46.  
 Registration by the Company Notice to all Persons, § 47.  
 Inspection of Register, § 48.  
 Interest recoverable for more than Six Months where no Distress on Land, § 49.  
 16 & 17 Vict. c. cliv. s. 68. repealed; Improvements to be upheld, and Penalty in case of Default, § 50.  
 Farmhouses, &c. to be insured; Power to Company to insure in case of Default, § 51.  
 Company, if required, to certify to Commissioners State of Improvements, &c., § 52.  
 Works connected with the Thames to be executed under the Direction of the Conservators of the River Thames, § 53.  
 Protection of Metropolitan Board of Works; of Water Companies; of Rivers, Canals, &c., §§ 54 to 56.  
 Admiralty Provisions, §§ 57 to 59.  
 Schedules (Forms).

*Cap. lxxxiii.*

“The *Scottish Central Railway Consolidation Act, 1859.*”

Recites that the several Acts enumerated in Schedule (A.) have been passed in relation to the Company, and that they are authorized by them to raise by Shares and on Mortgage or Bond the several Sums specified in Schedule (B.), amounting in the whole to 1,782,560*l.*; that they had on the Thirty-first Day of January One thousand eight hundred and fifty-nine received on Capital Account the Sum of 1,782,955*l.* 12*s.* 1*d.*, as also specified in Schedule (B.), and had at the said Date expended the Sum of 1,804,920*l.* or thereabouts; that they had at the said Date, under the Powers of “The Scottish Central Railway Act, 1853,” issued the Debenture Stock specified in the said Schedule (B.) to this Act, in lieu of a corresponding Amount previously borrowed by them on Mortgage or Bond; that under the Authority of “The Dunblane, Doune, and Callander Railway Act, 1856,” they have subscribed towards and now hold Shares in the Undertaking authorized by that Act to the Extent of 13,400*l.*, which Sum, so far as paid on the said Thirty-first Day of January One thousand eight hundred and fifty-nine, is included in the Amount herein-before mentioned as having been expended by the said Company; proposes to repeal Acts in Schedule (A.), to re-incorporate Company; to provide for Completion of the general Station

- at Perth; to divert and stop up Roads; to provide for Redemption and Consolidation of preferential Stock and the Creation of additional Capital.
- Repeal of Acts in Schedule (A.), § 3.
- Incorporation of General Acts (Scotland), § 4.
- Company re-incorporated; Saving of Rights and Liabilities, §§ 5 to 10, and §§ 55 to 60.
- Capital of the Company fixed at 1,388,400*l.*, § 11.
- Vesting of Stock, §§ 12 to 16.
- Power to create additional Debenture Stock, § 17.
- Regulations and Conditions of Debenture Stock, §§ 18 to 24.
- Dividends on Preference Shares, § 25.
- Preference Stocks created on 17th July 1851, and 12th Sept. 1854, may be redeemed by Issue of new Preference Stock, § 26.
- Mode of Redemption, §§ 27 to 29.
- Power to issue 50,000*l.* additional Preference Stock, §§ 30, 31.
- Consolidation of Preference Stocks, § 32.
- Dividends; Certificates, &c., §§ 33 to 39.
- Power to borrow, including outstanding Debt, 460,000*l.*, §§ 40 to 42.
- Application of Moneys, § 43.
- Transfers; Meetings; Directors; Auditors, &c., §§ 44 to 54.
- Saving of Contracts, Rights, and Liabilities under former Acts, §§ 55 to 60.
- Limits of general Station at Perth, § 61.
- User of Station by Scottish North-eastern Company; Terms of User and Payments, §§ 62 to 65.
- Power to complete joint Passenger Station, § 66.
- General Station at Perth to be free to Scottish North-eastern and Edinburgh, Perth, and Dundee Railway Companies on their paying Proportion of the Expense of constructing said Station, § 67.
- Authorizing Conversion of Contribution into annual Payments by the Scottish North-eastern Railway Company and the Edinburgh, Perth, and Dundee Railway Company, § 68.
- Companies to be entitled to Use of said Station corresponding to their Traffic, § 69.
- Power to construct improved Accesses to general Station at Perth, § 70.
- Description of improved Accesses, § 71.
- Land to be appropriated in lieu of Land taken for Accesses, § 72.
- Provision as to Road under Dundee and Perth and Aberdeen Railway, § 73.
- Defining the diverted Line of Road from Perth by Carr's Croft to Craigie, § 74.
- St. Leonard Bank Road and the Road secondly authorized to be public Roads, § 75.
- Road thirdly authorized to be private, § 76.
- Power to Company to stop up certain Roads, § 77.
- Cost of improved Accesses to form Part of Cost of general Station, § 78.

- One Year for compulsory Purchase of Lands for improved  
Accesses, § 79.
- One Year and Eighteen Months for Completion of Works,  
§ 80.
- Management of general Station and Apportionment of  
Expenses of Maintenance and Management, §§ 81 to 84.
- For improving Communication between Dundee and Perth and  
Aberdeen Railway and general Station, § 85.
- Improved Communication to be made according to a Plan to  
be approved of, § 86.
- Power to alter Position or Levels of improved Communication  
when necessary, § 87.
- Company to permit Edinburgh, Perth, and Dundee Railway  
Company to execute Works at Hilton Junction, for faci-  
litating Interchange of Goods and Mineral Traffic, § 88.
- Providing for Interchange of such Traffic, § 89.
- Regulating Formation of Junction, § 90.
- Edinburgh, Perth, and Dundee Railway Company to use  
certain Sidings without Payment, § 91.
- Company to permit Edinburgh, Perth, and Dundee Railway  
Company to make Junctions with the Railway, and to be  
free from Toll, §§ 92, 93.
- Powers vested in Arbitrators appointed under this Act,  
§ 94.
- Authorizing Agreements with Forth and Clyde Junction  
Railway Company for Use of Stations and Depôts at Stirling,  
§ 95.
- Agreements for Interchange of Traffic, § 96.
- Agreements for working the Forth and Clyde Junction  
Railway, § 97.
- Authorizing Agreements with the Crieff Junction Railway  
Company for working their Railway, § 98.
- Authorizing Agreements with the Dunblane, Doune, and  
Callander Railway Company for working their Railway,  
§§ 99 to 103.
- Company to have Rights of Shareholders in Dunblane, Doune,  
and Callander Railway Company, and may appoint Person  
to vote at Meetings of that Company, 104.
- Company may acquire Right to Burgh Customs payable to  
Burghs of Perth and Stirling, § 105.
- Definition of the Undertaking of the Company, § 106.
- Completion of Denny Branch and Extensions according to  
Plans and Sections, § 107.
- Period for completing Denny Branch and Extensions to cease  
on 27th July 1860,—§ 108.
- Compulsory Purchase of Lands required for old Works  
limited, § 109.
- Seven Years for disposing of superfluous Lands, § 111.
- Tolls, §§ 112 to 119.
- Schedule (A.)—Acts repealed.
- Schedule (B.)—Statement of Capital and Borrowing Powers  
of Scottish Central Railway Company.

*Cap. lxxxiv.*

"The *Hereford, Hay, and Brecon* Railway Act, 1859."

Incorporation of General Acts, § 1.

Incorporation of Company, with Capital of 280,000*l.* in 20*l.* Shares, and Power to borrow 93,000*l.*, §§ 3 to 9.

Meetings ; Directors, §§ 10 to 15.

Power to make Railway and Works, §§ 16 to 18.

Regulating Inclinations of certain Roads, § 19.

Deficiency in Income arising from Tolls of Whitney Bridge to be made good by the Company, §§ 20, 21.

Owner of Whitney Bridge to have Compensation for Injury to Bridge, § 22.

Provision for the Trephillip and Trevithel Court Farms, § 23.

Provision for Sheep House Farm, § 24.

Admiralty Provisions as to River Wye, §§ 25 to 32.

Regulations as to Junction with Shrewsbury and Hereford Railway Company, §§ 33 to 35.

Three Years for compulsory Purchase of Lands, § 37.

Five Years for Completion of Railway, §§ 38, 39.

Tolls, §§ 40 to 48.

*Cap. lxxxv.*

"The *Wansbeck* Railway Act, 1859."

Proposes to make a Railway and Branches, and to authorize Agreements with the North-eastern, the North British, the Blyth and Tyne, and the Border Counties Railway Companies, and Contribution of Capital by the North British and Blyth and Tyne Railway Companies.

Incorporation of General Acts, §§ 2, 3.

Wansbeck Railway Company incorporated, with Capital of 120,000*l.* in 10*l.* Shares, and Power to borrow 40,000*l.*, §§ 4 to 11.

Meetings ; Directors, §§ 12 to 17.

Power to make and maintain Railways, § 18.

Three Years for compulsory Purchase of Lands, § 19.

Railway and Works authorized, § 21.

Main Line not to be diverted Southwards at Morpeth, § 22.

Company not to interfere with the North-eastern, Blyth and Tyne, and Border Counties Railways, § 23.

Provisions as to the Bridge for carrying the Morpeth Branch to the Blyth and Tyne Railway over the North-eastern Railway, § 24.

Junction of the thirdly-mentioned Railway with North-eastern Railway defined, § 25.

Company to be entitled to the free Use of the Junction Line on the North-eastern Property, § 26.

The Company to pay the Cost of constructing the Junction Line on the North-eastern Property, § 27.

Damage in constructing Works affecting the North-eastern Railway, the Blyth and Tyne Railway, and the Border Counties Railway to be made good by the Company, §§ 28 to 32.

- Providing for Completion of Branch to Blyth and Tyne Railway, § 33.  
 Providing for Station at Hartburn, § 34.  
 Board of Trade Provisions, §§ 35 to 39.  
 Five Years for Completion of Works, §§ 40, 41.  
 Tolls, §§ 42 to 46.  
 Power for Company and the Four above-mentioned Companies to agree for Purposes authorized, §§ 47 to 55.  
 Power for North British and Blyth and Tyne Companies to contribute not exceeding 50,000*l.* in all towards Company's Undertaking, and to guarantee out of their Revenues Interest to Company, §§ 56 to 62.  
 Power for Four Companies to appoint Directors of Company, §§ 63 to 73.

*Cap. lxxxvi.*

"The *Hunslet and Leeds Turnpike Road Act, 1859.*"

- Recites 9 G. 4. c. lxxvii., proposes to repeal it and to extend Time.  
 Repeal of recited Act, § 1.  
 Road to which this Act is applicable, § 4.  
 Moneys and Property to vest in new Trustees, § 5.  
 Appointment of new Trustees; Meetings, §§ 6 to 8.  
 Present Tolls continued for a Term, § 9.  
 Power to take Tolls, §§ 10 to 23.  
 When Bridge impassable Ferry to be provided, § 24.  
 For Protection of River Aire during Repairs of Bridge, § 25.  
 Extinguishing Arrears of Interest, § 27.  
 Application of Moneys, § 28.  
 Creditors not to take possession of Toll Gates, § 29.  
 As to Mode of discharging Debt, § 30.  
 Tolls to cease on Payment of Trustees Debts by Council of Leeds, and Amount paid apportioned between Townships of Leeds and Hunslet, § 31.  
 Roads to be thereafter Township Roads, and Bridge a Borough Bridge, § 32.  
 Trustees not to borrow Money on Credit of Tolls, § 33.

*Cap. lxxxvii.*

"The *Lawton, Burslem, and Newcastle-under-Lyme Turnpike Road Act, 1859.*"

- Recites Acts relating to the Roads, and proposes to repeal them and to extend Time.  
 Recited Acts repealed, and this Act to be put in force, § 1.  
 Moneys and Property vested in Trustees, and Saving of Rights and Liabilities, §§ 4 to 8.  
 Trustees, §§ 9 to 12.  
 Roads to which this Act is applicable, § 13.  
 Toll Gates and Tolls, §§ 14 to 18.



Power to reduce Tolls without Consent of Creditors, if all Interest and 500*l.* per Annum to account of Principal be paid, § 19.

Penalty on Evasion of Tolls, § 20.

Mortgagees to take possession for Payment of Interest only, § 21.

Application of Moneys, § 22.

As to Mode of discharging Debt, § 23.

*Cap. lxxxviii.*

“The *London and North-western Railway (Sutton Coldfield Branch) Act, 1859.*”

Proposes to make a Railway from the Parish of Aston near Birmingham to Sutton Coldfield.

Incorporation of General Acts, § 1.

Power to make Railways to form Part of the Company's Undertaking, §§ 3 to 5.

As to Stonnall and Castle Bromwich Turnpike Road, § 6.

For Protection of the Birmingham Waterworks Company, and of the Birmingham Canal, §§ 7 to 14, and § 16.

Communications between Canal and Steam Engines not to be obstructed, § 15.

Two Years for compulsory Purchase of Lands, § 18.

Three Years for Completion of Works, §§ 19, 20.

Company may apply Moneys to Purposes of Act, § 21.

Extension Tolls, § 22.

*Cap. lxxxix.*

“The *Ludlow Turnpike Road Act, 1859.*”

Recites the Acts constituting the several Trusts, and their Debts; proposes to amalgamate the Trusts and repeal Acts.

Repeal of Acts, § 1.

Saving of Rights and Liabilities, §§ 4 to 8.

Appointment of new Trustees, §§ 9 to 11.

Roads to which this Act applicable, § 12.

Present Tolls continued for a Time, § 13.

Toll Gates to be continued until removed by Order of the Trustees, § 14.

Power to take Tolls; Tolls, §§ 15 to 22.

Application of Moneys received in respect of the Ludlow First Turnpike Trust, § 23.

Mortgagees to take possession for Payment of Interest only, § 24.

As to Mode of discharging Debt, § 25.

Trustees not bound by Trusts affecting Sums owing, § 26.

Schedules. (Debts owing upon the respective Trusts.)

*Cap. xc.*

“The *Sittingbourne and Sheerness Railway (Increase of Capital) Act, 1859.*”

Recites that by their Act of 1856 the Company was incorporated and authorized to raise a Share Capital of 80,000*l.* divided into 8,000 Shares of 10*l.* each, and to borrow

26,600*l.*; that by their Act of 1857 the Company were authorized to make certain Deviations, and also to construct certain additional Lines of Railway, and a Pier or Landing Place at Queenborough Point in the Swale; that the Sum actually received by the Company in respect of all the Shares issued by them amounts to the Sum of 51,980*l.* only; that 1,455 Shares of the Company have been declared forfeited for Nonpayment of Calls, and the Sums due to the Company thereon amount to the Sum of 14,550*l.*; that 2,643 Shares of the Company are now liable to be declared forfeited for Nonpayment of Calls, and the Sums due to the Company thereon amount to the Sum of 15,355*l.*, making with the Sum due on the forfeited Shares the Sum of 29,905*l.*; proposes in order to supply the said Deficiency in the Capital that the Company be empowered to issue other Shares in lieu thereof; to raise additional Capital, and, if necessary, to confer on the whole or any Part thereof, and also on any new Shares issued in lieu of forfeited or cancelled Shares, a Preference or Priority in the Payment of Dividend; and also to grant a Lease of the Railway to the East Kent Railway Company.

Forfeited Shares which cannot be sold to pay the Sum owing thereon may be cancelled, § 2.

Power to cancel, by Consent, Shares liable to be forfeited, § 3.

Power to raise 40,000*l.* additional Capital, § 4.

Power to issue new Shares in lieu of cancelled Shares, § 5.

New Shares may be issued with a preferential Dividend not exceeding 5½ per Cent., §§ 6, 7.

Votes in respect of new Shares, § 8.

Capital not to be increased beyond authorized Amount, § 9.

Power to borrow 13,000*l.* more, §§ 10 to 12.

Power to lease the Railway to East Kent Railway Company, §§ 15 to 20.

#### *Cap. xci.*

“The North-eastern Railway Company’s (*Bedale and Leyburn and Rosedale* Railways Amalgamation) Act, 1859.”

Recites Acts relating to the Bedale and Leyburn, the North Yorkshire and Cleveland, and the North-eastern Railway Companies, and divers Agreements and Arrangements made in pursuance of them; proposes to amalgamate the Companies.

Bedale and Leyburn and North Yorkshire Railway Companies dissolved, and their Undertakings vested in the North-eastern Railway Company, § 2.

Saving of Rights and Liabilities, §§ 3 to 13.

Two Years Extension of Time for Completion of Guisbrough Branch Railways, § 14.

Restriction of Tolls for Traffic to or from the Middlesbrough and Guisbrough Railway, § 15.

Facilities to be afforded for the forwarding and Transmission of North Yorkshire Traffic over the Middlesbrough and Guisbrough Railway and to other Places, § 16.

Restriction of Tolls for Traffic to or from the North Yorkshire Railway, § 17.

Differences as to Traffic or Tolls to be referred to Arbitration, § 18.

Power to Company and Stockton and Darlington Railway Company to make Arrangements, § 19.

Bedale Capital added to the Capital of the Company and to be called "Bedale Capital Stock" until 31st December 1862, and then to be Part of the North-eastern Four per Cent. Stock, § 21.

Proprietors of Shares in the Bedale Company to become Proprietors of an equal Amount in the North-eastern Bedale Capital Stock, § 22.

Surplus Bedale Capital Stock may be issued by the Company, or cancelled and re-issued, § 23.

Bedale Stock to have limited Dividends until 31st December 1862, § 24.

Income of Bedale Company in hand to be divided amongst the Bedale Proprietors after satisfying its Liabilities, § 25.

Bedale Company's Power to borrow transferred to the Company, § 26.

North Yorkshire Shareholders to have their Certificates exchanged for Certificates of North-eastern Four per Cent. Stock, § 27.

Income of the North Yorkshire Company in hand to be divided amongst the North Yorkshire Proprietors after satisfying its Liabilities, § 28.

Surplus Capital authorized for the North Yorkshire Undertakings may be issued as North-eastern Four per Cent. Stock, or cancelled and treated as Part of their unissued Share Capital, § 29.

*Cap. xcii.*

"The *Finford Bridge and Banbury Turnpike Road Act*, 1859."

Recites 3 Geo. 4. c. xcv., and that 2,345*l.* is now owing upon the Trust.

Repeal of recited Act, and Saving of Rights and Liabilities, § 1 and §§ 4 to 6.

Trustees; Committees, §§ 7 to 14.

Tolls, §§ 15 to 23.

Defining the Amount of the Principal Debt, § 24.

Application of Moneys and Tolls, § 25.

Interest not to accrue until Expenses, &c. of Act, &c. paid, § 26.

No Money to be taken or laid out in Towns, § 27.

Mortgagees to take possession for Interest only, § 28.

As to Mode of discharging Debt, § 29.

The Trustees may grant Mortgages for the Sums contained in this Act, § 30.

Schedule (Debts).

*Cap. xciii.*

“*The Blackburn and Preston Turnpike Road and Bridge Act, 1859.*”

Recites Acts regulating the Trust, and that the Debt is 15,358*l.*; proposes to extend Term and to alter Tolls.

Recited Act of 15 Vict. c. cxix. repealed, and this Act to be put in force, §§ 1, 2.

All Moneys due under recited Act vested in Trustees of this Act, § 5.

Trustees; Roads, §§ 6 to 10.

Power to build the Bridge and make Approaches thereto, §§ 11 to 16.

Tolls; Toll Gates, §§ 17 to 30.

Power to borrow 4,000*l.* more, § 31.

Contributions by Townships towards Funds of the Trust, § 32.

Application of Moneys, § 33.

Rate of Interest on Mortgage Debt, § 34.

Trustees to execute Mortgages for Money borrowed before the passing of this Act, § 35.

Arrears of Interest extinguished, § 36.

Mode of discharging Debt, § 37.

Mortgagees to take possession for Payment of Interest only, § 38.

No Tolls to be taken within prescribed Distance of Boundary of Preston Borough, or within the Borough or Limits of Improvement Act, nor Money laid out in Towns, § 39.

Term of Act, Thirty Years, § 40.

Schedules; 1. Debts on the Trust.

2. Townships and their Contributions.

*Cap. xciv.*

“*The Cowes and Newport Railway Act, 1859.*”

Incorporation of General Acts, §§ 1, 3.

Subscribers incorporated, with a Capital of 30,000*l.* in Shares of 10*l.*, and Power to borrow 10,000*l.*, §§ 4 to 9.

Meetings; Directors, §§ 12 to 15.

Line of Railway, §§ 16, 17.

For Protection of West Hill Property, §§ 18, 19.

Mode of carrying Railway through Property of Messrs. Francis, §§ 20 to 22.

Level Crossings, § 23.

Locomotive Power not to be employed on Tramway, § 24.

Two Years for compulsory Purchase, § 26.

Four Years for Completion of Works, §§ 27, 28.

Tolls for Use of Railway, §§ 29 to 38.

Admiralty Provisions, §§ 39 to 45.

Saving Rights of Crown, of Corporation of Newport, and of Cowes Local Board, §§ 46 to 48.

*Cap. xc.*

“*Ringwood, Christchurch, and Bournemouth Railway Act, 1859.*”

Proposes to make a Railway from the London and South-western Railway at Ringwood to Christchurch, and a Road thereto.

Incorporation of General Acts, §§ 1, 2.

Subscribers incorporated, with a Capital of 45,000*l.* in 10*l.*

Shares, and Power to borrow 15,000*l.*, §§ 4 to 10.

Directors ; Meetings, §§ 11 to 19.

Power to make Railway, §§ 21, 22.

Communications with the London and South-western Railway,  
§§ 23 to 26.

Trains to stop by Signal for Avon Cottage, § 27.

For preventing Danger to certain Property by Fire, § 28.

Two Years for compulsory Purchase of Land, § 30.

Four Years for Completion of Works, §§ 31 and 35.

Board of Trade Provisions, §§ 32 to 34.

Tolls, §§ 36 to 43.

Tolls not to exceed those taken on the Southampton and Dorchester Line, § 44.

Working Arrangements between Company and London and South-western Railway Company, §§ 45 to 49.

*Cap. xcvi.*

“The *Charleston* Railway and Harbour Act, 1859.”

Recites Formation of Railways by the Trustees of Lord Elgin, and the Improvement of the Harbour by them ; proposes to transfer the Railways and Harbour to a Company to be incorporated.

Incorporation of General Acts, § 3.

Subscribers incorporated, with Capital of 72,000*l.* in Shares of 10*l.*, and Power to borrow 24,000*l.*, §§ 4 to 10.

Meetings ; Directors, §§ 11 to 22.

Railway and Harbour to vest in the Company, § 23.

Mortgages and Real Securities not to be affected, § 24.

Conveyance to be executed, § 25.

Shares in the Company to be delivered to the Trustees, § 26.

Trustees may hold and transfer Shares, § 27.

Power to make and maintain Railway and Harbour and to take Lands, § 28.

Lines of Railway, § 29.

West of Fife Mineral Railway not to be interfered with, § 30.

Board of Trade Provisions, §§ 31 to 34.

Limits of Charleston Harbour, § 36.

Improvement of Harbour, § 37.

Admiralty Provisions, §§ 38 to 41.

Any Land reclaimed by the Harbour Works not to be taken without the Consent of the Commissioners of Woods, &c., § 42.

Three Years for purchasing Lands, § 43.

Four Years for Completion of Railway Works, § 44.

Tolls on the Railway, §§ 45 to 53.

Rates on Vessels at Harbour, § 54.

Rates on Goods at Harbour, § 55.

Rates for Cranes, Weighing Machines, &c. at Harbour, § 56.

Meters and Weighers ; Pilots, §§ 57 to 60.

Leasing of Harbour Rates, § 61.

Agreements as to Accommodation at Harbour, §§ 62, 63.

- Saving Agreements with West of Fife Mineral Railway Company and with Trustees of James Hunt, §§ 64, 65.  
 Power to divert Railway, § 66.  
 Coals and Minerals from Elgin Collieries to pay same Rates as others, § 67.  
 Saving Rights of Crown, § 71.  
 Schedules (Rates, &c.)

*Cap. xcvi.*

*"The Metropolitan Railway Act, 1859."*

Recites that by an Act of 1854 the Company was incorporated, and empowered to make a Railway from the Great Western Railway at Paddington to the General Post Office in Saint Martin's le Grand, with a Branch to the Euston Station of the London and North-western Railway Company; and by an Act of 1856 to make a short Branch to or a Junction with the Great Northern Railway, and which Branch or Junction is herein-after distinguished as "The Great Northern Western Junction," and is authorized to be made under the Road called the Old Saint Pancras Road, and within the Premises of the Great Northern Railway Company; that by their Act of 1857 the Time limited for purchasing Lands and completing Works was extended; that the Time limited for completing so much of the Railway as is in the Act of 1854 and in this Act referred to as "the original Railway" will expire on the Fifteenth Day of August One thousand eight hundred and fifty-nine; that the Company have entered into Contracts with respect to such of the Lands as they require on the original Railway, and also for the Purchase of Lands required for the Paddington Extension and the Branch to the Great Western Railway, and they do not require to take any Lands for the Purpose of the Great Northern Western Junction; that for the Purpose of avoiding the Coldbath Fields Prison, and for securing the most economical Route, it is expedient that a Deviation should be made in that Part of the Railway which is authorized to be made between Charlotte Street aforesaid and the City of London, and that the deviated Line of Railway should terminate near Victoria Street in the City of London; that by the Act of 1854, the Great Western Railway Company are authorized to subscribe towards the Company to the Amount of 175,000*l.*, and by the Act of 1856 the Great Northern Railway Company were authorized to subscribe for a similar Amount; that the Share Capital which the Company are authorized to raise is 1,000,000*l.*, whereof 850,000*l.* only will be required for the Main Line of the Railway and the other Works, inclusive of the Great Northern Western Junction, and the Company are authorized to borrow 333,000*l.*; and whereas the Great Western Railway Company have become Shareholders to the Extent authorized by the Act of 1854, but the Great Northern Railway Company have not hitherto exercised the Powers given by the Act of 1856; proposes to extend Time for Completion, and amend Acts.

Incorporation of General Acts, § 3.

Power to alter Line of Railway and to make Works, §§ 4, 5.  
Company to relinquish Part of Railway, and Compensation,  
§§ 6, 7.

Contracts with Charles Cornelius Macfarland not to be affected,  
§ 8.

Three Years for Completion of Works, § 9.

Powers of this Act to be in substitution of previous Powers,  
§ 10.

Time for completing original Railway extended for 3 Years, § 11.  
Section 103 of Act of 1854 not to be altered, § 13.

As to Deposit made under Section 102 of Act of 1854, § 14.

Additional Deposit of 5,500*l.* to be made, § 15.

For Protection of Metropolitan Board of Works, § 16.

As to Pavements, &c. in City of London, § 17.

Extension of Provisions for protecting Gas and Water Com-  
panies, § 18.

Railway to terminate at the Point marked in the Plan, § 19.

One Year for compulsory Purchase and Power to deviate, § 20.

As to Siding at Metropolitan Market, § 21.

Share Capital to be 850,000*l.*, § 22.

Limit of borrowing Powers to One Third of Capital, § 23.

Repeal of Eighty-eighth Section of Act of 1854 as to Coldbath  
Fields Prison, § 24.

Repeal of Power for Great Northern to subscribe, § 25.

Corporation of London may subscribe to the Undertaking and  
appoint One Fourth of the Directors, §§ 26 to 31.

Corporation may dispose at their Pleasure of Land acquired  
under the Clerkenwell Improvement Acts, and not sold by  
them to the Company, § 33.

The Assessment of Property purchased under Clerkenwell  
Acts to remain at the Amounts specified in those Acts,  
§ 34.

Company may cancel forfeited Shares and issue new Shares in  
lieu, §§ 35 to 42.

*Cap. xcvi.*

“The *West London and Crystal Palace* Railway (Exten-  
sion of Time) Act, 1859.”

Extending Time for purchasing Part of Land for Farnborough  
Line for One Year, § 2.

Extending Time for completing Farnborough Line to 1st  
January 1861,—§ 3.

Parties aggrieved by Extension of Time may have Compen-  
sation for additional Damage, § 4.

Existing Contracts and Notices not to be affected, § 5.

*Cap. xcix.*

“The *Eastbourne Waterworks* Act, 1859.”

Limits of Act, § 2.

Incorporation of General Acts, §§ 3, 4.

Incorporation of Company, with a Capital of 7,000*l.*, in Shares  
of 5*l.*, and Power to borrow 2,330*l.*,—§§ 5 to 11.

- Meetings ; Directors, §§ 12 to 17.  
 Power to purchase Lands, &c. by Agreement, §§ 19 to 23.  
 Power to make Works, § 24.  
 Reservoir to be made according to altered Plans, § 25.  
 Water from Motcombe Pond not to be taken without Consent,  
 §§ 26.  
 Limits of Vertical Deviation, §§ 27.  
 Two Years for the compulsory Purchase of Lands, § 28.  
 Three Years for Completion of Works, § 29.  
 Water not necessarily under Pressure, § 31.  
 Rates for Supply of Water, §§ 32 to 38.  
 Purchase of Works, &c. of Eastbourne Waterworks Company  
 (Limited), § 39.  
 Power to raise 5,000*l.* Capital for Purchase thereof, § 40.  
 Mode of effecting Transfer, §§ 41 to 51.  
 Dissolution of Eastbourne Waterworks Company (Limited),  
 § 52.  
 Recovery of Rates, §§ 53 to 57.  
 Penalties not cumulative, § 58.  
 Reservoir Provisions, §§ 59 to 68.

*Cap. c.*

“The North-eastern Railway Company’s (*Harrogate Branches*) Act, 1859.”

- Proposes to unite their Leeds and Thirsk and Church Fenton and Harrogate Branches, and to raise further Moneys.  
 8 Vict. cc. 18. 20. extended to this Act, § 2.  
 Power to make Railways and Works, § 3.  
 Board of Trade Provisions, §§ 4 to 7.  
 Lands not to be purchased compulsorily after Two Years, § 9.  
 Works to be completed within Three Years, §§ 10, 11.  
 Authorizing Enfranchisement of Copyholds and Sale of Waste Lands and Mines belonging to the Duchy of Lancaster, and Provisions as to the Working of Mines, §§ 12 to 14.  
 100,000*l.* additional Capital may be raised, to be divided into new Shares or Stock, §§ 15 to 18.  
 Power to assign Preference not exceeding 5*l.* per Cent. to new Shares or Stock, §§ 19 to 22.  
 Tolls of “The North-eastern Railway Company’s Act, 1854,” to be taken, § 23.  
 Power to apply Moneys raised under existing Acts to the Purposes of this Act, § 24.  
 Saving Rights of the Crown and the Duchy of Lancaster, § 29.  
 Schedule (Form of Deed).

*Cap. ci.*

“The South Yorkshire Railway and River Dun Company’s Act, 1859.”

- Recites the several Acts relating to the Company ; proposes to convert Debt into an irredeemable Stock ; to confirm certain level Crossings ; to define Tolls ; and Rating of Property.



Conversion of Debt into Debenture Stock at not exceeding 5*l.* per Cent., § 1.

Regulations as to Debenture Stock, §§ 2 to 5.

Level Crossings may be maintained, §§ 6 to 9.

Same Tolls to be taken as on Main Line; maximum Tolls, § 10.

Extending "Railways Clauses Consolidation Act, 1845," § 11.

As to Rating of Company's Property in Wath-upon-Dearne, § 12.

Altering Quorum of Directors and of Meeting of Company, § 13.

Schedule.

*Cap. cii.*

*"The Bombay, Baroda, and Central India Railway Act, 1859."*

Recites that by "The Bombay, Baroda, and Central India Railway Act, 1855," a Company were incorporated for the Purpose of making and maintaining such Railways in India as might be agreed upon by the Company and the East India Company, and for other Purposes; that previously to the passing of the recited Act, and since the passing thereof, subject to the Provisions therein contained, the Company have been regulated by the Provisions of a Deed of Settlement, bearing Date the 24th Day of April 1855, and under the Deed of Settlement the Capital of the Company was in the first instance, and subject to the Power in the said Deed contained to increase the Capital of the Company by an Amount not exceeding 100,008*l.* by the Creation of new and additional Shares of 18*l.* each, to consist of the Sum of 500,004*l.*, divided into 27,778 Shares of 18*l.* each, and by the recited Act Power was given to the Company to increase the Capital by such an Amount as might be deemed necessary for carrying into effect any Contracts of the Company with the East India Company by the Creation of a Number of new Shares of 18*l.* each; and Power was also given to the Board of Directors of the Company to issue from Time to Time Debentures to such an Extent as might be agreed upon by and between the Company and the East India Company; that by an Indenture of the 21st Day of November 1855, and made between the East India Company of the one Part, and the Bombay, Baroda, and Central India Railway Company of the other Part, it was, amongst other things, agreed that the Railway Company should construct and open a Line of Railway, to commence at Surat and to take a Direction to Baroda and Ahmedabad, to be determined by the East India Company, at an estimated Cost in the whole approved of by the East India Company, and that the Land required for the Purposes of the Railway should be provided by the East India Company, and that the Sum of 500,000*l.* Sterling, and such further Sums (if any) as might be required for the Completion of the Line of Railway and Works, should be paid by the Railway Company to the East India Company, to be from Time to Time drawn out for the

Purposes of the Work ; and that upon the Completion of the Line of Railway, or of any Part or Parts thereof required by the East India Company to be first completed, the same should be leased to the Railway Company for the Term of 99 years from the 1st Day of May 1855, determinable by Surrender or Purchase as therein and herein-after mentioned, and that the East India Company should pay to the Railway Company during such determinable Term Interest at the Rate of 5*l.* per Centum per Annum on so much of the Sum of 500,000*l.* as should for the Time being have been paid to the East India Company by the Railway Company, and Interest on such further Sums (if any) as might have been so paid at such Rate as should be agreed upon between the Two Companies ; and that the net Receipts to be realized by the Railway Company from the working of the Line of Railway or any Part thereof, after making certain Deductions, should be applied in the first instance in relief of the Obligation on the Part of the East India Company to pay the current Interest on the Moneys paid to the East India Company, after which One Moiety of the Residue (if any) of such net Receipts should be applied in reimbursing the East India Company the Sums they should have paid for Interest, with Interest thereon, and the other Moiety thereof should belong to the Railway Company, and that after and subject to such keeping down and Repayment of Interest, the whole of the net Receipts should belong to the Railway Company ; and by the same Indenture the Railway Company have Power to require the East India Company to purchase the Railway and Works, and the other Property of the Railway Company, and to pay for the same the Amount of the Capital expended by the Railway Company ; and Power is also given to the East India Company, either at the End of the first 25 Years, or at the End of the first 50 Years of the determinable Term of 99 Years, to purchase the Railway and Works and the other Property of the Railway Company, paying for the same the full Value of all the Shares or Capital Stock in the Railway Company at the average Price thereof during the Three Years preceding such Purchase, with an Option to commute such Payment for an Annuity of the same Value for the Residue of the Term of 99 Years ; that the East India Company selected the Direction of a Line of Railway from Surat to Baroda and Ahmedabad, in accordance with the recited Agreement ; and the Railway Company are in process of executing such Line of Railway ; that nearly the whole of the 27,778 Shares of 1*l.* each in the Capital of the Railway Company, numbered consecutively from 1 to 27,778, both inclusive, were issued, and a Sum of 13*l.* 10*s.* per Share has been called and paid up thereon, and the Sum so realized has been paid to the East India Company, as Part of the Sum of 500,000*l.* in pursuance of the recited Agreement ; that in the Year 1856 the East India Company applied to the Railway Company to raise further Capital to the Extent of 250,000*l.* for the Purposes of their Undertaking, and agreed to guarantee Interest thereon at the Rate of 5*l.*

per Centum per Annum ; that upon the Receipt of such Application, the Capital of the Railway Company was increased by the Sum of 250,000*l.* by the Creation of 13,889 new Shares of 18*l.* each, numbered consecutively from 27,779 to 41,667, both inclusive, and a considerable Number of such Shares, under the Denomination of "Additional Capital A Shares," have been issued, and a Sum of 6*l.* per Share has been called and paid up thereon, and the Sum so realized has been paid to the East India Company as Part of the Sum of 250,000*l.*; that in the Year 1857 Proposals were made by the East India Company, and entertained by the Railway Company, for the Construction by the Railway Company of a Line of Railway to commence at or near Bombay, and to proceed to Surat, so as to form a Junction with the Line of Railway from Surat to Baroda and Ahmedabad, upon Terms, as to the Two Lines of Railway as One Undertaking, corresponding with the Terms of the herein-before recited Indenture of Agreement, and in order to carry such proposed Contract into effect, the East India Company applied to the Railway Company to raise further Capital to the Extent of 1,000,000*l.*, and agreed to guarantee Interest thereon at the Rate of 5*l.* per Centum per Annum ; that upon the Receipt of such Application the Capital of the Railway Company was further increased by the Sum of 999,990*l.* by the Creation of 55,555 new Shares of 18*l.* each, numbered consecutively from 41,668 to 97,222, both inclusive, and a considerable Number of such Shares, under the Denomination of "Additional Capital B Shares" have been issued, and a Sum of 4*l.* 10*s.* per Share has been called and paid up thereon, and the Sum so realized has been paid to the East India Company as Part of the Sum of 1,000,000*l.* ; that by 21 & 22 Vict. c. 106., being an Act "For the better "Government of India," the Government of the Territories in the Possession or under the Government of the East India Company, and all Rights in relation to such Territories, or the Revenues thereof, have ceased to be vested in and exercised by the East India Company, and the same respectively are now vested in Her Majesty, and are to be exercised in Her Name by the Secretary of State in Council of India, subject to the Provisions of that Act, and of other Acts of Parliament ; and by the Sixty-fourth Section of that Act, it is provided that all Acts and Provisions then in force, under Charter or otherwise, concerning India should, subject to the Provisions of that Act, be construed as referring to the Secretary of State in Council in place of the East India Company ; and by the Sixty-seventh Section of that Act it is provided that all Contracts, Covenants, Liabilities, and Engagements of the East India Company made, incurred, or entered into before the Commencement of that Act might be enforced by and against the Secretary of State in Council in like Manner and in the same Courts as they might have been by and against the East India Company if that Act had not been passed ; that the last-mentioned Act commenced and took effect on the 2nd Day of September 1858 ; that an Agreement, bearing Date the 2nd Day of February

1859, has been entered into between the Secretary of State in Council of India and the Railway Company, in this Act called "The Second Agreement," for the Construction by the Railway Company of the Line of Railway from Bombay to Surat, in accordance with the Proposals herein-before mentioned, and such Line of Railway has been commenced by the Railway Company; that the Capital of the Company at present created Amounts to the Sum of 1,749,996*l.*, divided into 27,778 original Shares, 13,889 "Additional Capital A Shares," and 55,555 "Additional Capital B Shares," and upon each of the said Shares respectively as have been issued the respective Sums of 1*l.* 10*s.*, 6*l.*, and 4*l.* 10*s.* have been respectively called up and paid as herein-before mentioned; and in addition thereto the Secretary of State in Council lately authorized the Issue of Debentures of the Company to the Extent of 300,000*l.*, and the Board of Directors are now proceeding to issue such Debentures; that the Company have, in pursuance of a Power in that Behalf given by the Deed of Settlement, received from certain Holders of Shares of each Denomination respectively in anticipation of Calls the whole or some Portion of the Amount uncalled for on their respective Shares, upon an Agreement to pay Interest on the Sums so received at the Rate of 5*l.* per Centum per Annum, and have paid such Sums to the East India Company, or into the Bank of England to the Account of the Secretary of State in Council of India, as Part of the herein-before mentioned Sums of 500,000*l.*, 250,000*l.*, and 1,000,000*l.* respectively; proposes to consolidate into Stock the Shares in respect of which the whole Amount subscribed has been paid for Calls and in anticipation of Calls, as herein-before mentioned; to give Power to enter into Contracts with the Secretary of State in Council of India for separate and distinct Undertakings, to regulate Capital, to annul Deed of Settlement, and repeal Act of 1855.

8 & 9 Vict. c. 16. incorporated, § 3.

Annulling of Deed of Settlement, and Repeal of recited Act, § 5.

Company to remain incorporated and entitled to their Property, §§ 6, 7.

Saving of Rights and Liabilities under Deed of Settlement and recited Act, §§ 8 to 18.

As to Contracts with the Secretary of State in Council of India, §§ 19, 20.

Additional Contracts with the Secretary of State in Council, § 21.

Arbitration in case of Difference on Contract, § 22.

Present Capital 1,749,996*l.* in Shares of 1*l.* each, § 23.

Additional Capital, §§ 24, 25.

As to the Division of Profits, § 26.

Distinction of Shares in case of separate Undertakings, § 27.

Offer of new Shares to existing Shareholders, § 28.

Distinct Capital Accounts and Revenue Accounts to be kept for separate Undertakings, § 29.

As to the Division of the Profits of separate Undertakings,  
§ 30.

Seal for Use in India, § 31.

Certificates of Shares, § 32.

Calls, §§ 33, 34.

As to forfeited Shares, and Reverter thereof, § 35.

Closing Transfer Books, § 36.

Power to borrow on Bond at not exceeding 5*l.* per Cent. to  
One Third of Capital, §§ 37 to 40.

Power to consolidate Shares into Stock, §§ 41, 42.

Meetings ; Voting ; Directors ; Committees ; Auditors, &c.,  
§§ 43 to 59.

Books to be balanced, § 60.

Office in India for the Issue and Registration, &c. of Shares  
and Bonds, § 61.

Registers to be kept in India, § 62.

Registers at several Offices in India to be distinguished, § 63.

As to Registry of Shares and Bonds, § 64.

Transfers of Shares and Bonds from one Register to another,  
§ 65.

For determining the Laws affecting any Shares, &c., § 66.

Certified Copies of the respective Registers to be admitted in  
Evidence, § 67.

Newspapers for Advertisements ; Notices ; Byelaws ; Penal-  
ties ; Appeals from Justice in India, §§ 68 to 72.

### Cap. ciii.

“The *Newcastle-under-Lyme* Burgesses Lands Act,  
1859.”

Recites that by 56 Geo. 3. c. xxxiii. certain Lands were directed to be allotted in lieu of Common Rights to Trustees therein-after nominated, by the Name and Style of “The Trustees for the Burgesses of the Borough of Newcastle-under-Lyme, in the County of Stafford, appointed by an Act passed in the 56th Year of the Reign of King George the Third,” and certain other Lands were directed to be allotted to the said Trustees for the Purpose of public Walks, and it was by the said Act declared that the Mayor, Recorder, Justices of the Peace, Bailiffs, Capital Burgesses, and Town Clerk of the Borough of Newcastle-under-Lyme aforesaid for the Time being, the Rector of the Parish of Newcastle-under-Lyme aforesaid for the Time being, and all Persons who were or should be Burgesses of the said Borough of Newcastle-under-Lyme for the Time being (they being severally qualified as therein-after mentioned), should be the Trustees for the Burgesses of the said Borough so far as regarded the Allotments, Estates, Rights, Powers, and Authorities by that Act given to the Trustees for the said Burgesses ; and that by that Act the Trustees were directed to cause the Allotments made in lieu of Common to be fenced, and to let such Parts of them as they should find necessary to raise Funds for carrying out the Objects of the Trust, and should permit

the Residue to be enjoyed by the Burgesses for the Time being as Stinted Pastures, subject to such Regulations as to the Use and Management of the Pastures as the Trustees should make ; that the several Allotments vested in the said Trustees under the said Act for the Purposes of public Walks are now vested in the Local Board of Health of the said Borough ; that the several Allotments made to the said Trustees in lieu of Rights of Common consisted of 205 Acres 1 Rood and 28 Perches, or thereabouts, of Lands situate in the several Parishes of Newcastle-under-Lyme, Trentham, Wolstanton, and Stoke-upon-Trent, and near to the Town of Newcastle-under-Lyme, which Lands were divided and fenced, and let and used as Pastures, for the Benefit of the Burgesses of the said Borough of Newcastle-under-Lyme ; that under certain Acts of Parliament relating to the North Staffordshire Railway a Portion of the said Allotments, containing 13 Acres and 23 Perches, or thereabouts, was taken by the North Staffordshire Railway Company for the Purposes of the said Railway, and the Sum of 3,499*l.* was paid for the same ; and under the said Acts the Sum of 2,500*l.*, Part of the said Purchase Money, was laid out in the Purchase of 21 Acres 2 Roods and 29 Perches of Land near the said Town of Newcastle-under-Lyme, which Lands were vested in the said Trustees upon the same Trusts, for the Benefit of the Burgesses of the said Borough as were subsisting in respect of the Lands so taken by the said Railway Company at the Time of taking the same ; and the Sum of 999*l.*, the Residue of the said Purchase Money, was invested in the Public Funds in the Names of the Trustees ; that the said Town of Newcastle-under-Lyme, and the Population and Trade thereof, have of late Years greatly increased, and some Parts of the said Allotments and Lands now vested in the said Trustees have, by reason of their Proximity to the said Town, become of great Value for Building Purposes ; and the limited Powers vested in the said Trustees in respect of such Lands now injuriously check the Extension of the said Town on the Sides adjoining the said Lands ; that a Committee appointed by the said Trustees, and a Committee appointed by the Burgesses of the said Borough, to consider and report as to the Management of the Burgesses Lands, unanimously agreed to recommend a Scheme, being such as is embodied in this Act, for the Consideration of the Trustees and the Burgesses ; that at a Public Meeting of the said Trustees, held on the 21st Day of October 1858, the said Scheme was approved, and an Act directed to be applied for ; that at a Public Meeting of the said Burgesses, held on the 11th Day of October 1858, and convened for the Purpose of considering the said Scheme, it was resolved that the Opinion of the Burgesses should be taken by Signature to Copies of the said Scheme ; and that in pursuance of such Resolution the Consent of a Majority of the said Burgesses has been given to the said Scheme, by signing their Names to a Copy thereof.

Repeal of the several Sections of the said recited Act in the Queen's Printers Copies thereof numbered respectively 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87, so far as the same Sections or any of them relate to the said Trustees or the Burgesses Allotments in lieu of Rights of Common, § 3.

New Trustees incorporated, § 4.

Commissioners Clauses Act incorporated, with Exceptions, § 5.

First Election of Trustees ; Qualification ; Voting ; Meetings, §§ 6 to 17.

Burgesses not to be Auditors, and Creditors not to be entitled to object to Accounts, §§ 18 to 26.

Expenses of Election of Trustees to be paid by Trustees, § 27.

Statement of Accounts to be prepared, and to be open for Inspection ; Copies of such Statement to be furnished, § 28.

Accounts to be examined and settled at the Annual Meeting, § 29.

Lands in Schedule (A.) vested in Trustees, § 30.

Fund in Court to be transferred to Trustees, § 31.

Court of Chancery to make Orders for Transfer upon Petition in a summary Manner, § 32.

Power to divide and let Lands, § 33.

Resolutions of Trustees to apply Lands for Building or Mining Purposes to be submitted to General Meeting of Burgesses, § 34.

Power to sell and lease Lands set apart for Building Purposes, § 35.

Contracts, Sales, and Leases may be made on such Terms as the Trustees think proper, but Leases not to be renewable, § 36.

Power to grant Mining Leases, § 37.

Privileges which may be granted to Lessees of Minerals, § 38.

Rent to be reserved, § 39.

Covenants and Provisions in Leases, § 40.

Provision for enabling Lessor to purchase Plant, § 41.

Valuation for such Purpose, § 42.

General Conditions of Leases, § 43.

Lease of Lands to cease with Lease of Mines, § 44.

What Receipts to be a Discharge, §§ 48, 49.

Lettings to be made by Auction, of which Notice shall be given, § 50.

Lettings by private Contract, § 51.

Mode of investing Purchase Moneys, §§ 53 to 56.

Moneys to be carried to Capital and Income Accounts, § 57.

Application of Capital, § 58.

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Mode of Payment to Burgesses, § 61.

General Powers for the Management of the Pastures, &c., § 62.

To keep Boundary Fences in repair ; make Drains, § 63.

Trustees may impound Cattle improperly depastured, and sell same, § 64.

Trustees may make Byelaws and impose Penalties, § 65 to 70.  
 Penalties, §§ 71 to 73.  
 Penalties, how to be applied, § 74.  
 Proceedings under this Act to bind all Parties interested,  
 § 75.  
 Saving Rights of the Duchy of Lancaster in Mines, &c., § 76.  
 Schedule A. (Burgesses Lands now vested in Trustees.)  
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*Cap. civ.*

"The *Nuneaton and Hinckley Railway Act, 1859.*"

Proposes to make a Railway from the Trent Valley Line of the London and North-western Railway at Nuneaton to Hinckley in County of Leicester.  
 Incorporation of General Acts, § 1.  
 Subscribers incorporated, with Capital of 45,000*l.* in Shares of 10*l.*, §§ 3 to 6.  
 Directors ; Meetings, §§ 9 to 16.  
 Power to make Railway and Branches, §§ 17, 18.  
 Junction with London and North-western Railway to be under Direction of Engineer of that Company, §§ 19, 20.  
 Power to erect a Bridge over the Canal ; protective Clauses, §§ 21 to 25.  
 Two Years for compulsory Purchase, § 27.  
 Commissioners of Woods and Forests, with Consent of Vicar, may convey Part of Nuneaton Glebe, § 28.  
 Power to invest Purchase Money of Nuneaton Glebe in other Lands, § 29.  
 Power to Commissioners of Woods and Forests to make an Exchange with Company, § 30.  
 Three Years for Completion of Railway, §§ 31, 33.  
 Power to borrow 14,000*l.*, § 32.  
 Tolls, §§ 34 to 41.  
 Power to enter into Traffic Arrangement with London and North-western Railway Company, §§ 42 to 48.

*Cap. cv.*

"The *Berks and Hants Extension Railway Act, 1859.*"

Proposes to make a Railway from the Newbury and Hungerford Branch of the Great Western Railway at Hungerford to the Devizes Branch of the Wilts, Somerset, and Weymouth Railway at Devizes, to be worked by the Great Western Railway Company.  
 Incorporation of General Acts, § 1.  
 Subscribers incorporated, with a Capital of 298,000*l.* in 10*l.* Shares, and Power to borrow 99,000*l.*, §§ 3 to 7.  
 Meetings ; Directors, §§ 10 to 15.  
 Power to make Railway, §§ 16, 17.  
 Board of Trade Provisions, §§ 18 to 24.  
 Communications with Great Western Railway, §§ 25 to 28.  
 Regulations as to Kennet and Avon Canal, §§ 29 to 32.  
 Construction of Railway across High Street, Hungerford, § 33.



Lands to be bought by Compulsion in Three Years, § 35.

Five Years for Completion of Works, §§ 36, 37.

Tolls, §§ 38 to 46.

Company may contract with the Great Western Railway Company as to Working and Use of Railway, §§ 47 to 52.

*Cap. cvi.*

“The *British and Canadian Telegraph (Northern Line) Act, 1859.*”

Proposes the laying down of Electric Wires between Great Britain and Canada from the North Coast of Scotland to Quebec and Montreal, or either of the said Cities, or to any other Part of the British Possessions in North America, and the using of such Wires as a Means of Telegraphic Communication between such Places.

III. Robert James Roy Campbell, James Wyld, Thomas Page, John Yates, and the several other Persons who have already subscribed or shall hereafter subscribe to or become Shareholders in the Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be and are hereby united into One Body Corporate, under the Name of “The British and Canadian Telegraph Company,” for the Purpose of making and maintaining Telegraphic Communication between Great Britain and Canada, by laying down, maintaining, working, and using Electric Wires or Telegraphs, from any Point or Place in Scotland to which Telegraphic Communication by Electric Wires or Telegraphs is already or may hereafter be established, to any Point or Points on the North Coast of Scotland, and thence by way of Orkney and Shetland, the Faroe Islands, Iceland, Greenland, or some of such Places, and the intervening Seas, to any Point or Points on the Coast of Labrador, or to the Island of Belle Isle, and thence to Quebec and Montreal, or either of them, or to any other Part of the British Possessions in North America, and between such other Places as may from Time to Time be deemed expedient, and also for the Purpose of working and using the Line or Lines of Telegraphic Communication for the Transmission of Messages, and also of doing and performing all such Matters and Things as are necessary or convenient for carrying into effect the Objects and Purposes of the Company, and the Company hereby incorporated by the Name aforesaid shall have perpetual Succession and a Common Seal, &c.

Incorporation and Purposes of the Company.

Incorporation of the Companies Clauses Consolidation Act, § 4.

Capital 350,000*l.* in 10*l.* Shares, § 5.

Meetings ; Directors ; Auditors, §§ 6 to 16.

Power to lay down Wires, Buoys, and Sea Marks, § 17.

Board of Trade may order Buoys, &c. to be removed, § 18.

Certain Works not to be executed without the Consent of the Commissioners of Woods, &c., and of the Admiralty, § 19.

Company may construct Works and Buildings on Lands taken, § 21.

- Power to agree with other Electric Telegraph Companies for facilitating Telegraphic Communication, § 23.  
 Company may become interested in certain Patents, § 24.  
 Company may take Charges for Use of Telegraph, and for through Transmission by Telegraphs of other Companies, §§ 25, 26.  
 Lines of Telegraph to be open to all Persons, § 27.  
 Electric Telegraphs to be open to the Use of Her Majesty's Government at all reasonable Times, § 28.  
 Preference of such Messages, § 29.  
 Remuneration for Transmission of Government Messages, § 30.  
 Arbitration, § 31.  
 Provision for Cases of Public Emergency, § 32.  
 Penalty on Officers of Company for Neglect, § 33.  
 Wilfully injuring an Electric Telegraph a Misdemeanor, § 34.  
 Penalties, §§ 35, 36.  
 Provision as to Rights of the Crown, § 38.

*Cap. cvii.*

“The *Chichester Harbour Embankment Act, 1859.*”

- Lands Clauses Act incorporated, § 3.  
 Power to make Works according to Plans, § 4 to 7.  
 Power to Undertakers to embank and reclaim, § 8.  
 Temporary Occupation of Lands, § 9.  
 Works below High-water Mark to be executed according to Plans approved of by the Admiralty, § 10.  
 Undertakers not to injure the Drainage of adjoining Lands, § 11.  
 Undertakers to have no exclusive Property in the Land, Mud Bank, Sea Weed, or Shells outside the Embankment, § 12.  
 Compensation for Rights of the Crown, § 13.  
 Waste Lands vested in Undertakers, § 14.  
 Embankments, &c. to be maintained by Undertakers, § 15.  
 Commissioners to be appointed for maintaining Banks, §§ 16, 17.  
 Officers and Salaries, §§ 18, 19.  
 How Contributions to be assessed, § 20.  
 For Recovery of Assessment, § 21.  
 Three Years for taking Lands, § 22.  
 Five Years for Completion of Works, § 23.  
 Name of Agent to be registered with Clerk of the Peace, § 24.  
 Recovery of Damages and Penalties, § 25.  
 Saving Rights of the Crown, § 26.

*Cap. cviii.*

“The *Malltraeth and Corsddaugau Marsh Act, 1859.*”

- Recites 28 Geo. 3. c. lxxi., 30 Geo. 3. c. lix., and 51 Geo. 3. c. cxxxii.; that the Commissioners for embanking and draining the Marsh under the Powers of the First and Third Acts duly executed and enrolled their Award, and also executed Banks and other Works to prevent the said Marsh being overflowed by the Sea, and for the Drainage

of the said Marsh and adjoining Lands; that under the Powers of the Third Act they have raised and expended the Sum of 44,400*l.*, Part of the Sum of 50,000*l.* by that Act authorized to be raised and expended, and the Sum of 5,600*l.* only now remains to be raised for the Purposes of the said Acts; that they have incurred various Debts and Liabilities in maintaining the Works authorized by the said Acts; and further Sums will be required for the Repair and Maintenance thereof, and the Sum of 5,600*l.* now remaining to be raised under the Third Act would be sufficient for such Purposes, but the Mode of raising the same by Assessments, as required by the said Act, is found inconvenient, and it would be less burdensome to the Owners and Occupiers of the Lands liable to be assessed thereto, if in lieu thereof such Lands were charged with yearly Rates and Taxes, and if such Principal Sum were raised by Mortgage on the Credit of such yearly Rates and Taxes; that it is expedient that the Provisions of the said Acts for regulating the Number, Qualification, and Election of Commissioners should be altered, and that some other of the Provisions of the said Acts should be repealed, altered, and amended, and further Powers vested in the Commissioners.

Limits of Act; First District; Second District, § 3.

Incorporation of Part of Commissioners Clauses Act, § 4.

Appointment and Qualification of Commissioners, §§ 5 to 10.

Meetings of Commissioners, §§ 11 to 17.

Works and Property of existing Commissioners vested in new Commissioners, §§ 18 to 21.

Commissioners to appoint a Surveyor, § 22.

General Powers of Delegation, § 23.

Commissioners may appoint Managing Commissioners, § 24.

One Managing Commissioner to go out of Office every Year, § 25.

Mode of supplying occasional Vacancies, § 26.

Power to execute Works on Emergencies, § 27.

An Estimate of Expenses for the Year to be presented to every Annual Meeting, § 28.

Power to make Rates, § 29.

Owners may agree for a Payment in discharge of their Share of existing Debts, § 30.

Power to borrow 5,600*l.*, §§ 31, 32.

Application of Moneys received from Railway Companies and for Redemption of Debt, § 33.

Application of Drainage Rates, § 34.

Additional Works and Rates, § 35.

Works of general Advantage to both Districts, § 36.

Local Works may be made at Cost of the Locality, § 37.

New Cuts not to exceed Eleven Feet in Width at the Bottom, § 38.

Power to lease and to receive Compensation or Purchase Moneys, § 39.

Remedy for Non-repair of Roads and Ditches, § 40.

Power to borrow Money in case of Floods, § 41.

Application of Moneys borrowed, § 42.

Payment of Principal and Interest of Debt, § 43.

Appointment of a Receiver, § 44.

Tenants to pay Rates and deduct them from Rents, § 45.

Creditors not to deduct the Amount of any Claim from Rates, § 46.

General Power of Appeal to Inclosure Commissioners ; Expenses of Inclosure Commissioners ; Costs of Parties, § 47.

Owners of inclosed Low Lands may appeal, § 48.

Penalty on throwing Rubbish into the Drains, §§ 49, 50.

Repeal of Sections 44 and 56 of First Act, § 51.

Saving of existing Powers, § 52.

Schedules : A. (Form).

” B. Part I. Valuation of Lands in First District.

” ” II. Valuation of Lands in Second District.

### Cap. cix.

#### “*South Staffordshire Railway Act, 1859.*”

Recites their several Acts, and describes Railways ; that the whole of the Railway and Branches of the Company, though not yet completed, are now leased to one John Robinson M'Clean, or agreed to be so leased, for the Term of 21 Years from the 1st Day of August 1850 ; that in order to the Completion of the Company's Railways, so leased or agreed to be leased, it is expedient that the Time by “The South Staffordshire Railway Act, 1855,” limited for the Completion of the Railways thereby authorized, be extended ; proposes to purchase certain Lands which the Company require for the Purpose of a Communication between the Cannock Branch and the Wyrley and Essington Branch of the Birmingham Canal ; recites that the total Capital which the Company are authorized to raise is 1,072,000*l.*, and that it has all been raised ; that of the total Sum which the Company by the recited Acts are authorized to borrow, viz., 355,000*l.*, they have borrowed 314,015*l.* ; proposes to raise further Moneys.

Incorporation of General Acts, §§ 2, 3.

Two Years Extension of Time for completing Railways authorized by Company's Act of 1855, §§ 4, 5.

Power for Company to purchase Lands in Walsall, § 6.

Two Years for compulsory Purchase thereof, § 7.

Not to take Lands of Philip Williams, Esquire, in Parish of Walsall, § 8.

Company may raise 25,000*l.* additional Capital by new Shares, § 9.

Power to cancel unissued new Shares, § 10.

Company may cancel forfeited Shares under certain Conditions, §§ 11 to 18.

Power to borrow 363,000*l.* in all, §§ 19 to 21.

*Cap. cx.*

“*The Lancashire and Yorkshire and East Lancashire Railways Amalgamation Act, 1859.*”

Preamble recites that the Undertaking of the Lancashire and Yorkshire Railway Company consists in part of Railways extending from Liverpool to Wigan, Bolton, Manchester, Bury, Rochdale, and Burnley, and the Undertaking of the East Lancashire Railway Company consists mainly of Railways within the same District, and the Two Undertakings are in many Places intermingled, and at Liverpool, at Southport, at Manchester, and in other Places the Two Companies are either jointly interested in or have common Rights over the same Portions of Railway and Stations; and by virtue of an Act passed in the last Session of Parliament the Blackburn Railway, which extends from the Lancashire and Yorkshire Railway at Bolton to the East Lancashire Railway at Blackburn, and thence through Clitheroe to Chatburn, was vested in the Lancashire and Yorkshire and East Lancashire Railway Companies jointly and equally, Enactments being contained in the said Act to provide for the Contingency of the Two Companies being united by any Act passed in the last Session of Parliament; that it will conduce to the public Advantage and to the convenient and economical Working of the same Undertakings that they should be united under One Management, and the Two Companies have agreed and are desirous that their Undertakings should be amalgamated, and that the East Lancashire Railway Company should cease to be a separate Corporation, and that it should be united with and form Part of the Lancashire and Yorkshire Railway Company, and it is expedient that the said Agreement should be carried into effect; that the Lancashire and Yorkshire Railway Company have, by virtue of “*The Lancashire and Yorkshire Railway Act, 1852,*” Power to convert their then existing Debt into perpetual irredeemable Annuities, and to raise such further Sums as they then had Authority to borrow by means of such Annuities, instead of by Mortgage or Bond, and the same Company have to a very limited Extent granted such Annuities; and by “*The East Lancashire Railway Act, 1853,*” similar Powers were conferred on the East Lancashire Railway Company, who have not exercised such Powers; and it has been found that it would be more convenient if, instead of such Annuities, the united Company were authorized to create for the Purposes aforesaid an irredeemable Stock.

Dissolution of East Lancashire Railway Company, § 3.

Vesting Railways in Lancashire and Yorkshire Railway Company, §§ 4, 5.

Saving Rights and Liabilities, §§ 6 to 22.

Saving Rights of Leeds, Bradford, and Halifax Railway Company, § 23.

Debts on Mortgage and Bond of East Lancashire Company and of Lancashire and Yorkshire Company to be a Charge on respective Undertakings, § 24.

Defining  
Capital of  
Lancashire  
and Yorkshire  
Company upon  
the Amalgama-  
tion.

XXV. Upon the passing of this Act the Capital of the Lancashire and Yorkshire Railway Company shall consist of the Capital, as well in Stock and Shares as borrowed on Mortgage or Bond, which on that Day was the existing Capital of that Company, and of the Capital, as well in Stock and Shares as borrowed on Mortgage and Bond, which on that Day was the existing Capital of the East Lancashire Railway Company; and all the Powers of the Lancashire and Yorkshire Railway Company as to the raising of further Capital, whether by the Issue of new Shares or Stock or by borrowing, which at the passing of this Act were subsisting, and not then exercised or not fully exercised, shall, subject to the Restrictions herein-after contained, continue in force; and all the Powers of the East Lancashire Railway Company as to the raising of further Capital, whether by the Creation and Issue of new Shares or Stock or by borrowing, which on that Day were subsisting, and not then exercised or not fully exercised, shall be vested in and may be exercised by the Lancashire and Yorkshire Railway Company in like Manner and to the same Extent as they might have been exercised by the East Lancashire Railway Company; and all Moneys thereafter paid upon or in respect of Shares of either of the Companies not fully paid up on that Day, and upon or in respect of Shares or Stock thereafter created, and upon any Mortgages or Bonds thereafter issued under any of the Powers and Authorities aforesaid, shall become and be Part of the Capital of the Lancashire and Yorkshire Railway Company.

Capital of Lan-  
cashire and  
Yorkshire Rail-  
way Company.

XXVI. Whereas the present Capital of the Lancashire and Yorkshire Railway Company in Shares and Stock is set forth in the Second Schedule to this Act, and it is expedient that the same Capital be declared and limited: Be it enacted as follows, The Capital of the Company shall, in addition to the Capital of the East Lancashire Railway Company, consist of 11,071,811*l.*, and the Company shall not make any further Calls upon the Shares mentioned in the said Schedule as "West Riding Union Shares of 3*l.*," or "Manchester and Southport Shares of 20*l.*," or "F. Shares of 16*l.*;" and it shall be lawful for the Company to convert the Amounts paid upon the said Three Classes of Shares into Consolidated Stock of the Company as effectually as though the said Shares had been paid in full; and all the Powers of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of Shares into Stock, shall apply to the said Three Classes of Shares, and the Amounts paid up thereon respectively.

8 & 9 Vict.  
c. 16. to apply.

Capital of East  
Lancashire  
Railway Com-  
pany.

XXVII. And whereas the present Capital of the East Lancashire Railway Company in Shares and Stock is also set forth in the Second Schedule to this Act, and it is expedient that in like Manner the same Capital be declared and limited: Be it enacted, That the same Capital shall consist of 3,448,397*l.*, which Capital is by virtue of the Enactments herein contained merged in and become Part of the Capital of the

the Lancashire and Yorkshire Railway Company, and such united Capital is hereby declared to be 14,520,208*l.*, in addition to any other Stock or Shares which, by virtue of any other Act passed in this Session of Parliament, they may be authorized to create.

United Capital.

XXVIII. In addition to the Sums of Money which by the "Blackburn Railway Amalgamation Act, 1858," or any Act or Acts of Parliament to be passed in the present Session, they are or may be authorized to borrow, it shall be lawful for the Lancashire and Yorkshire Railway Company to have outstanding on Mortgage or Bond, and on such perpetual Annuities as aforesaid, upon the Security of the united Undertaking, any Sum not exceeding One Third of the united Capital of the Company for the Time being paid up, exclusive of the Blackburn Railway Purchase Shares, and in no Case exceeding the Sum of 4,660,720*l.*, in addition to the Sums of Money aforesaid; and all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, or to the Conversion of borrowed Money into Capital, shall apply to the Sum so from Time to Time to be borrowed or owing by the Lancashire and Yorkshire Railway Company.

Borrowing Powers of Lancashire and Yorkshire Railway Company.

8 & 9 Vict.  
c. 16. to apply.

Proprietors in East Lancashire Company to become so in Lancashire and Yorkshire Company, § 29.

XXXI. On and from the First Day of January One thousand eight hundred and fifty-nine the Proprietors of the several Classes of Stock and Shares respectively in the Capital of the Lancashire and Yorkshire Railway Company, as by this Act constituted, shall be entitled to Dividend out of the Profits of the united Undertaking, and shall rank for the Purposes of Dividend in the following Order of Priority :

Determining Priorities of Shares and Stock.

1. The Proprietors of "the Guaranteed Six per Cent. Stock" of the Lancashire and Yorkshire Railway Company, and the Proprietors of "the Six per Cent. Preference Capital Stock" of the East Lancashire Railway Company, who shall rank and be entitled to Dividends *pari passu* :
2. The Proprietors of "the Preference Fifth Shares" of the last-mentioned Company :
3. The Proprietors of "the Four and a Half per Cent. Preference Stock" of the last-mentioned Company, and the Proprietors of "the Preference Fifth Shares, 1857," of the last-mentioned Company :
4. The Proprietors of the Lancashire and Yorkshire (Barnsley) Railway Stock :
5. The Proprietors of Preference Stock or Shares of the Blackburn Railway Company, or of Shares of the united Company substituted for the same :
6. The Proprietors of ordinary Stock or Shares of the same Company, or of Shares of the united Company substituted for the same :
7. The Proprietors of the ordinary Stock and ordinary Shares of both Companies, of whatever Denomination or Amount, who shall rank and be entitled to Dividends *pari passu*.

- Saving Right of certain Preference Shares, § 32.  
 Certain Provisions of Lancashire and Yorkshire Acts to apply to Shares of East Lancashire Company, § 33.  
 Certain Provisions of "The Railways Clauses Consolidation Act, 1845," adopted, § 34.  
 Reconstruction of Lancashire and Yorkshire Board of Directors, § 35.  
 Introduction of Directors of East Lancashire Company therein, § 36.  
 Providing for the future Rotation of Directors, § 37.  
 Power to reduce Number of Directors, § 38.  
 Repealing Powers to create perpetual Annuities, 15 & 16 Vict. c. 132., 16 & 17 Vict. c. 163.,—§ 39.  
 Conversion of Debt into Debenture Stock, and Power to raise Money at 4l. per Cent. by means of that Stock, §§ 40 to 44.  
 As to Committee of Management of the Preston Station, 12 & 13 Vict. c. 71. ss. 19–23.,—§ 45.  
 As to Burnley Branch, 8 & 9 Vict. c. 54. s. 1.,—§ 46.  
 For giving Publicity to Agreements, 1 Vict. c. 83.,—§ 47.  
 Traffic not to be obstructed, § 48.  
 Ensuring certain Through Traffic, § 49.  
 How Duty to be enforced, § 50.  
 As to Traffic passing through Colne, § 51.  
 London and North-western Railway Company may use specified Parts of Lancashire and Yorkshire Railway, §§ 52, 53.  
 Lancashire and Yorkshire Company may use Parts of London and North-western Railway, § 54.  
 As to Stations at Wakefield and Macclesfield, § 55.  
 For protecting local Traffic, § 56.  
 Services at Stations, § 57.  
 Byelaws to be observed, § 58.  
 As to Enlargement of Stations, § 59.  
 Arbitration as to Byelaws, &c., § 60.  
 As to North Union and Preston and Wyre Railways, § 61.  
 Repeal of Tolls and Charges authorized by Acts of united Company, § 62.  
 Tolls for Use of united Railway, for Cattle, Goods, &c., §§ 63 to 72.  
 Company to provide locomotive Power, § 73.  
 Saving Section 39 of 12 & 13 Vict. c. 50. (as to certain Tolls), § 74.  
 Saving existing Limitations of Toll, § 75.  
 As to Particulars of Charges, § 76.  
 Toll Clauses of the Railways Clauses Consolidation Act applied to the Railway, § 77.  
 Tolls may be revised when the Dividends amount to 8l. per Centum, § 78.  
 Schedules : 1.—Acts relating to East Lancashire Company.  
 „ 2.—Capital of Lancashire and Yorkshire Company.  
 „ 3.—Agreement between East Lancashire, Lancashire and Yorkshire, and Midland Companies.



*Cap. cxi.**“The Leeds, Bradford, and Halifax Junction Railway Act, 1859.”*

Recites the Acts relating to the Company, and authorizes them to convert their Mortgage Debt into Debenture Shares or Stock at not exceeding 5l. per Cent. under the usual Regulations.

*Cap. cxii.**“The Victoria Station and Pimlico Railway Act, 1859.”*

Recites that by “The Victoria Station and Pimlico Railway Act, 1858,” the Company were incorporated, and authorized to construct a Railway with a Bridge across the River Thames, and a Station and other Works at and adjoining the Grosvenor Basin, and were empowered to raise by Shares the Sum of 675,000l., and 225,000l. by borrowing on Mortgage or Bond; that by such Act the London, Brighton, and South Coast Railway Company are authorized to become Shareholders to the Extent of 450,000l.; and Provision is made in such Act and in the Agreement between the Company and the Brighton Company, confirmed by such Act, for the Expenditure of the Capital of the Company so authorized to be raised upon the Execution of the Works by that Act authorized, and for the vesting in the Brighton Company of certain Lands, Easements, Powers, and Privileges, and for the ultimate Extinction of their Contribution as Part of the Capital of the Company; that the Brighton Company have subscribed the said Sum of 450,000l., and the Works authorized by the said Act have been commenced; that Railways have been projected for the Purpose of affording a Railway Communication between the London and North-western and Great Western Railways and the South-western Districts of the Metropolis, and between various of the Suburban Districts and Westminster, and it may be found expedient that the Railway be used for Traffic of the London and North-western and the Great Western Railway Companies, as well as for Traffic of the Brighton Company and the East Kent Railway Company respectively; proposes to raise further Moneys for the Purpose of enabling them to accommodate Traffic of the London and North-western and Great Western Railway Companies.

Incorporation of Companies and Railways Clauses Acts, § 2.

Power to raise 75,000l., §§ 3 to 5.

Power to borrow 25,000l., §§ 6 to 8.

Money authorized to be raised by Act of 1858 to be applied to Purposes of that Act, § 9.

As to mixed Gauge, § 10.

Act not to prejudice Conditions of Act of 1858 as to Site of Bridge, nor Covenants, &c., § 11.

Protection of Marquis of Westminster and Cubitt's Trustees, § 12.

*Cap. cxiii.*

“The *London and North-western Railway (new Works) Act, 1859.*”

Proposes to construct new Works ; to sanction certain level Crossings ; and Contribution towards the Oldham, Ashton-under-Lyne, and Guide Bridge Railway Company, and Agreements with them.

Incorporation of Lands Clauses Acts, and Power to construct Works, §§ 2, 3.

As to level Crossing of Road on the Northampton and Market Harborough Line, §§ 4 to 6.

Two Years for compulsory Purchase, § 7.

Power to subscribe not exceeding 50,000*l.* towards Undertaking of the Oldham Company, §§ 8, 9.

Power for Company and Oldham Company to enter into Working, &c. Arrangements, §§ 10 to 15.

Power to apply Corporate Funds to Purposes of this Act, § 16.

For giving Publicity to Agreements, § 17.

*Cap. cxiv.*

“The *Silverdale and Newcastle Railway Act, 1859,*”

Recites Incorporation of the North Staffordshire Railway Company by 9 & 10 Vict. c. lxxxv., with Power to construct a Main Line of Railway with certain Branches, whereof One, called the Silverdale Branch, was to diverge out of the said Main Line at or near the Town of Stoke-upon-Trent in the County of Stafford, and to terminate at or near Silverdale in the Parish of Keele and County of Stafford, which said Silverdale Branch Railway was intended to terminate in or near certain Iron Works called “The Silverdale Iron Works,” then and now belonging to Ralph Sneyd, Esquire, and his Lessee ; that by “The North Staffordshire Railway Act, 1847,” “The North Staffordshire Railway (Pottery Line) Act, 1846,” and Two other Acts of the same Year relating to the North Staffordshire Railway Company, were repealed, and the Provisions thereof consolidated into One Act, and the Powers to construct the said Silverdale Branch Railway were re-enacted and vested in the said Company ; that in the Years 1849 and 1850 the said Ralph Sneyd and his Lessee, seeing no Probability of the Silverdale Branch being constructed beyond the Town of Newcastle-under-Lyme so as to afford Accommodation to the Silverdale Iron Works, constructed upon and through certain Lands then and now belonging to the said Ralph Sneyd the Line of Railway now known as the Silverdale and Newcastle-under-Lyme Railway, extending from the said Silverdale Iron Works to a Point on the South Side of the Town of Newcastle-under-Lyme, on the North Side of the Road leading from Keele to Newcastle-under-Lyme, called the Pool Dam ; that the North Staffordshire Railway Company afterwards constructed their Silverdale Branch Railway to the Town of

Newcastle-under-Lyme, and for the Purpose of forming a Communication between such Branch and the said Silverdale and Newcastle-under-Lyme Railway (in this Act called the Silverdale and Newcastle Railway) the said Company, in the Year 1852, under a Guarantee from the Lessee of the said Ralph Sneyd, extended the Silverdale Branch Railway from the Newcastle-under-Lyme Terminus to the Silverdale and Newcastle Railway, and there formed a Junction with the Rails of that Railway on Lands belonging to the said Ralph Sneyd, and by means of the said Silverdale and Newcastle Railway and such Junction with the Silverdale Branch Railway a Communication was formed from the Silverdale Iron Works to the Railways of the North Staffordshire Railway Company; that the Terminus of the Silverdale and Newcastle Railway at the said Road called the Pool Dam being near the Head of the Newcastle-under-Lyme Canal, the Newcastle-under-Lyme Canal Company, for the Purpose of facilitating the Passage of Traffic to and from the said Canal from and to the said Railway, constructed an Extension Line of Railway from the Head of their said Canal at Newcastle-under-Lyme to and terminating by a Junction with the Rails of the Silverdale and Newcastle Railway on the North Side of the said Road called the Pool Dam, and by means of the Silverdale and Newcastle Railway and the Canal Extension Railway the Town of Newcastle-under-Lyme is supplied with Coal, and Iron and Ironstone are conveyed to and from the said Canal; that in consequence of the Means of Communication afforded by the Silverdale and Newcastle Railway, Manufactories, Works, and Buildings have been erected, and a large Population established in and near Silverdale, and the said Railway has become of great public and local Advantage; that it would be beneficial to the said Ralph Sneyd and his Lessee, and also advantageous to the Public, if Provision were made for the Maintenance of the said Railway and the Works connected therewith, and for regulating and recovering the Tolls to be taken for the Use of the said Railway, and for other Purposes connected therewith; and it would also be advantageous to the Public if the said Ralph Sneyd and his Lessee and the Canal Company were authorized to enter into and carry out Arrangements for the Use by the said Ralph Sneyd and his Lessee of the said Canal Extension Railway.

Companies, Railways, and Lands Clauses Acts incorporated, §§ 3 to 5.

Power to make Railways, §§ 6, 7.

Level Crossings; Board of Trade Provisions, §§ 8 to 10.

Tolls, §§ 13 to 20.

Power to agree for the Use of Canal Extension Railway, §§ 21, 22.

Power to lay down Electric Telegraph, § 23.

Saving Rights under certain Leases, § 24.

Facilities to be given for making Branch Lines; Accommodation Works, §§ 25 to 27.

Gradients for Branch Lines, § 28.

Limiting Tolls on certain Traffic, § 29.

Provisions for ensuring Completion and Maintenance of Railway, §§ 30, 31.

*Cap. cxv.*

“The *Waveney Valley Railway Act, 1859.*”

Recites 14 & 15 Vict. c. lxvi., 16 & 17 Vict. c. cxliv., 18 & 19 Vict. c. clvii., 19 & 20 Vict. c. cxxix. ; proposes to authorize Extension of Time, and to extend Railway.

Lands and Railways Clauses Acts incorporated, §§ 1, 2.

Revival of Powers for the Purchase of certain Lands and Compensation, §§ 3 to 5.

Power to construct Railway, §§ 6, 7.

Board of Trade Provisions, §§ 8 to 11.

One Year for compulsory Purchase of Lands, § 12.

Two Years for the Completion of Works, §§ 13, 14.

Tolls, §§ 16 to 18.

*Cap. cxvi.*

“The *Margate Railway Act, 1859.*”

Recites Incorporation in 1857, with a Capital of 80,000*l.*, and Power to borrow 26,000*l.*, and to enter into Agreements with the East Kent Railway Company; proposes Extension to Margate, and Change of Name.

Incorporation of General Acts, §§ 2 to 4.

Power to make Railway, §§ 5, 6.

Board of Trade Provisions, §§ 7 to 9.

Two Years for compulsory Purchase of Land, § 11.

Four Years for Completion, §§ 12, 13.

Power to take Tolls, § 14.

Extending Traffic Arrangements to Margate Extension, § 16.

Power to create new Shares to the Extent of 105,000*l.*, §§ 17 to 21.

Power to borrow 35,000*l.*, §§ 22 to 25.

Forfeited Shares which cannot be sold may be cancelled, §§ 26 to 30.

Company may create new Shares in lieu of Shares cancelled, § 31.

Company may issue Half Shares in lieu of Shares cancelled and Remainder of Capital, § 32.

Division of existing Shares into Half Shares, §§ 33 to 40.

Alteration of Name; Company to be called “Margate Railway Company,” §§ 41 to 44.

Provision as to crossing certain Sewers, § 45.

For preserving the Rights of the Commissioners of Sewers for Kent, § 46.

*Cap. cxvii.*

“The *Epping Railways Act, 1859.*”

Recites that it is expedient to establish direct Railway Communication between the Woodford and Loughton Branch of the Eastern Counties Railway at Loughton and Epping

and Chipping Ongar, in the County of Essex ; that an Agreement has been entered into between the Eastern Counties Railway Company, the Norfolk Railway Company, and the Eastern Union Railway Company, for the Working and Management by the Eastern Counties Railway Company of the Undertakings of the Three Companies for their common Benefit, and such Agreement was confirmed by the Eastern Counties, and the Norfolk, the Eastern Union, the East Anglian, and the Newmarket Railways Act, 1854, and is now in force ; that the said intended Railways might be used by the Eastern Counties Railway Company upon Terms advantageous to the Proprietors thereof, and of the said associated Companies, and of the Public, and it is expedient that the said Companies and the Promoters of the Undertaking should be authorized to enter into Agreements with respect to the Use of the said intended Railways.

Incorporation of General Acts, § 1.

Subscribers incorporated, with Capital of 100,000*l.* in 10*l.*

Shares, and Power to borrow 33,000*l.*, §§ 2 to 6.

Meetings ; Directors, &c., §§ 9 to 16.

Power to make Railways, §§ 17, 18.

As to Junction with Eastern Counties Railway, §§ 19 to 22.

Two Years for compulsory Purchase of Lands, § 24.

Three Years for Completion of Works, §§ 25, 26.

Tolls, §§ 27 to 35.

Power for the Company to enter into Arrangements with the Eastern Counties, the Norfolk, and the Eastern Union Railway Companies, with respect to the Maintenance, Use, &c. of the Railways, §§ 36 to 43.

Saving Rights of the Crown, § 44.

#### *Cap. cxviii.*

“*The Norwich and Spalding Railway Act, 1859.*”

Recites 16 & 17 Vict. c. cxxiv. ; that their Powers of completing their Undertaking have lapsed, and proposes to revive them.

Lands and Railways Clauses Consolidation Acts incorporated, § 1.

Power to construct Railway, § 3, 4.

Level Crossings, §§ 5 to 10.

Two Years for compulsory Purchase of Lands, § 11.

Three Years for the Completion of the Railway, §§ 12 and 15.

As to Land of Guy's Hospital, § 13.

For ensuring Extension to Wisbeach, § 17.

Tolls in respect of Railway, § 18.

#### *Cap. cxix.*

“*The Tendring Hundred Railway Act, 1859.*”

Proposes to make a Railway from the Hythe Branch of the Colchester, Stour Valley, Sudbury, and Halstead Railway to Wivenhoe.

Incorporation of General Acts, § 1.

Subscribers incorporated, with Capital of 15,000*l.* in 10*l.* Shares, and Power to borrow 5,000*l.*, §§ 3 to 8.  
 Meetings; Directors, &c., §§ 11 to 14.  
 Power to make Railway, §§ 15, 16.  
 Board of Trade Provisions, §§ 17 to 20.  
 Two Years for Purchase of Lands by Compulsion, § 22.  
 Three Years for Completion of Railway, §§ 23, 24.  
 Company may contract with other Companies as to working and Use of Railway, §§ 25 to 30.  
 Tolls, §§ 31 to 39.

*Cap. cxx.*

"The *Bridport Railway Act, 1859.*"

Recites Incorporation by 18 & 19 Vict. c. xi., with a Capital of 65,000*l.*; proposes to authorize the raising of further Capital, and to sanction Agreement for Lease to Great Western Railway Company.  
 Certain Provisions of "The Companies Clauses Consolidation Act, 1845," extended to this Act, § 2.  
 Power to raise additional Capital of 20,000*l.*, with or without a Preference not exceeding 6*l.* per Cent., §§ 3 to 7.  
 Power to cancel Shares forfeited for Nonpayment of Calls, and to issue new Preference Shares in lieu thereof, §§ 8 to 10.  
 Dividends on new Shares, § 11.  
 Confirmation of Agreement in Schedule, and Power to lease Railway to Great Western Railway Company, §§ 14 to 19.  
 Money raised under this Act to be applicable to Debt due to Lessees, § 20.  
 Application of Rents under Lease, § 21.  
 Schedule (Agreement).

*Cap. cxxi.*

"The *Central Wales Railway Act, 1859.*"

Proposes to make a Railway from the Knighton Railway at Knighton to Llandrindod Wells.  
 Incorporation of General Acts, § 1.  
 Subscribers incorporated, with a Capital of 160,000*l.* in Shares of 10*l.*, and Power to borrow 53,800*l.*, §§ 3 to 8.  
 Directors; Meetings, §§ 11 to 18.  
 Power to make Railway, §§ 19, 20.  
 Level Crossings, §§ 21 to 24.  
 Three Years for Lands to be purchased by Compulsion, § 26.  
 Five Years for Completion of Railway, §§ 27 and 43.  
 As to Communication with the Knighton Railway, §§ 28 to 30.  
 Tolls, §§ 31 to 38.  
 Power to enter into Agreements with the Shrewsbury and Hereford, the Knighton, the Vale of Towy, and the Llanelly Railway and Dock Companies, § 39.  
 Power to enter into Working Arrangements with the Knighton and the Shrewsbury and Hereford Companies, § 40.  
 Saving Rights of Crown, § 44.

*Cap. cxxii.*

“The *Colne Valley and Halstead Railway (Extension)*  
Act, 1859.”

Recites 19 & 20 Vict. c. lxi., and proposes to extend Railway to Haverhill.

Extending Provisions of General Acts, § 1.

Power to construct Extension, §§ 3, 4.

Saving Lands of certain Persons, § 5.

Level Crossings ; Board of Trade Provisions, §§ 6 to 9.

Three Years for compulsory Purchase of Lands, § 12.

Five Years for the Completion of the Works, §§ 13 and 17.

Tolls, §§ 15, 16.

Power to apply existing Funds to Purposes of Act, § 18.

Company may raise additional Capital of 80,000*l.*, §§ 19 to 21.

Dividends on new Shares, § 22.

As to Votes of Proprietors of new Shares, § 23.

Power to borrow 26,000*l.*, §§ 24 to 27.

Extending Clauses 29 and 30 of recited Act, empowering Agreements with Eastern Counties Railway Company, § 28.

*Cap. cxxiii.*

“The *Falkirk Police and Improvement Act, 1859.*”

Recites the Act of 3 & 4 Will. 4. c. 77., relating to Appointment of Magistrates and Councillors for Burghs, and that the Magistrates and Councillors of Falkirk are elected under that Act ; that the Limits of the ancient Royalty of the said Burgh and the Parliamentary Limits thereof are not co-extensive, and it is expedient that the Powers and Jurisdiction of the Magistrates should extend over the whole of the said Limits ; recites also the Act 13 & 14 Vict. c. 33., for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same, also 19 & 20 Vict. c. 103., being “The Nuisances Removal (Scotland) Act, 1856,” by which last Act the preceding recited Act was amended, and the Sections 74 and 213 thereof were repealed, and other and further Provisions substituted, and that it is expedient that certain of the Provisions of the Two last-mentioned Acts should be applied to the said Burgh ; that it is expedient that Provision should be made for regulating the Police Jurisdiction of the Magistrates of the Burgh of Falkirk, and for draining, cleansing, lighting, and improving the Burgh, and for paving, repairing, and maintaining the Streets and Roads within the said Burgh, and for empowering the Magistrates of the Burgh to put in force the Acts as to Weights and Measures within the Burgh, and to improve the Market Places and regulate the Markets within the same ; that the Stintmasters of Falkirk hold certain Property in trust for behoof of the Community of Falkirk, and the said Stintmasters and the Feuars of Falkirk respectively have been in use to levy certain Assessments and Customs, also for behoof of the

Common Good, and have been in use to supply Water and Gas to a limited Extent within certain Parts of the said Burgh, and it is expedient that these minor Jurisdictions within the said Burgh should be abolished or altered, and that the Customs leviable by the Feuars and the Property belonging to the Stintmasters for behoof of the Town of Falkirk or the Common Good should be transferred to and vested in the Magistrates and Town Council of Falkirk, and that Provision should be made for the Management of the Property so transferred, and that Provision should also be made with reference to the Payment of the Debts incurred by the Stintmasters and Feuars on behalf of the Community; that the Reservoirs, Fountains, Pipes, Cisterns, and public Wells by which the Burgh of Falkirk is at present supplied with Water are transferred to and vested in the Magistrates and Council by this Act, and that it is expedient that they should be empowered to keep up the same, and to supply the Burgh and Inhabitants thereof with Water from the same.

13 & 14 Vict. c. 33., with certain Exceptions, incorporated, § 3.

Assessment of Land used as Arable Ground, &c., or as Canals or Railways, § 4.

Limits of Act, § 5.

Commencement of Act, § 6.

Magistrates and Council to be Commissioners, § 7.

Meetings of Commissioners and their Committees, § 8.

Commissioners may borrow on Cash Account, § 9.

Weights and Measures, § 10.

Property of the Stintmasters vested in Commissioners, § 11.

Customs and Property of the Feuars vested in the Commissioners, § 12.

Moneys held by Stintmasters to be paid to Commissioners, § 13.

Assessment levied by Stintmasters abolished, § 14.

Privileges, Powers, and Functions of Stintmasters and Feuars transferred to Commissioners, § 15.

Property transferred to belong to Commissioners for Purposes of Act, § 16.

Debts of Stintmasters to be paid by Commissioners, § 17.

Commissioners to release Feuars of a Portion of their Debt, § 18.

On Transfer of Callendar Rigs and Corn Market the Commissioners to take whole Debt of Market, § 19.

Stintmasters and Feuars Debt assumed by Commissioners, and Expenses of obtaining Act, how to be paid off and extinguished, § 20.

Provision for Payment of Stintmasters and Feuars Debt, § 21.

Pending Actions transferred, § 22.

Certain Provisions of the Waterworks Clauses Act incorporated, § 23.

Reservoirs, &c. to be maintained by Commissioners, § 24.

Supply of Water to Grahamston and Bainsford, § 25.

Rate for Water, § 26.



- Supply of Water for domestic Purposes not to include Water for other Purposes, § 27.  
 Commissioners may give Supply of Water for Purposes other than domestic, § 28.  
 10 & 11 Vict. c. 15. in part incorporated with this Act, § 29.  
 Penalty for wilfully damaging Pipes, § 30.  
 Satisfaction for accidentally damaging Pipes, § 31.  
 Markets and Fairs Clauses Act incorporated with this Act, § 32.  
 Commissioners may improve Market Places, &c., § 33.  
 Charges for Use of Market Places, &c., § 34.  
 Stalls, &c. may be let, § 35.  
 Commissioners may lease Dues and Customs transferred to them, § 36.  
 Agreements with Trustees of Turnpike Road and Statute Labour Roads within the Burgh, § 37.  
 Mode of ascertaining Rackrent or annual Value, § 38.  
 Jurisdiction of Sheriff and Justices of the Peace reserved, § 39.  
 Duties of Superintendent of Police and Constables, § 40.  
 Lands Clauses Consolidation (Scotland) Act in part incorporated with this Act, § 41.  
 Dispositions and Conveyances of Property how to be executed, § 43.

*Cap. cxxiv.*

*“Lancaster and Carlisle Railway Act, 1859.”*

Recites 7 & 8 Vict. c. xxxvii., and the several Acts since passed relating to the Company, the North-western Railway Act, 1852, the Incorporation of the Kendal and Windermere Railway Company, with Power to make and maintain the Kendal and Windermere Railway, and to grant a Lease thereof to the Company; also the Incorporation of the Lancaster and Preston Junction Railway Company, with Power to make and maintain the Lancaster and Preston Junction Railway, and that the Acts of 3 & 4 Vict. c. iv., and 6 & 7 Vict. c. iv., and the Lancaster and Preston Junction Railway Amendment Act, 1849, were afterwards passed with respect to the Preston Company; that by the Lancaster and Preston Junction Railway Amendment Act, 1849, the Preston Railway, and the Lands, Works, and other Property of the Preston Company (save as specified in the Schedule A. to that Act annexed), were transferred to the Company, and the Preston Railway is now vested in and managed and worked by the Company accordingly; that a Railway to commence by a Junction at Barnard Castle with the Haggerleases Branch of the Stockton and Darlington System of Railways, and to terminate by a Junction at Tebay with the Railway, is in course of Construction, and when it is completed there will be a continuous Line of Railway Communication across England between the Durham Coal Fields Eastward and that Part of the Railway which is near to

Morecambe Bay Westward; that for the Purpose of affording additional Facilities for Traffic between the Durham Coal Fields and Morecambe Bay and Ireland, and other Parts communicating with Morecambe Bay, the Company are desirous and it is expedient that they be authorized to make and maintain near to Morecambe Bay the new Lines of Railway and Works connected therewith by this Act respectively authorized; that the North-western Company have provided a Line of Railway and a Harbour and Coal Dock and other Works near to and at Morecambe Bay; that for the Purpose of improving the Access to the Company's Citadel Station at Carlisle it is expedient that the Company be authorized to make and maintain the Deviation there by this Act authorized of the Line of the Railway, and to continue the Maintenance, for such Purposes as they think fit, of so much of the Railway as lies between the several Points of Junction with the Railway of the proposed Deviation, and also to alter the Line and Levels there of the public Highway from Carlisle to Upperby, also to provide additional Hotel Accommodation at Lancaster; that it is expedient that the Preston Company be authorized to contribute towards the Expense of the several new Works by this Act authorized, and to raise additional Funds for the Purpose; further recites that the Share Capital of the Preston Company is constituted as follows, that is to say, of 5,000 whole Shares of 50*l.* each, paid up to the Extent of 47*l.* 10*s.* a Share, being in aggregate nominal Amount 250,000*l.*, and in aggregate paid up Amount 237,500*l.*; 5,000 Three Quarters Shares of 37*l.* 10*s.* each, paid up to the Extent of 31*l.* 10*s.* a Share, being in aggregate nominal Amount 187,500*l.*, and in aggregate paid up Amount 157,500*l.*; 8,333 Quarter Shares of 12*l.* 10*s.* each, being in aggregate nominal Amount and also in aggregate paid up Amount 104,162*l.* 10*s.*; 10,833 Twelfth Shares of 4*l.* 3*s.* 4*d.* each, being in aggregate nominal Amount and also in aggregate paid up Amount 45,137*l.* 10*s.*; 11,736 Shares of 11*l.* 5*s.* each, being in aggregate nominal Amount 132,030*l.*, of which the greater Part is paid up; 16,104 new Quarter Shares of 12*l.* 10*s.* each, being in aggregate nominal Amount 201,300*l.*, only Part of which has been at present paid up; and that all the Shares of the Capital of the Preston Company are ordinary Shares; that it is expedient that Provision be made for the Regulation of the Capital of the Preston Company, and the Conversion of their Shares as now held into Consolidated Stock; proposes to amend the Provisions with respect to the leasing of the Windermere Railway to the Company, and to authorize the Appointment of One of the Directors of the Windermere Railway to be a Director of the Company; and to provide for the Amalgamation of the Windermere Company and their Undertaking with the Company and their Undertaking, and in that Event for the Dissolution of the Windermere Company; and also for the Amalgamation of the Preston Company and their Undertaking with the Company

and their Undertaking, and in that Event for the Dissolution of the Preston Company; also to make further Provision with respect to the Directors of the Company, and to authorize the raising of further Capital.

Incorporates Lands and Railways and Parts of Companies Clauses Acts, §§ 2 to 4.

Railways, §§ 5 and 10; to be completed in Five Years, § 18.

Two Years for compulsory Purchases, § 6.

Purchase of Lands for Hotel at Lancaster, § 7.

Power to continue certain Portions of Railway, §§ 11, 12.

Communication with North-western Railway, §§ 13, 14.

Level Crossings; Board of Trade Provisions, §§ 15 to 17.

Tolls, §§ 20, 21.

The Preston Company may contribute towards new Works of Company under Act, § 22.

XXIII. The several Powers of the Preston Company under the recited Acts relating to that Company for raising Capital by Shares are by this Act repealed, save with respect to the Remedies of the Preston Company for compelling Payment of the Amounts now unpaid on such of the 11,736 11*l.* 5*s.* Shares and such of the 16,104 new Quarter Shares of their Capital as are not yet fully paid up, and with respect to the forfeiting of Shares for Nonpayment of Calls thereon, and save also as is by this Act otherwise provided with respect to Shares retained as Shares instead of being converted into Consolidated Stock: Provided always, that the Preston Company from Time to Time, when any of the existing Shares not by this Act consolidated into Stock, or any of the Shares which may be created under this Act, are fully paid up, may consolidate the same into Stock in like Manner as the other Shares of the Preston Company are by this Act consolidated.

Powers of Preston Company under recited Acts for raising Capital repealed.

XXIV. Subject to the Provisions of this Act the Sum of 544,300*l.*, paid up on the following Shares; that is to say,

Conversion of certain Shares into ordinary Stock.

	£	s.	d.
On the 5,000 whole Shares	-	237,500	0 0
On the 5,000 Three Quarter Shares	157,500	0	0
On the 8,333 Quarter Shares	-	104,162	10 0
On the 10,833 Twelfth Shares	-	45,137	10 0
		<u>£544,300</u>	<u>0 0</u>

is by this Act converted into the Sum of 544,300*l.* ordinary Stock of the Preston Company.

XXV. The before-mentioned Sum of 544,300*l.* ordinary Stock of the Preston Company is by this Act appropriated to and vested in the several Holders of those Shares in the following Proportions; (that is to say),

That ordinary Stock vested in Shareholders of Preston Company.

1. 237,500*l.*, Part thereof, to and in the several Holders of the 5,000 old Shares, in the Proportion of 47*l.* 10*s.*, Part thereof, for every old Share:
2. 157,500*l.*, further Part thereof, to and in the several Holders of the 5,000 Three Quarter Shares, in the Proportion of 31*l.* 10*s.*, Part thereof, for every Three Quarter Share:

3. 104,162*l.* 10*s.*, further Part thereof, to and in the several Holders of the 8,333 Quarter Shares, in the Proportion of 12*l.* 10*s.*, Part thereof, for every Quarter Share :

4. 45,137*l.* 10*s.*, further Part thereof, to and in the several Holders of the 10,833 Twelfth Shares, in the Proportion of 4*l.* 3*s.* 4*d.*, Part thereof, for every Twelfth Share :

In like Manner the 11,736 Shares of 11*l.* 5*s.* each, and any Stock into which they may when fully paid up be consolidated, are appropriated to and vested in the several Holders of those Shares in the Proportion of 11*l.* 5*s.* for each such Share :

And the 16,104 new Quarter Shares, and any Stock into which they may when fully paid up be consolidated, are appropriated to and vested in the several Holders of those Shares in the Proportion of 12*l.* 10*s.* for each such Share.

Stock so vested to represent converted Shares.

XXVI. Every Portion of ordinary Consolidated Stock created under the Provisions of this Act is substituted for and shall represent the ordinary Share so converted, and in respect of which it is so appropriated and vested, and so as to be subject to all such Trusts and Provisions, and to pass by Will and otherwise, as if it were the Share for which it is so substituted, and the Holders of the ordinary Stock so appropriated and vested shall in respect thereof be Shareholders of the Preston Company accordingly.

Shares of Preston Company for which Stock substituted extinguished.

XXVII. All the Shares of the Capital of the Preston Company for which that ordinary Consolidated Stock is by this Act substituted, and all Rights and Liabilities with respect to the same, are by this Act extinguished.

Certificates of Stock to be issued in exchange for Certificates of Shares.

XXVIII. The Preston Company shall, on Demand in Writing by any Person entitled under this Act to any Portion of the Stock, issue to him gratis a Certificate thereof: Provided always, that the Preston Company shall not issue any Certificate of any Portion of that Stock unless and until the Certificate of the Share for which the Portion of Stock is by this Act substituted be delivered to the Directors of the Preston Company to be cancelled, or it be shown to their Satisfaction that the Certificate of the Share is lost or destroyed, and on any such Certificate of a Share being so delivered to those Directors they shall immediately cancel it.

Power for Preston Company to raise additional Capital by new Shares.

XXX. The Preston Company from Time to Time may create and issue new Shares to any Extent not exceeding 42,500*l.* in substitution for the aggregate Sum remaining uncalled on the 5,000 whole Shares and the 5,000 Three Quarter Shares, and to any further Extent not exceeding 15,000*l.*, for the Purposes of this Act.

Preston Company may cancel unissued new Shares, § 31.

Preston Company may issue new Shares instead of cancelled Shares, § 32.

Terms and Conditions of new Shares created by Preston Company, § 33.

Saving for existing preferential Shares of Preston Company, § 34.

General Power for Preston Company to dispose of new Shares, § 35.

- XXXVII. The Share and Stock Capital of the Preston Company shall be the aggregate of the following Amounts ; that is to say,
- Capital of Preston Company declared.
- The Amount of the Consolidated Stock of the Preston Company by this Act created :
- The Sum of 132,030*l.* in 11,736 Shares of 11*l.* 5*s.* each of the Preston Company not yet fully paid up :
- The Sum of 201,300*l.* in 16,104 new Quarter Shares of the Preston Company of 12*l.* 10*s.* each, not yet fully paid up :
- The Amount from Time to Time created by the Preston Company by new Shares under this Act :
- The Amount, if any, of Capital of the Preston Company created by the Conversion of Loan into Capital.
- Application of Moneys of Preston Company, § 38.
- Powers for Lease of Windermere Railway to Company, § 39.
- Powers for Amalgamation of Windermere Company with Company, § 40.
- During Lease of Windermere Railway, One Director of Windermere Company, to be chosen by Company, shall be a Director of Company, § 41.
- Powers and Period of Office of the Director so chosen, § 42.
- Occasional Vacancies to be supplied, § 43.
- If Company fail to appoint the Director, Windermere Company may appoint him, § 44.
- Agreements between Company and Windermere Company for Purposes of Act, § 45.
- Powers for Amalgamation of Preston Company with Company, § 46.
- Agreements between Company and Preston Company for Purposes of Act, § 47.
- Restrictions on Agreement between Companies under Act, § 48.
- Tolls, &c., partly on Railway and partly on Windermere Railway, § 49.
- Terms of Contracts for Amalgamation of Windermere Company or Preston Company with Company, § 50.
- Compensation for Amalgamation, § 51.
- Lease or Amalgamation to entitle Company to Property amalgamated, § 54.
- Powers of Windermere Company or Preston Company to be exercised by Company, § 55.
- Lease by Windermere Company to be made as agreed on, § 56.
- Amalgamated Property to be vested in Company, § 57.
- Deed of Amalgamation, § 58.
- Company to perform Duties of Windermere Company or Preston Company as to Property leased or amalgamated, § 59.
- Dissolution of Windermere Company or Preston Company on their Amalgamation with Company, §§ 60 to 65.
- Increase of Number of elected Directors of Company on Amalgamation of Windermere and of Preston Companies, §§ 66 to 69.
- Increase of Number of elected Directors of Company on Cesser of London and North-western Company to hold Shares of Company, § 70.

- Rotation of Directors on Increase, § 71.  
 General Power for Company to raise 50,000*l.*, § 72.  
 Power for Company to apply Capital for Purposes relating to Windermere Company and Preston Company, § 73.  
 Company may cancel unissued new Shares and create other new Shares instead, § 74.  
 Power to create new Shares, with or without a Preference not exceeding 5*l.* per Cent., §§ 75 to 80.  
 Power for Company to borrow 10,000*l.* for new Works and general Purposes, §§ 81, 82.  
 Saving Rights of the Crown, of Duchy of Lancaster, and of Companies, §§ 85 to 88.

*Cap. cxxv.*

*"The Mid-Sussex and Midhurst Junction Railway Act, 1859."*

- Proposes to make a Railway from the Coultershaw Branch of the Mid-Sussex Railway to Midhurst.  
 Incorporation of General Acts, § 1.  
 Incorporation of Company, with Capital of 70,000*l.* in 10*l.* Shares, and Power to borrow 20,000*l.*, §§ 3 to 7.  
 Power to enter into Traffic Arrangements with the Mid-Sussex and the London, Brighton, and South Coast Railway Companies, §§ 8 to 13.  
 Meetings; Directors, §§ 14 to 21.  
 Power to make Railway, §§ 22 to 24.  
 No Deviation from the Centre Line of Railway through Lord Egmont's Lands, § 26.  
 Company to make a Station at a Point where the Railway crosses the Parish Road from Lodsbridge to Graffham, and Sidings at the Point referred to, § 27.  
 Company, if required, to make a Deviation of Parish Road marked No. 9 in the said Plan, and permanently to fence and hedge the same, § 28.  
 Two Years for Lands to be purchased, § 29.  
 Three Years for Completion of Railway, §§ 30, 31.  
 Bridge Approach over Turnpike Road, No. 2 on the deposited Plan, in the Parish of Petworth, § 32.  
 As to Communication with the Mid-Sussex Railway, §§ 33 to 37.  
 Tolls, 38 to 47.  
 Schedule. (Classes of Goods liable to Toll.)

*Cap. cxxvi.*

*"The North Staffordshire Railway Act, 1859."*

- Recites Acts relating to the Company; proposes to make a Branch Railway; to extend Time limited by Act of 1854; to authorize Contracts with London and North-western Railway Company; and to convert Debt into Debenture Stock.  
 Incorporation of General Acts, § 2.  
 Power to make Railways, §§ 3 to 5.  
 Eighteen Months for compulsory Purchase of Land, § 6.

- Two Years for Completion of Works, §§ 7, 8.  
 Tolls, § 9.  
 Extending Period for Completion of Works, &c. under Act of 1854,—§§ 10, 11.  
 Power for Company and London and North-western Railway Company to make mutual Arrangements, §§ 12 to 25.  
 For regulating Tolls upon the Trent and Mersey Navigation, § 26.  
 Power to apply existing Capital, § 27.  
 Power to raise Money by Debenture Shares or Debenture Stock at not exceeding 5l. per Cent., § 29.  
 Provisions with respect to Debenture Stock, §§ 30 to 36.  
 Act not to affect Agreement between Company and Earl Granville with respect to Earl Granville's Branch Railway, § 38.  
 Saving Rights of the Crown and the Duchy of Lancaster, § 39.

*Cap. cxxvii.*

*"The Stockton and Darlington Railway Act, 1859."*

- Recites the "Stockton and Darlington Railway Amalgamation," "Durham Lines," and "North Riding Lines" Acts of 1858; proposes further Works; to substitute a private Street belonging to the Company for a Deviation of the Highway authorized by the "Durham Lines" Act; and to acquire a private Railway.  
 Incorporation of General Acts, § 2.  
 Power to construct new Railway, &c., § 3.  
 Communications with North-eastern Railway to be made to the Satisfaction of the North-eastern Railway Company, §§ 4 to 6.  
 Company to abandon Alteration of a Highway, and may convert a private Street into a public Highway, and alter Street, &c., § 8.  
 Power to stop up Part of existing Highway, § 9.  
 Two Years for compulsory Purchase, § 11.  
 Three Years for Completion of Works, §§ 12, 13.  
 Compensation, § 14.  
 Tolls to be taken by North-eastern Railway Company for certain Traffic, § 15.  
 For affording Facilities for Traffic of Cleveland Railway Company, § 16.  
 Conveyance by Company of Cleveland Railway Traffic, § 17.  
 Company's Traffic not to have Preference over Cleveland Company's Traffic, § 18.  
 If Company neglect to provide Accommodation to Cleveland Company, or to certain Lessees of Mines, the Board of Trade to appoint a Person who shall report thereon; Penalty on Refusal, § 19.  
 As to Toll for Ironstone, &c. passing along the Guisborough Branch, &c., § 20.  
 If Owners of Mines, &c. make a private Tramway, &c. to join the Redcar Branch, Company to afford Facilities for so doing; Differences to be settled by Arbitration, § 21.

Company to afford Facilities for Transmission of Ironstone, &c. brought upon the Redcar Branch; as to Toll for such Ironstone, &c., § 22.

Two additional Staiths to be constructed at Dock at Middlesborough, § 23.

Company may apply Corporate Funds to Purposes of this Act, § 24.

*Cap. cxxviii.*

*“The Kensington Station and North and South London Junction Railway Act, 1859.”*

Proposes to make a Railway from near Lillie Bridge in Kensington to a Point in the same Parish near the Junction of Love Lane with Red Field Lane, and to join the proposed Extension of the West London Railway.

Incorporation of General Acts, § 2.

Subscribers incorporated, with a Capital of 72,000*l.* in 10*l.* Shares, and Power to borrow 24,000*l.*, §§ 3 to 7.

Meetings; Directors, §§ 10 to 16.

Power to make Railway, § 17.

Two Years for compulsory Purchase of Lands, § 18.

Communications with Extension of West London Railway, §§ 20 to 22, and § 24.

Three Years for Completion of Works, §§ 23, 25.

Saving Rights of Metropolitan Board of Works and District Boards, §§ 26, 27.

For Protection of Metropolis Turnpike Roads, §§ 23 to 33.

For Protection of West Middlesex Waterworks, § 35.

Notice to be given to Surveyor of the Parish of Kensington, §§ 36 to 38.

Works involving Diversion of Traffic at Kensington; Diversion to be approved by Surveyor, § 39.

Restoration of Drains and Sewers, § 40.

Restoration of Roads and Streets, § 41.

Works to be lighted, § 42.

Temporary Works for Traffic, Gas, and Water Service, § 43.

Alteration of Roadway and Supply of Water, § 44.

In case of Delay or Omission, Vestry may reinstate, § 45.

Deposit of Subsoil in the Parish of Kensington, § 46.

Tolls, §§ 47 to 58.

*Cap. cxxix.*

*“Lancashire and Yorkshire Railway (Rochdale and Royton Branches) Act, 1859.”*

Proposes to construct Branch Railways from Oldham to Rochdale and Royton.

Incorporation of General Acts, § 3.

Power to make Railways, §§ 4, 5.

Level Crossings; Board of Trade Provisions, §§ 6 to 9.

For Protection of Land of Abram Crompton, Esquire, § 10.



- Company to construct Bridge over Rochdale Canal, and to keep same in repair, §§ 11, 12.  
 Protection of Rochdale Canal, §§ 13 to 16.  
 Protection of certain Turnpike Roads at Oldham, § 17.  
 As to Bridge over Railway at Oldham, § 18.  
 Bridges for Foot Passengers under certain Streets in Oldham, § 19.  
 As to Junction near Oldham, and Use of Railway and Station there, § 20.  
 Two Years for Purchase of Lands, § 22.  
 Four Years for Completion of Railways, §§ 23, 32.  
 Tolla, § 24.  
 Power to raise 200,000*l.*, with or without a Preference not exceeding 5*l.* per Cent., § 25.  
 Power to borrow 66,600*l.*, §§ 29, 30.  
 Extending certain Provisions of "The Companies Clauses Consolidation Act, 1845," and existing Acts, § 31.  
 For giving Publicity to Agreements, § 33.

*Cap. cxxx.*

"The *Midland Railway (Erewash Valley) Act, 1859.*"

- Proposes to make an Extension of the Erewash Valley Line, and to raise further Capital.  
 Incorporation of General Acts, § 2.  
 Power to make Railways, § 3.  
 Power to acquire Lands at Whitwick, § 4.  
 Three Years for compulsory Purchase of Lands, § 6.  
 Five Years for Completion of Works, §§ 7, 8.  
 Power to create new Capital of 190,000*l.*, § 9.  
 Capital under this Act and under any other Act of this Session may be raised by new Shares, with a Preference not exceeding 4*l.* 10*s.* per Cent., §§ 10 to 13.  
 Company may apply Corporate Funds to Purposes of Act, § 14.

*Cap. cxxxi.*

"*Londonderry and Coleraine Railway Arrangements Act, 1859.*"

- Recites Incorporation of Company by Act of 1845, with Power to raise 500,000*l.* by Shares and 166,666*l.* by borrowing; that by an "Amendment Act, 1848," they were authorized to alter their Line, to cancel existing Shares, and substitute others with a preferential Dividend attached; that the Company was dissolved by Act of 1852 and re-incorporated; that their Undertaking was defined to consist of a Railway and Branch, and of a certain Interest in the Waste Lands, Mudbanks, and Slobs of Loch Foyle acquired by them under a former Act; that by the Act of 1852 and an Act of 1853 the Share Capital was increased by 65,000*l.* and the borrowing Powers by 15,000*l.*; that the Company have completed their Railway and Branch; that their present Capital

consists of 750 Shares of 25*l.* each and 11,962 Half Shares of 12*l.* 10*s.* each, the latter bearing a Right to Preference Dividend of 5*l.* per Cent., besides Shares which have been merged and may be re-issued ; that the Mortgage Debt consists of 70,000*l.* to the Public Works Loan Commissioners and 95,763*l.* to other Mortgagees ; that the great Expense attending the Embankments and reclaiming of Lands from the Sea has involved the Company in Debt ; that they owe large Arrears of Interest to the Public Works Commissioners and other Mortgagees, as well as Debts to Landholders and Judgment and other Creditors ; that the said Commissioners had seized the Railway and had let it on Lease to William M'Cormick, and that they now apply the Rent in Payment of their own Interest and Principal, the other Creditors receiving nothing ; that it is expedient to authorize the Company to raise a Sum by Mortgage to pay off the Public Works Commissioners, and to issue Mortgages and Bonds of various Classes and with several Priorities to the other Mortgagees and Creditors in lieu of the Securities now held by them.

**Incorporation of Companies Clauses Act, § 3.**

**Power to borrow for certain Purposes by issuing Debentures, to be classed as A Debentures, § 4.**

**Power to issue certain Debentures, to be classed as B Debentures, § 5.**

**Similar Power to issue certain Debentures, to be classed as BB Debentures, § 6.**

**Similar Power to issue certain Debentures, to be classed as C Debentures, § 7.**

**Limiting Time for Exercise of Powers, and rendering certain Consents necessary, § 8.**

**Limiting Amount of Interest or Dividend, § 9.**

**Company not to reborrow Moneys which have been paid, § 10.**

**Application of Moneys raised by this Act, § 11.**

**The Debentures to be Charges upon the Undertaking in a certain Order ; Deficiency to be carried over, § 12.**

**Scheduled Persons to be served with Copies of Act, and to be bound thereby, §§ 13, 14.**

**Judgments against the Company to be extinguished on Claims of Creditors being satisfied, § 15.**

**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, § 16.**

**Saving Rights as to existing Preferences, § 17.**

**Power to issue A Debentures to Creditors in Payment of Debts or Claims, instead of raising Money by the Issue thereof for such Payment, § 18.**

**Powers for raising Capital by recited Acts extinguished, § 19.**

**Saving Rights of certain Parties, § 20.**

**Schedule, Parts 1, 2, 3 :—**

1. Mortgage Creditors.
2. Judgment Creditors.
3. Other Creditors.

*Cap. cxxxii.*

“An Act to suspend in certain Cases the Operation of the Twenty-eighth Section of ‘The *Liverpool* Sanitary Amendment Act, 1854,’ and for other Purposes.”

Recites that by “The *Liverpool* Sanitary Amendment Act, 1854,” it was enacted that it should not be lawful to drive through or along any Street in the Borough any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which should, in the widest Part thereof, including the Wheels thereof, measure more than Seven Feet Six Inches in Breadth, and that any Person who should drive, lead, or conduct any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which should exceed such Width, and the Owner of any such Carriage, Cart, Waggon, Lorry, Float, or other Vehicle who should permit the same to be driven in or along any Street in any Part of the said Borough, should forfeit and pay a Sum not exceeding Five Pounds for every Day on which such Offence should be committed ; provided that, until the First Day of June One thousand eight hundred and fifty-nine no such Penalty should be imposed, or should accrue or become payable in respect of any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which had been duly registered at the Office of the Town Clerk before the passing of the said Act under any Law then in force ; provided also, that it should be lawful for the Mayor, by any written Order, to grant Permission for the Use of any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle exceeding the Dimensions therein-before prescribed for the Conveyance of Boilers or other Machinery, or for or upon any special or extraordinary Purpose or Occasion ; that the Provisions of the recited Section were not generally known, and many Persons having in ignorance thereof expended large Sums of Money in constructing Carts of Dimensions exceeding those prescribed by the recited Section, it is expedient that the Council of the Borough of *Liverpool* should be enabled, in certain Cases, to exempt Carts and other Vehicles for a further Period from the Operation of the said Section in manner herein-after mentioned.

I. It shall be lawful for the Council of the Borough of *Liverpool* from Time to Time, until the Expiration of Seven Years from the passing of this Act, by Byelaws, to exempt from the Operation of the Twenty-eighth Section of “The *Liverpool* Sanitary Amendment Act, 1854,” above recited, for such Periods as they shall think proper, not exceeding in any Case Seven Years from the passing of this Act, any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle, constructed previously to the passing of this Act, for such Purposes and under such Terms and Conditions as they shall think fit.

Town Council  
may confer  
Exemptions  
by Byelaws.

II. The Provisions of the Act Ninth and Tenth Victoria, Chapter One hundred and twenty-seven, “*Liverpool* Sanitary Act, 1846,” with regard to Byelaws made under the Powers for

Provisions of  
9 & 10 Vict.  
c. cxxvii. as  
to Byelaws to

apply to this Act.

for that Purpose in the said Act contained, and which are contained in the 204th and 205th Sections of the said Act, shall be held and taken to apply to this Act and to Byelaws to be made in pursuance hereof.

Exemption from Penalties.

III. No Penalty shall be imposed or shall accrue or become payable under the said recited Section in respect of the Use of any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle from the 31st Day of May 1859 until the 1st Day of January 1860.

*Cap. cxxxiii.*

“Watermen’s and Lightermen’s Amendment Act, 1859.”

7 & 8 G. 4.  
c. lxxv.

Whereas by an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, Chapter Seventy-five, intituled “An Act for the better Regulation of the Watermen and Lightermen on the River Thames, between Yantlet Creek and Windsor,” the Company of Watermen, Wherrymen, and Lightermen were incorporated by the Name and Title of “The Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames:” And whereas in accordance with that Act, the Freemen of the said Company, and the Apprentices to Freemen or to Widows of Freemen of the said Company, enjoy certain exclusive Privileges of working and navigating, or causing to be worked or navigated for Hire, within the Limits of the said Act, Wherries, Lighters, and other Craft for carrying Passengers, Goods, and Merchandise: And whereas the Limits of the said Act are defined to extend to all Parts of the River Thames from and opposite to and including the Town of New Windsor, in the County of Berks, to and opposite to and including Yantlet Creek, in the County of Kent, and to all Docks, Canals, Creeks, and Harbours of or out of the said River, so far as the Tide flows therein: And whereas it is expedient that the Limits of the said Act should be altered, and such exclusive Privileges should be modified, and that proper Regulations should be made for the Navigation of Barges, Lighters, Boats, and other like Craft carrying Goods, Wares, and Merchandise within the Limits of this Act, and for the Regulation of the Persons employed to navigate the same, and for the Security of Passengers passing to and fro on the said River in Boats and other Craft, and for the orderly Conduct of the Traffic on the said River: And whereas by the Eighteenth Section of an Act passed in the Session holden in the Fourth and Fifth Years of Her late Majesty Queen Anne, Chapter Nineteen, and intituled “An Act for the Encouragement and Increase of Seamen, and for the better and speedier manning of Her Majesty’s Fleet,” certain Provisions are made whereby the Freemen of the said Company are obliged to serve on board Her Majesty’s Fleet, under such Circumstances and subject to such Penalties as are therein mentioned: And whereas it is expedient that the Obligation so imposed on the Freemen of the said Company of serving on board Her Majesty’s

Majesty's Fleet should be repealed : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. This Act may be cited for all Purposes as "The Watermen's and Lightermen's Amendment Act, 1859." Short Title.

II. The Term "Passenger Boat," as used throughout this Act, shall mean any Sailing Boat, River Steam Boat, Row Boat, Wherry, or other like Craft, used for carrying Passengers within the Limits of this Act, unless there is something in the Context inconsistent with such a Meaning. Definition of Passenger Boat.

III. The Term "Lighterman" shall mean any Person working or navigating for Hire a Lighter, Barge, Boat, or other like Craft within the Limits of this Act ; the Term "the Company" shall mean the Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames ; the Term "the Court" shall mean the Court of Master, Wardens, and Assistants of the same Company ; and the Term "Waterman" shall mean any Person navigating, rowing, or working for Hire "a Passenger Boat," unless there is something in the Context inconsistent with such Meanings. Definition of the Term Lighterman and Waterman, &c.

IV. This Act shall commence and come into operation on the First Day of January One thousand eight hundred and sixty. Commencement of Act.

V. The Eighteenth Section of the said Act passed in the Session holden in the Fourth and Fifth Years of the Reign of Her late Majesty Queen Anne, Chapter Nineteen, shall be repealed. Sect. 18 of 4 & 5 Anne, c. 19. repealed.

VI. The said Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, Chapter Seventy-five, shall be repealed. 7 & 8 G. 4. c. lxxv. repealed.

VII. Provided always, That such Repeal shall not affect— Repeal not to affect Rights, &c. herein named.

1. The Existence of the Company, or its Property, whether Real or Personal, or any of its Rights and Obligations as a Body Corporate, except as altered by this Act :
2. Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation :
3. Any Appointment or Licence duly made or granted under any Enactment hereby repealed.

VIII. This Act shall extend to all Parts of the River Thames from and opposite to and including Teddington Lock in the Counties of Middlesex and Surrey, to and opposite to and including Lower Hope Point near Gravesend in the County of Kent, and to all Docks, Canals, Creeks, and Harbours of or out of the said River, so far as the Tide flows therein. Limits of the Act.

IX. The Company shall have Power to purchase and hold Lands and Hereditaments, not exceeding in the whole the yearly Value of 2,000*l.* at the Time of the Purchase or taking thereof, without Licence in Mortmain, and also to sell, exchange, Power to purchase Lands, &c. without Licence in Mortmain.

change, or mortgage all or any of such Lands or Hereditaments.

Of whom the Company is to consist.

X. The Company shall consist of the several Freemen who would have composed the said Company if this Act had not passed, and of such other Persons as may be admitted Freemen of the said Company in manner herein-after mentioned.

Affairs to be managed by Court of Master, Wardens, and Assistants.

XI. The Affairs of the said Company shall continue to be managed by the Court of Master, Wardens, and Assistants, and the present Members of the said Court shall continue Members of the same during their respective Lives, unless they resign or are removed in manner herein-after mentioned.

Appointment of Master and Wardens.

XII. One of the Members of the said Court shall continue to be styled the Master of the said Company, and shall continue in Office until another Master has been appointed in manner herein-after mentioned, unless he sooner dies, resigns, or ceases to be a Member of the said Court; and Four other Members of the said Court shall continue to be called Wardens of the said Company, One of whom shall be called the Senior Warden, and the remaining Three shall be called the Junior Wardens, and the said Four Wardens respectively shall continue in their respective Offices until other Wardens have been appointed, unless they sooner resign, die, or cease to be Members of the said Court.

Quarterly Court to be held.

XIII. The said Court of Master, Wardens, and Assistants shall meet Four Times in every Year, that is to say, on the First Tuesday after the Twenty-ninth Day of September, the Twenty-fifth Day of December, the Twenty-fifth Day of March, and the Twenty-fourth Day of June respectively, or on such other Day within Ten Days thereafter as shall be appointed at any prior Meeting; and every such Meeting shall be called a Quarterly Court for the Affairs and Business of the said Company; and it shall also be lawful for the said Court to hold an Extraordinary Meeting, whenever any Quarterly or Extraordinary Court shall so order, or on the written Requisition of Nine of the Members of the said Court for the Time being.

Chairman to preside.

XIV. At every Court of Master, Wardens, and Assistants, the Master for the Time being of the said Company shall preside, and if he be unable from Illness or any other Cause to attend, the Senior Warden, if present, or in his Absence, One of the Junior Wardens, or if none of the Junior Wardens be present, then the Senior Member of the Court present, (the Members in any Election of Two or more Members being considered to have Seniority according to the Order in which they are named,) shall preside.

Regulation as to Quorum and Voting, &c. at Courts.

XV. No Business shall be transacted at any Court unless Nine Members be present; all Questions at any Court shall be decided by the Majority in Number of the Votes of the Members present, and every Member shall have One Vote; if on a Division there be an equal Number of Votes on each Side, the Master, Warden, or other Member presiding at such Court shall have a Second or Casting Vote.

XVI. The

- XVI.** The Proceedings of every Court shall be entered in a Minute Book to be kept for that Purpose, and signed by the Master, Warden, or Member who presides.
- XVII.** That the present Master and Wardens shall continue in Office until the First Quarterly Court to be held after the Twenty-fourth Day of June One thousand eight hundred and sixty, and shall then retire.
- XVIII.** At the First Quarterly Court to be held next after the Twenty-fourth Day of June in every Year the then Master and Wardens shall retire from Office, and the Court shall fill up the vacated Offices by electing thereto Members of the Court; all retiring Masters and Wardens shall be eligible for Re-election.
- XIX.** If no Election takes place of a Master or Wardens at any Court at which the same ought to be made, the retiring Master and Wardens, or such of them as have not had their Offices filled up, may continue in Office until the Quarterly Court next after the Twenty-fourth Day of June in the ensuing Year, and so from Year to Year, until their or his Offices or Office are or is filled up, or their Offices may be filled up in manner herein-after provided for casual Vacancies.
- XX.** Any casual Vacancy occurring in the Office of the Master, or of any Warden, may be filled up at an Extraordinary Court; but the Person elected to such Vacancy shall hold Office only until the ensuing Quarterly Court for the Election of such Officers.
- XXI.** Any Court of Master, Wardens, and Assistants may remove any of the Members of the said Court for ill Government, Misbehaviour, or other reasonable Cause, and any Member so removed shall not be eligible for Re-election.
- XXII.** That if any Master, Wardens, or other Members of the Court of the said Company shall neglect for the Space of Twelve Months to attend at any Quarterly or Extraordinary Court of the said Company, the next Quarterly Court to be held after the Expiration of the said Twelve Months shall remove him or them from being a Member or Members of the said Court.
- XXIII.** When and so often as any Member of the said Court dies, resigns, or is removed, the said Court of Master, Wardens, and Assistants shall elect, from amongst the Freemen for the Time being of the said Company, such Person as to them seems meet for supplying such Vacancy, and the Person so elected shall continue in the said Office during his Life, unless he resigns or is removed therefrom as aforesaid.
- XXIV.** Every Person who holds a Licence granted in pursuance of this Act, or is registered in manner herein-after mentioned as the Owner of any Barge, Lighter, Boat, or Craft, shall, subject as herein-after mentioned, be qualified to be admitted a Freeman of the said Company.
- XXV.** The Court of Master, Wardens, and Assistants of the said Company may admit as Freemen of the said Company such Persons as shall be qualified according to this Act, and apply to be admitted, and no other Persons, and such Persons when admitted by the said Court shall become Freemen
- Minute Book to be kept.
- Present Master and Wardens to continue in Office.
- Master and Wardens to retire annually, but re-eligible.
- If no Election, Master and Wardens to continue in Office.
- As to filling up casual Vacancies.
- Members of Court may be removed.
- Master, &c. neglecting to attend any Court for One Year without Permission, shall be removed.
- For the Election of New Members of the Court.
- Persons qualified to be admitted Members.
- Court for Admission of Members.

Freemen of the said Company, upon Payment of such Fee as the said Court of Master, Wardens, and Assistants may determine, not exceeding Five Pounds as a Life Payment, or Ten Shillings annually, subject to this Proviso, that no registered Owner of any Barge, Lighter, or other like Craft who does not hold a Licence granted in pursuance of this Act, and no Person holding a Licence and not being an Apprentice to a Freeman or Widow of a Freeman, shall be admitted as a Freeman of the said Company, unless Three Fifths of the Members of the said Court, assembled at an ordinary Quarterly or Special Meeting, or at some Adjournment thereof, concur in electing such Owner or Person to be a Freeman of the Company; but nothing herein contained shall prejudice the Rights which any Person, being an Apprentice at the Time of the passing of this Act, may have against the Company, or which the Company may have against any Person being an Apprentice at the Time of the passing of this Act, so that any such Apprentice be examined in accordance with the Byelaws for the Time being in force, before he is permitted to work as a Lighterman or Waterman within the Limits of this Act.

Appointment  
of Clerk.

XXVI. The said Court of Master, Wardens, and Assistants may appoint a Clerk, at such Salary as the said Court may from Time to Time determine, and assign to him such Duties as they think fit; and every such Clerk so appointed shall, previously to his entering on the Execution of his said Office, give Security to the Master and Wardens for the Time being in such Sum and with such Sureties as they may require.

Accounts to be  
kept by the  
Clerk, and  
audited.

XXVII. That the Accounts of the said Company shall be regularly kept by the said Clerk under Two distinct Heads, and in different Books, the One to be entitled "The Poor's Accounts," and the other to be entitled "The Company's Accounts," and that the said Accounts shall be audited by the said Court of Master, Wardens, and Assistants at their Quarterly Court, which shall be holden next after the Twenty-fourth Day of June in every Year, or by a Committee to be by them appointed for that Purpose, consisting of not less than Five Members of the said Court; and thereafter the same shall be laid before and audited by a professional Accountant, to be named by the Conservators of the River Thames, and that the Balance Sheet of the Company shall be open to the Inspection of any Person contributing to the Funds of the Company, on Payment of a Fee of One Shilling.

Court to  
appoint  
Inspectors of  
Plying Places,  
&c., Beadles,  
and other  
Officers.

XXVIII. That it shall be lawful for the said Court, from Time to Time and as often as they shall think proper, to name, place, and appoint Plying Places, and Inspectors of Plying Places and Causeways adjoining or near unto the said River Thames, and of Passenger and other Boats and Wherries used for the carrying and conveying of Persons on the said River for Hire or Gain, and also Beadles and such other inferior Officers and Servants as shall be convenient, and allow them or any of them such Salaries or Wages as they shall think proper, and may remove the said Inspectors, Beadles, Officers, and Servants, or any of them, from Time to Time as they shall



shall think fit: Provided always, that the Plying Places at Gravesend and Milton-next-Gravesend shall be named and appointed by the said Court, with the Consent of the Mayor, Jurats, and Common Council of Gravesend.

XXIX. The said Court of Master, Wardens, and Assistants shall, in their Discretion, appoint any Number of Watermen to ply and work on Sundays on the River Thames, between Chelsea and Bow Creek, at such Common Stairs or Places of plying as the Court thinks fit, so as not to interfere with any established private Ferry, and may pay such Sums of Money as may be agreed upon to such Watermen by way of Compensation for their Services.

Court may appoint Sunday Watermen.

XXX. No Sum exceeding Twopence shall be taken by any Waterman authorized in pursuance of this Act to ply on Sundays for carrying any Person across the River, or to or from any Ship or Vessel; and if any Waterman so plying on Sunday takes from any Person more than the said Sum of Twopence, he shall for each Offence incur a Penalty not exceeding Five Pounds.

Fares of Sunday Watermen.

XXXI. All Sums received by any Waterman so appointed to ply on Sunday shall, on the Monday following, or such other Day as the Court may appoint, be paid by him to the Clerk of the said Company, or to such other Person as the Court may appoint; and the Surplus of such Sums, after deducting the Sums paid by the Company to the Waterman for his Services, or the Rent received for such Ferries, if let as herein-after provided, shall be applied by the Company to the Use of the poor, aged, decayed, and maimed Watermen and Lightermen of the said Company, and their Widows, at the Discretion of the said Court of Master, Wardens, and Assistants.

Receipts on Sunday to be paid to Company.

XXXII. If any Waterman so appointed to ply on Sunday as aforesaid makes default in paying over in manner aforesaid all Sums received by him in respect of Sunday Fares, he shall for each Default or short Payment incur a Penalty not exceeding Forty Shillings.

Penalty on not paying over Receipts.

XXXIII. Nothing herein contained shall empower the said Court of Master, Wardens, and Assistants to appoint any Sunday Ferries, or grant any Licences to any Watermen or others to ply on the River Thames on a Sunday, from or at the Stairs on either Side of the Bridge at Vauxhall, or at any Stairs or other Place within Two hundred Yards of any Part of the said Bridge, so as to interfere with, prejudice, or affect the Tolls authorized to be taken for crossing the same.

Sunday Ferries not to be appointed within 200 yards of Vauxhall Bridge.

XXXIV. It shall be lawful for the said Court of Master, Wardens, and Assistants to let to Farm to any Person or Persons the said plying or working on Sundays at any Common Stairs or Places of plying for carrying and re-carrying of Passengers across the said River, or to or from any Ship or Vessel, for such Time as they shall think proper, provided they give or cause to be given Fourteen Days previous Notice thereof, by ordering a printed Paper, expressing their Intention to let the same, to be affixed in some conspicuous Place at or near such respective Common Stairs or Places of plying,

The Company may let the Sunday Ferries to Farm.

and let the same accordingly to the highest Bidder or Bidders who shall give Security, to their Satisfaction, for Payment of the Rent ; and if any Waterman whom the said Court shall appoint to ply and work as aforesaid, or any Person or Persons who shall take such plying and working to Farm, or any Person or Persons employed by or under him, shall demand or take from any Person or Persons whom he or they shall carry, any greater Sum of Money than Twopence as aforesaid, he or they shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Persons farming the same to employ no Person who has not been approved of by the Court.

XXXV. If any Person or Persons appointed to ply and work, or taking such plying or working to Farm, as aforesaid, shall employ or wilfully permit or suffer any other Person or Persons to be employed in plying or working as aforesaid, until such last-mentioned Person or Persons, and the Boat or Boats to be used by him or them, shall have been approved of for that Purpose by the said Court of Master, Wardens, and Assistants, he or they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Saving Right of Watermen of St. Margaret's and of St. John's Westminster.

XXXVI. Nothing in this Act contained shall extend to hinder or prevent the Watermen of the Parishes of Saint Margaret and Saint John, Westminster, from plying or working for Hire across the River Thames, from Westminster Bridge to Stangate, and from the Horse Ferry to Lambeth Stairs respectively, on every Sunday, and taking the Fare of One Penny for each Passenger, in their several Turns, as they have been accustomed and used to do ; and the Money earned by them or any of them on that Day is hereby directed to be from Time to Time employed for the Use of the poor, aged, decayed, and maimed Watermen, and their Widows, of the said Parishes of Saint Margaret and Saint John, Westminster ; and any Two Justices of the Peace of the said Parishes are hereby authorized from Time to Time to call the Watermen so working to account for the Moneys by them earned on the Sunday as aforesaid, and cause the same to be applied and disposed of as aforesaid ; and that the said Watermen of the said Parishes of Saint Margaret and Saint John for the Time being shall choose Two Stewards and a Clerk on the Twenty-third Day of April in every Year yearly, unless such Day shall happen to be on the Lord's Day, and in such Case on the following Day ; and such Watermen of the said Parishes, or the major Part of them which shall be present at a Meeting of their Society, shall and have hereby Power to appoint such of the Watermen of the said Parishes as shall, in their respective Turns, work on the Sunday as aforesaid ; and no Freeman or Apprentice, except the Watermen of the said Parishes, shall ply or work across the said River at either of the said Places on a Sunday.

Power to Justices at Gravesend to license Watermen to work on Sundays.

XXXVII. The Justices of the Peace acting in and for the Corporation, Villages, and Parishes of Gravesend and Milton, or any of them, may grant Licences to any Number of Freeman of the said Company residing at Gravesend, or any of the Apprentices of such Freeman or of the Widows of such Freeman residing at Gravesend, to carry Goods and Passengers for Hire

Hire at and from Gravesend on Sundays, and such Licence shall continue in force for the Time therein expressed: Nevertheless, the said Justices or any of them may from Time to Time recall such Licences before the Expiration of the Time therein respectively expressed.

XXXVIII. The Fares taken on Sundays by Freemen and Apprentices licensed to work at Gravesend as aforesaid shall be paid by them to such Persons as the said Court of Master, Wardens, and Assistants of the said Company from Time to Time appoint for that Purpose; and out of the said Moneys such Sum as the said Court shall from Time to Time fix shall be paid to each Freeman or Apprentice for his Day's Labour, and the Surplus thereof shall be distributed, twice in every Year, to or for the Benefit of the Freemen of the said Company residing at Gravesend, and the Widows of Freemen at the same Place, under such Regulations and in such Manner as the said Court of Master, Wardens, and Assistants may determine.

XXXIX. If any Person requests the said Justices acting in and for the Corporation, Villages, and Parishes of Gravesend and Milton, or any of them, to grant Permission to any Freeman of the Company, or any Apprentice of such Freeman or the Widow of such Freeman, to work for him, her, or them on a Sunday, the said Justices may grant such Permission to such Freeman to work for the Person making such Request, and such Freeman or Apprentice may retain the Fares received by him in respect thereof for his own Benefit or the Benefit of his Master or Mistress.

XL. If any Freeman or Apprentice, or other Person, except he be appointed by the said Court as aforesaid, plies for Hire, or takes or carries for Hire on a Sunday, at or from any Common Stairs or Place of plying on either Side of the said River at which the said Court appoints Watermen to ply and work as aforesaid, any Fare or Passenger across the said River, or to either of the Two Common Stairs or Places of plying on the opposite Side of the said River, next above or next below the Stairs or Place at which such appointed or licensed Watermen plies, or to any Place or Places to which the Fares and Passengers taken at such several and respective Common Stairs and Places of plying are usually conveyed by the Watermen appointed by the said Court to ply and work, or to or from any Ship or Craft lying or being on the said River, within the Distance of such Two other Stairs or Places of plying, he shall incur for each Offence a Penalty not exceeding Forty Shillings.

XLI. If any Freeman of the Company, or Apprentice, or other Person (without having such Licence or Permission as aforesaid from the said Justices,) plies or works at Gravesend on any Sunday, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

XLII. The said Court of Master, Wardens, and Assistants shall have full Power to superintend, regulate, and control all the Affairs and Concerns of the said Company, and to order

Application of Fares received at Gravesend on Sundays.

Permission may be granted to other Watermen to work on Sundays for Persons making Request.

Watermen not to ply or work on Sunday below London Bridge at the Plying Places next above and below any Sunday Ferry.

Penalty on other Watermen working at Gravesend on Sunday.

Court empowered to regulate the Affairs of the Company.

and to dispose of the Custody of their Common Seal, and the Use and Application thereof.

The Names of Persons keeping Boats, &c. for carrying Goods without Passengers, to be registered in the Books of the Company.

XLIII. The Owner for the Time being of any Lighter or Lighters, Barge or Barges, or other Boat or Craft used or to be used within the Limits of this Act, for the carrying of Goods, Wares, or Merchandise, without Passengers, from or to any Place, Ships, or other Vessels, shall cause his Name and Place of Abode to be registered in a Book to be kept by the Company for that Purpose, and shall deliver to the Clerk of the said Company a Statutory Declaration of the Ownership of every Lighter, Barge, Boat, or other Craft which shall be so registered; and thereupon the said Company shall deliver to the said Owner a Certificate of such Registration to be renewed annually; and if any such Owner shall use or employ, or cause to be used and employed for the Purpose of carrying Goods for Hire, any such Lighter or Lighters, Barge or Barges, or other Boat or Craft, without having first so registered his Name and Place of Abode and obtained such Certificate, he shall forfeit and pay for every such Offence the Sum of Ten Pounds; and there shall be paid to the said Company for the original Registry of the Name and Abode of such Owner, if a Freeman, the Sum of Ten Shillings, if a Non-freeman, the Sum of One Pound, and for the Registry of any Change in the Place of Abode of such Owner, whether a Freeman or the Widow of a Freeman or Non-freeman, the Sum of Five Shillings, and for each annual Renewal of the said Certificate such Sum as the said Court shall from Time to Time determine, not exceeding Five Shillings.

Register of Names of Lighters, &c. Payment for Registry.

XLIV. The Owner of any such Lighter, Barge, Boat, or other Craft as lastly herein-before mentioned shall cause its Name to be registered in a Book to be kept by the Company, and there shall be paid to the said Company for the original Registry of any such Lighter, Barge, or other Boat or Craft, and also for the Registry of any Change in the Ownership thereof, the Sum of One Shilling, and the Clerk shall, upon the original Registry of any such Craft, or upon the Registry of any Change of Ownership in any such Craft, issue a distinctive Number to the Owner of such Lighter, Barge, or other Boat or Craft, and such Number shall be the same for all Lighters, Barges, Boats, or Craft registered by the Company in the Name of such Owner.

The Names and Numbers of such Boats to be painted thereon.

XLV. The Owner or Owners of any such Lighter, Barge, or other Boat or Craft shall cause the Number so issued to them, together with the Name or Names of such Owner or Owners, and with the Name or Names of every Lighter, Barge, or other Boat or Craft, to be painted White on a Black Ground, in Capital Letters and Figures, of such Size as may from Time to Time be determined by any Byelaw for the Time being in force; such Figures and Letters to be painted on the Hudds Boards of Barges, and on the Bows of Lighters and other Craft, and to be preserved and kept legible, so as to be plainly seen in the Daytime by Persons passing on the said River; and no Person or Persons shall have Two Lighters, Barges,

Barges, or other Boats or Craft of the same Name ; and if any such Lighter, Barge, or other Craft is worked or navigated without being registered, or without the Number and Names being painted and kept legible as aforesaid, the Owner thereof, or the Person in charge thereof, shall for every such Offence incur a Penalty not exceeding Five Pounds.

XLVI. Every Freeman of the said Company, or Widow of a Freeman, may take such Apprentices as he or she thinks fit, for the Purpose of having them instructed in the Navigation of Barges, Lighters, Boats, Vessels, and other like Craft, subject to the following Conditions, that no Apprentice shall be bound for a less Period than Five Years, and that the Person to whom such Apprentice is bound shall undertake to find him proper Board and Lodging, either on his own Premises or elsewhere.

Freemen qualified to take Apprentices.

XLVII. Every registered Owner of a Barge, Lighter, or other like Craft, having in his Employ a Freeman of the said Company, or a Lighterman licensed as herein-after mentioned, and actually employed in navigating the Barge, Lighter, or other like Craft of his Employer, may take such Apprentices as he thinks fit, for the Purpose of having them instructed in the Navigation of Barges, Lighters, and other like Craft, subject to the following Conditions, that no Apprentice shall be bound for a less Period than Five Years, and that the Person to whom such Apprentice is bound shall undertake to find him proper Board and Lodging, either on his own Premises or elsewhere.

Barge Owners qualified to take Apprentices.

XLVIII. That after the Commencement of this Act it shall not be lawful for any Freeman of the said Company, or Widow of a Freeman, or registered Barge Owner, to bind or take any Person as an Apprentice who shall be under the Age of Fourteen or above the Age of Twenty Years ; and no Indentures of Apprenticeship shall be executed unless it appear by a Certificate signed by the Registrar of Births for the District or Place where the Person to be bound was or shall be born or baptised, or by the Oath (or Affirmation, if of the People called Quakers) of a credible Witness, that such Person is of the Age of Fourteen Years and under the Age of Twenty Years.

No Freeman, Freeman's Widow, or Barge Owner to take any Apprentice under Fourteen or above Twenty Years of Age.

XLIX. And if any such Freeman or Widow or Barge Owner, who shall bind any such Apprentice, shall neglect or refuse to lodge his Apprentice as aforesaid, he or she shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered by the said Company ; and the Apprentice or Apprentices of such Person shall and may, upon Application made to the Court of Master, Wardens, and Assistants of the said Company at any of their Meetings, be by them turned over to any other Master or Mistress, any Indenture, Covenant, Contract, or Agreement to the contrary notwithstanding.

Penalty for refusing to lodge Apprentices.

L. Every Person duly bound Apprentice to any Freeman of the said Company, or the Widow of any Freeman, or to a Barge Owner, shall serve and be compellable to serve the whole of his Apprenticeship, although he may previously have

Apprentices to be compelled to serve, although of Age.

attained the Age of Twenty-one Years, any Law or Statute to the contrary notwithstanding.

Court for  
binding  
Apprentices  
to Freemen.

LI. That at the Court to be holden next after the Twenty-fourth Day of June in every Year, Five of the Members of the said Court, not being the Master or Wardens, Preference being given to such of them (if any) as shall have served the Office of Master, shall be appointed, who, together with the Master and Wardens for the Time being of the said Company, and such other of the Assistants as shall think proper from Time to Time to attend, shall be a Court for the Admission of Freemen of the said Company, and the Execution of all Indentures of Apprenticeship authorized by this Act, and Assignment of Apprentices; and such Court shall meet from Time to Time during the Year for which they shall be appointed, when they shall think proper, but no Business shall be transacted at any such Meeting unless Five Persons be present, and the same Person shall preside, and all Questions shall be determined at the said Court in the same Manner as is herein-before provided with respect to the Meetings of the Court of Master, Wardens, and Assistants of the said Company; and that no Indenture of Apprenticeship, or the Assignment of any Apprentice from one Master to another, authorized by this Act, or the Admission of any Person to be a Freeman of the said Company, shall be executed or made except at a Meeting of the said Court.

No Apprentice  
to have the sole  
Charge of any  
Boat, unless he  
shall have  
served Two  
Years.

LII. That after this Act shall come into operation, it shall be lawful for all Apprentices bound to a Party authorized by this Act to take Apprentices, to have or take the sole Charge of any Boat, Barge, or other Vessel, provided such Apprentices shall have worked and rowed upon the said River as Apprentices for the Space of Two Years at the least, and upon their being found qualified to act, upon Examination by the said Court, and upon obtaining a Licence from the said Court, subject to an Appeal to the Conservators of the River Thames, as is herein-after provided with respect to licensed Lightermen; and the Master or Mistress of every such Apprentice not having worked or rowed as aforesaid, who shall permit or allow such Apprentice to take such sole Charge of any such Boat or other Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
Clerk of  
Company for  
neglecting to  
register.

LIII. That if the Clerk of the said Company shall refuse or neglect to register the Name and Place of Abode or Work of any Freeman or Widow of a Freeman, or the Number of any Wherry, Boat, or other Vessel, or the Name and Place of Abode of any Person who may keep any Lighter, Barge, or other Boat or Craft, and the Name and Number thereof, or other Matter or Thing required by this Act to be registered by him, on being applied to and required so to do, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

None but  
Freemen of the  
Company (ex-  
cept as after

LIV. If any Person, not being a Freeman licensed in pursuance of this Act, or an Apprentice, qualified according to this Act, to a Freeman or to the Widow of a Freeman of the

the

the said Company (except as herein-after is mentioned), shall at any Time act as a Waterman or Lighterman, or ply or work or navigate any Wherry, Passenger Boat, Lighter, Vessel, or other Craft upon the said River, from or to any Place or Places or Ship or Vessel within the Limits of this Act, for Hire or Gain (except as herein-after is mentioned), every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings : Provided always, that it shall be lawful for any Person who shall obtain a Licence as is herein provided, or is an Apprentice qualified as herein provided, to work as a Lighterman within the Limits of this Act.

LV. Any Person qualified as herein-after mentioned, if desirous of working as a Lighterman within the Limits of this Act, may apply to the said Court of Master, Wardens, and Assistants for a Lighterman's Licence authorizing him to work as a Lighterman within the Limits of this Act ; and if any Person, qualified as herein-after mentioned, is desirous of working as a Waterman within the Limits of this Act, may apply to the said Court of Master, Wardens, and Assistants for a Waterman's Licence authorizing him to work as a Waterman within the Limits of this Act ; and the Court, if satisfied of the Competency of such Applicant, shall grant to him a Lighterman's or Waterman's Licence accordingly.

LVI. No Person shall be deemed qualified for a Lighterman's Licence unless he is of the Age of Nineteen or upwards, is of good Character, and has served an Apprenticeship of Five Years at the least to some Person authorized by this Act to take Apprentices for the Purpose of having them instructed as Lightermen, and has, for a Period of Two Years at the least immediately preceding his Application, been continuously engaged in working a Barge, Lighter, or other like Craft within or through the Limits of this Act.

LVII. No Person shall be deemed qualified for a Waterman's Licence unless he is of the Age of Nineteen or upwards, is of good Character, and has served an Apprenticeship of Five Years at the least to some Freeman or Widow of a Freeman of the Company, and has, for a Period of Two Years at the least immediately preceding his Application, been continuously engaged in working a Boat or Craft within or through the Limits of this Act.

LVIII. There shall be paid to the said Company, in respect of any Licence granted to any Person, not being a Freeman, to work as a Lighterman within the Limits of this Act, the Sum of Three Pounds Eleven Shillings, or such less Sum as the Court may from Time to Time determine, and on each Renewal, such Sum not exceeding Two Shillings and Sixpence as the said Court may determine.

LIX. It shall be lawful for the Court to make any such Licence so to be granted as aforesaid renewable, provided the same is not made renewable more than once in any One Year, nor less than once in any Three Years.

LX. There shall be paid to the said Company, in respect of any Licence granted to any Freeman of the Company, or to the Widow of such Freeman, or his or her Apprentice, or on

mentioned) to row or work any Boat or Craft for Hire.

Applications for Lighterman's and Waterman's Licences.

Qualification of Applicant for Lighterman's Licence.

Qualification of Applicant for Waterman's Licence.

Fees payable for Licences.

Power to renew Licences.

Fee for Licences to Freemen, &c.

the Renewal thereof, such a Sum as the Court may from Time to Time determine.

Persons having served Apprenticeship to be admitted Freemen.

LXI. Every Person who shall have served an Apprenticeship with a Freeman or the Widow of a Freeman shall be entitled to be admitted a Freeman, upon making such Payments and complying with such Regulations as may be fixed by the Court from Time to Time.

Right of existing Freemen to renew Licences.

LXII. Every Person who at the Time of the passing of this Act is authorized under the said Act of the Seventh and Eighth Years of His late Majesty King George the Fourth to work as a Lighterman or Waterman within the Limits of this Act, shall be entitled, without any Examination, or the Production of any Evidence of his Competency, and without Payment of any Fee, to receive a Licence from the said Court of Master, Wardens, and Assistants, authorizing him to work as a Waterman or Lighterman within the Limits of this Act, and subject only to the annual Renewal Fee.

Appeal from Decision of Court refusing Licence.

LXIII. If upon Complaint to the Conservators of the River Thames, it appears to them that the said Court of Master, Wardens, and Assistants has, without reasonable Cause, failed or refused to grant a Licence to any Person qualified to obtain the same under the Provisions of this Act, who has applied to them for a Licence, the said Conservators may, if satisfied of the Competency of the Applicant, and after hearing the said Court, order and direct the said Court to grant such Licence, and they shall be bound, on such Order being left with the Clerk of the said Company, to grant to such Applicant a Licence accordingly.

Penalty on Misconduct or Incompetency.

LXIV. If any Lighterman or Waterman to whom a Licence is granted in pursuance of this Act is guilty of such Misconduct or Acts of Incompetency, while working as a Lighterman or Waterman, as, in the Opinion of the said Court of Master, Wardens, and Assistants, to disqualify him, either wholly or partially, from holding such Licence, such Court may, after hearing what he has to urge in his Defence, and subject to an Appeal to the said Conservators of the River Thames, who may revoke or modify the Order of the said Court, endorse, suspend, or cancel altogether any Licence he may hold.

Register of Licences.

LXV. The said Company shall keep a Register of all Lightermen and Watermen licensed by them in pursuance of this Act; and any Person may inspect the same, on Payment of such Sum, not exceeding One Shilling, as the said Company may require.

No Barge, &c. to be navigated unless a Lighterman, &c., shall be in charge.

LXVI. No Barge, Lighter, Boat, or other like Craft for the carrying of Goods, Wares, or Merchandise shall be worked or navigated within the Limits of this Act, unless there be in charge of such Craft a Lighterman licensed in manner herein-before mentioned, or an Apprentice qualified as herein-before mentioned; and if any such Craft be navigated in contravention of this Section, the Owner thereof shall in respect of such Offence incur a Penalty not exceeding Five Pounds, subject to this Proviso, that no such Penalty shall be payable if the Owner proves, to the Satisfaction of the Magistrate or Court before whom the Case is heard, that he is unable, for the



the usual Compensation, to obtain the Services of any such Lighterman or Apprentice.

LXVII. If after the Commencement of this Act any unlicensed Person rows, steers, or navigates for Hire, within the Limits of this Act, any Passenger Boat, he shall incur for each Offence a Penalty not exceeding Five Pounds.

LXVIII. That the said Court shall grant a Licence to any Freeman of the said Company, or the Widow of any Freeman, to use and work for Hire any Wherry, Boat, or other Vessel, except River Steam Boats, for carrying Persons or Passengers on the said River Thames within the Limits of this Act, on a Certificate being produced to them, verified by the Oath of the Builder or Builders or Owner or Owners of such Wherry, Boat, or other Vessel, of the Burthen, Size, and Dimensions thereof, according to the Byelaws for the Time being of the Company; and in such Licence there shall be expressed the Number of Persons or Passengers such Wherry, Boat, or other Vessel respectively shall be permitted to take and carry, and for every such Licence One Shilling and no more shall be paid; and such Licence shall contain a Number for such Wherry, Boat, or other Vessel, which shall be registered in a Book or Books to be kept for that Purpose by the Clerk of the said Company; and the Owner or Owners of such Wherry, Boat, or other Vessel shall cause such Number, together with his, her, or their own Name or Names, to be painted and kept legible on such Wherry, Boat, or other Vessel, in such Manner as in any Byelaws or Regulations now in force or which may hereafter be made by the said Court shall from Time to Time be directed; and no Wherry, Boat, or other Vessel belonging to any Freeman of the said Company, or the Widow of any Freeman, shall at any Time hereafter be allowed to ply for Hire at any public Stairs or Plying Places for the carrying of Persons or Passengers for Hire within the Limits of this Act without such Licence as aforesaid, and without the Name and Number being painted thereon as aforesaid; and if any Wherry, Boat, or other Vessel shall be used or worked without such Licence for the same having been first obtained as aforesaid, or without such Name or Names and Number painted and legible thereon as aforesaid, the Owner or Owners thereof or the Person rowing or navigating the same shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LXIX. All Licences granted by the said Court of Master, Wardens, and Assistants shall be registered by them.

LXX. If a greater Number of Passengers is taken in any Passenger Boat than she is licensed to carry, or, if not licensed, than she is calculated to carry, having reference to the Burthen and Construction thereof, the Owner or Person having Charge thereof shall, whether such Boat shall be licensed to carry Passengers or not, incur for the First Offence, in respect of every Passenger exceeding such Number, a Penalty not exceeding Forty Shillings, and in respect of any subsequent Offence shall incur the same Penalty, and be liable to have his Licence suspended, withheld, or withdrawn for such Time as the said Court of Master, Wardens, and Assistants may think just.

Penalty on unlicensed Persons navigating Passenger Boat.

No Boat to be used for carrying Passengers without a Licence expressing the Number of Persons it may be allowed to carry.

Number and Name of Owner to be painted thereon.

Registry of Licences.

Penalty for taking more than the Number allowed on Licence.

Court to fix  
Fares for the  
Watermen.

LXXI. The said Court of Master, Wardens, and Assistants are hereby empowered, with the Sanction of the Conservators of the River Thames, from Time to Time to limit and fix the Price or Fare that every Waterman is entitled to be paid for his Labour in conveying any Person or Persons in a Passenger Boat from Place to Place, or to and from Steamers or other Vessels on the said River, within the Limits of this Act, and with the like Sanction, from Time to Time to alter such Prices or Fares, or any of them: Provided always, that this Provision shall not enable the said Court of Master, Wardens, and Assistants to interfere in any way with the Sunday Ferries hereby authorized, or the Tolls thereof.

Watermen to  
carry a List of  
Fares and  
Byelaws.

LXXII. The said Court of Master, Wardens, and Assistants shall cause a List of the Fares fixed and allowed from Time to Time as aforesaid, together with such of the Provisions contained in this Act, and of the Byelaws for the Time being in force relating to the Conduct of Watermen plying for Hire, as the said Court think proper, to be printed on a Card, or otherwise, as the Court think fit, and shall cause a Copy thereof to be given gratis to all licensed Watermen, and shall furnish Copies thereof to every Waterman upon Payment of the Sum of One Shilling for a Dozen Copies, and so in proportion for a less Number; and every Waterman shall have a Copy thereof in his Boat; and if any Waterman refuses to produce the same to any Person by whom a Fare may be payable, or produces a false Copy thereof, or does not permit such Person to examine the same, then and in any such Case every such Person is hereby discharged from paying his Fare, and the Waterman so offending shall for each Offence incur a Penalty not exceeding Forty Shillings.

Penalty on  
Watermen  
avoiding or  
refusing to take  
a Fare.

LXXIII. If any Waterman plying within the Limits of this Act wilfully avoids or attempts to avoid any Passenger coming to or being at any Stairs or Plying Place for the Purpose of taking a Boat, or refuses or omits to take such Passenger inquiring for or desirous of taking such Boat, or represents that he is hired when he is not so hired, or does not answer when called by the Number of his Boat, then and in any such Case every such Waterman so offending shall incur for every Offence a Penalty not exceeding Forty Shillings.

Penalty on  
Watermen  
refusing or  
delaying to  
proceed as  
directed.

LXXIV. If any Waterman refuses to take any Passenger to such Place or Places as he directs, or unnecessarily delays any Passenger by not bringing up his Boat for the Passenger to get into, or continues at the Stairs or Causeway after such Passenger is in his Boat, or does not proceed with due Diligence and Exertion, and without wilful Let or Hindrance, to such Place or Places as the said Passenger lawfully directs, then and in every such Case every Waterman shall for every Offence incur a Penalty not exceeding Forty Shillings.

Penalty on  
demanding  
more than the  
Fare.

LXXV. Every Person who demands or takes for his or their Labour or Fare in navigating any Passenger Boat within the Limits of this Act, more than the said Prices so fixed by the said Court of Master, Wardens, and Assistants, and allowed as aforesaid, shall incur for each Offence a Penalty not exceeding Forty Shillings.

LXXVI. If

LXXVI. If any Waterman refuses to permit any Person to read, or in anywise hinders any Person from reading the Name and Number painted on any Boat as aforesaid, or if any Waterman refuses to tell his Christian Name or Surname, or the Number of his Boat, to any Person who demands the same, on being paid any Fare, or in answer to such Demand gives a false Name or Number, or makes use of any scurrilous or abusive Language to any Passenger or Person, then and in every such Case every such Waterman shall incur for every such Offence a Penalty not exceeding Forty Shillings.

LXXVII. That the said Court shall, upon the Request in Writing, addressed to the Clerk of the said Company and left at the Hall of the said Company or the Office of such Clerk, of every Person or Persons who now keep or shall hereafter keep on the said River, within the Limits of this Act, any Wherry or other Boat to be let out for Hire or Gain, cause the Name or Names and Place or Places of Abode of such Person or Persons to be duly registered in a Book or Books to be kept by the Clerk of the said Company for that Purpose, to whom every such Person shall pay, for the Use of the said Company, Two Shillings and Sixpence for each Wherry or Boat for every such Registry; and also cause a Number for each Wherry or Boat to be forthwith delivered by the said Clerk to such Person or Persons, and such Number shall be painted in Capital Figures, in such Way as the Court may direct, on such Wherry or other Boat, and be preserved and kept legible, so as to be plainly seen in the Daytime by Persons passing on the said River; and if any such Person or Persons shall neglect to cause such Wherry or Boat to be registered, or such Number, together with his Name and the Name of the said Boat, to be painted or preserved legible, they, he, or she shall for every such Offence forfeit and pay any Sum of Money not exceeding Forty Shillings.

LXXVIII. If any Person refuses to pay any Waterman the Fare justly due to him for carrying such Person in his Boat, the Lord Mayor or other Magistrate of the City of London, or any Justice of the Peace, Police or Stipendiary Magistrate, within whose Jurisdiction such Refusal is made, shall, upon Complaint made of such Refusal, summon such Person or Persons to answer the said Complaint, by causing such Summons to be served personally, or by leaving the same at his, her, or their last or usual Place of Abode or Business; and if any Person or Persons, being duly summoned as aforesaid, refuses or neglects to appear and answer to any Complaint or Complaints made against him for refusing any such Payment as last hereinbefore is mentioned, the Lord Mayor or other Magistrate of the City of London, or Justice, Police or Stipendiary Magistrate, shall issue his Warrant for apprehending such Person, upon Oath being made of such his Refusal as aforesaid and Service of such Summons, and cause the Party so offending to be brought before him; and the said Lord Mayor or other Magistrate of the City of London, or Justice, Police or Stipendiary Magistrate respectively, the Party accused being before him, either by means of such Summons or of such Warrant as last hereinbefore

Penalty on Waterman preventing Persons reading the Names or Numbers, or refusing to state their Names, or using abusive Language.

Boats let for Hire to be registered and numbered.

Lord Mayor, &c. to summon Persons refusing to pay their Fare, and order Payment, &c.

before is mentioned, shall, upon due Proof made of such Refusal of Payment upon Oath or upon Confession of the Party or Parties, order Payment of the Sum due to any such Waterman, and also award reasonable Satisfaction to be made to him for his Loss of Time and Costs; and if the said Person so offending does not pay such Sum or Sums of Money, and make such reasonable Satisfaction (if awarded) as aforesaid, the said Lord Mayor or other Magistrate of the City of London, or Justice, Police or Stipendiary Magistrate respectively, shall commit the Person or Persons so refusing to some Prison within the City of London or the several Counties or Places adjoining to the said River of Thames, there to remain for any Space of Time not exceeding One Calendar Month, unless the Sum or Sums of Money ordered and awarded as aforesaid be sooner paid.

Persons refusing to give their Names, or giving fictitious Names, to be punished.

LXXIX. If any Person refuses to pay any Waterman the Money demanded by him for carrying such Person in his Boat, and refuses to give to such Waterman, upon Demand, his Name, or the Name of his Place of Abode, or instead thereof wilfully gives any false Name or Names, for the Purpose of preventing himself being summoned, every Person refusing to make such Payment, or to give his real Name, or the Name of the Place of his Abode, or giving any false or fictitious Name or Place of Abode as aforesaid, shall for every such Offence incur a Penalty not exceeding Five Pounds, and such Offender may thereupon be summoned, and otherwise proceeded against, not only for the Recovery of the Money justly due to such Waterman, and reasonable Satisfaction for his or their Loss of Time and Costs, but also for enforcing the Payment of the said Penalty.

Court empowered to make Byelaws, and alter those made by Company if not inconsistent with Act, &c.

LXXX. The said Court of Master, Wardens, and Assistants are hereby empowered from Time to Time to make such Byelaws as they think proper for the Government of the said Company, and for the Government and Regulation of Lightermen and Watermen, and for carrying into effect the Purposes of this Act and the several Powers and Authorities hereby vested in the said Company, with Power to annex reasonable Penalties and Forfeitures for the Breach of such Byelaws respectively, not exceeding the Sum of Five Pounds for any One Offence, so that the same Byelaws be not inconsistent with any of the Laws of this Kingdom, or with this Act, or with any of the Byelaws, Rules, Orders, or Regulations made or to be made by the Conservators of the River Thames under the Authority of the Thames Conservancy Act, 1857, or of any Act for the Time being in force relating to the Conservancy of the River Thames; and also from Time to Time to alter, amend, and repeal such Byelaws, or any of them: Provided always, that no such Byelaws shall in any way interfere with the Tolls of the Sunday Ferries herein-before authorized, and that no such Byelaws or Alterations in Byelaws shall be of any Validity, until they shall have been approved by the Conservators of the River Thames.

Byelaws made by the Court of Master,

LXXXI. All Byelaws from Time to Time made, altered, or amended by the said Court of Master, Wardens, and Assistants  
in

in pursuance of this Act, shall be printed and sent to the several Police Courts of the Metropolis by the Court, to the Town Clerk of Gravesend and Milton, and also to the several Clerks of the Peace of the Counties and Places adjoining to the River Thames within the Limits of this Act, to be published in such Manner as the Court of Quarter Sessions in those Counties direct, and shall also be made public in such other Manner as the said Court shall from Time to Time order and direct.

**LXXXII.** All Byelaws, Rules, Prices, Fares, Orders, and Regulations made and fixed in pursuance of the said Act passed in the Session holden in the Seventh and Eighth Years of His late Majesty King George the Fourth, Chapter Seventy-five, which may be in force at the Time of the Commencement of this Act, and are not inconsistent with the Provisions of this Act, shall continue in force until other Byelaws have been made and approved and allowed in manner directed by this Act, but such Byelaws shall not continue in force for more than Twelve Months after the passing of this Act.

**LXXXIII.** Nothing herein contained shall vacate or affect any subsisting Indenture of Apprenticeship.

**LXXXIV.** For providing a Fund to defray the Expenses of the Company there shall be paid by every Freeman of the Company who is not a registered Owner of Craft for carrying Goods the Sum of Three Shillings per Annum, and by every Freeman who is such registered Owner the Sum of Six Shillings per Annum, such Payments to be made at Waterman's Hall on such Days as the Court shall appoint; and if any Freeman of the said Company shall neglect or refuse to pay such Sum of Money for the Space of Three Calendar Months next after the Time to be appointed for Payment thereof, such Freeman shall be disfranchised, and shall not be allowed to work, row, or navigate any Barge, Lighter, Boat, or other Vessel, or to enjoy any of the Privileges of a Freeman of the said Company, until he shall have paid all Arrears thereof.

**LXXXV.** Except as herein-after mentioned, all Penalties and Forfeitures imposed by this Act, or by any Byelaw made in pursuance thereof, shall be recovered in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

**LXXXVI.** That in every Case in which any Oath is by this Act directed to be made or taken, or any Matter or Thing is directed to be proved by Oath, the Conservators of the River Thames, or the said Court, or the said Master, or One of the Wardens or Assistants present at any Court of Master, Wardens, and Assistants, or any Court for Apprentices and the Admission of Freemen, or any Two or more of the said Master, Wardens, and Assistants, before whom such Oath is hereby directed to be made or taken, or such Matter or Thing to be proved, shall have full Power to administer the Oath, or instead thereof to receive a solemn Affirmation by any of the People called Quakers, as the Case may be.

**LXXXVII.** In case any Freeman, or the Widow of any Freeman, or any Apprentice of a Widow of a Freeman of the

Wardens, and Assistants to be printed and made public.

Present Byelaws to continue in force until others are made.

Not to vacate, &c. present Indentures.

Registered and non-registered Freemen to make annual Payments to Company.

Manner of recovering Penalties.

Power to Master, &c. to administer Oaths.

Members of the Court of the said

hear and determine on Complaints.

said Company, shall make Complaint to the said Master, Wardens, and Assistants for the Time being of the said Company, or any Two or more of them, against any other such Freeman, Widow, or Apprentice, for any Offence or Misbehaviour against this Act, or any of the said Rules or Byelaws made or to be made and approved of as aforesaid, it shall be lawful for the said Master, Wardens, and Assistants, or any Two or more of them, (as well as for the Lord Mayor, Recorder, Alderman, or Justice respectively having Jurisdiction within the Limits of this Act,) and they are hereby required to hear and determine concerning any such Offence or Misbehaviour, and convict the Offender as herein-after is mentioned and directed; (that is to say,) in every such Case it shall be lawful for the Master, Wardens, or Assistants, or any Two or more of them, upon Complaint made by any such Freeman, Widow, or Apprentice as aforesaid of any such Offence or Misbehaviour, within Thirty Days after the Commission thereof, to cause the Freeman, Widow, or Apprentice offending as aforesaid to be summoned personally, or by leaving such Summons at his, her, or their last or usual Place of Abode, to appear and answer to the said Complaint; and the Party accused being before the said Master, Wardens, and Assistants, or any Two or more of them, to hear and examine upon Oath the Complainant, or any Witness or Witnesses, touching such Offence or Misbehaviour, and determine concerning the same; and if the Freeman, Widow, or Apprentice accused shall be convicted of any such Offence or Misbehaviour, it shall be lawful for the said Master, Wardens, and Assistants, or any Two or more of them, and they are hereby required to impose a Fine upon such Offender for the said Offence or Misbehaviour, not exceeding the Penalty or Penalties inflicted by this Act, or the said Rules or Byelaws made or to be made and approved of as aforesaid, or any of them; and if the Freeman, Widow, or Apprentice convicted shall not forthwith pay the Penalty or Forfeiture so imposed upon him, her, or them, it shall be lawful for the said Lord Mayor, Recorder, or any Alderman or Justice as aforesaid, within whose Jurisdiction as aforesaid the said Offence or Misbehaviour shall have been committed, and he is hereby required, upon Production to him or them respectively of such Conviction drawn up in Writing, to issue his Warrant for apprehending such Freeman, Widow, or Apprentice, and to cause such Penalty or Forfeiture to be forthwith paid or raised, or to commit the Party convicted, in the same Manner in all respects as he is entitled to do with respect to any Party who shall be convicted by or before the said Lord Mayor, Recorder, Alderman, or Justice respectively; and such Conviction by the said Master, Wardens, and Assistants, or any Two or more of them, shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

' Form of Conviction ' by the Court of ' Master, Wardens, &c. to wit.'	}	BE it remembered, That on the Day of _____, in the _____ Year of Her Majesty's Reign, A.B. is convicted before us, [describe here Master, Wardens, ' or Assistants, as the Case may be,] of the Company of Water- ' men
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‘ men and Lightermen of the River Thames, for [here set forth  
‘ the Offence], and we do adjudge him to pay and forfeit for  
‘ the same the Sum of

‘ Given under our Hands and Seals the Day and Year  
aforesaid.’

LXXXVIII. No Constable or other Officer shall, by virtue of any Warrant, apprehend or take any Freeman, Apprentice, or licensed Lighterman or Waterman out of any Passenger Boat or Craft on which he may happen to be rowing or navigating, until such Boat or Craft is safely moored, unless there are sufficient Hands on board to row or navigate or take care thereof; and Notice of this Provision shall be inserted in every Warrant for the Information of the Constable or other Officer who may have the Execution thereof.

Constables not to apprehend or take Watermen out of their Boats until moored.

LXXXIX. If any Person who shall be summoned as a Witness to give Evidence before the Conservators of the River Thames, or the Master, Wardens, or Assistants respecting any Matter of Fact relating to any Information or Complaint, for any Offence against this Act, or any such Rules or Byelaws as aforesaid, either on the Part of the Prosecutor or the Person or Persons accused, shall, after a reasonable Sum for his or her Costs shall have been paid or tendered to him or her, refuse or neglect to appear at the Time and Place by such Summons appointed, without a reasonable Excuse for such Neglect or Refusal, such Person or Persons shall forfeit for every such Neglect or Refusal any Sum not exceeding Forty Shillings.

For compelling the Attendance of Witnesses.

XC. That all Penalties and Forfeitures which shall be levied or recovered and received in pursuance and by virtue of this Act shall be paid to the said Court of Master, Wardens, and Assistants of the said Company for the Time being, or to the Clerk of the said Company, at their Hall, within One Week after the same shall be levied, and shall be paid and distributed to the poor, aged, and decayed Freemen of the said Company and their Widows, except only that it shall be lawful for the said Lord Mayor, Recorder, and Alderman, or Justices, Master, Wardens, or Assistants respectively, before whom any Offender or Offenders shall be convicted, out of the said Forfeitures and Penalties, to reward any Person or Persons who shall inform of any Offence or Offences against this Act, or the said Rules or Byelaws, according to the Discretion of such Lord Mayor, Recorder, Aldermen, or Justices, Master, Wardens, or Assistants respectively, so as such Reward exceed not One Half Part of the respective Penalties or Forfeitures.

Application of Penalties.

XCI. That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for anything done in pursuance of this Act, until Notice in Writing, signed by his, her, or their Attorney, specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their usual or last Place or Places of Abode or Meeting at least Fourteen Days before the same shall have been commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their

Plaintiff not to recover without Notice, or after Tender of Amends.

Attorney,

Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought, nor if such Tender of Amends shall be made after the said Action brought, and before the Trial thereof, together with Costs of Suit at the Time of such last-mentioned Tender ; but on Proof of such Tender at any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment, as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law ; and in case no such Tender of Amends shall have been made, it shall be lawful for the Defendant or Defendants, by Leave of the Court, if at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgments shall be made and given in and by such Court, as in other Actions wherein Defendants are allowed to pay Money into Court.

Proceedings  
not to be  
quashed for  
Want of Form.

XCII. That no Proceedings to be had, touching the Conviction of any Offender or Offenders against this Act, or any Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, unto any of Her Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Limitation of  
Action.

XCIII. That no Action or Suit shall be commenced or prosecuted against any Person or Persons, Body or Bodies Politic or Collegiate, for anything done in pursuance of this Act, after Three Calendar Months next after the Cause of such Action shall have arisen ; and every such Action or Actions shall be brought in the County, City, or Place in which the Cause of Action shall have arisen, and not elsewhere, and the Defendant or Defendants in such Action or Suit may, at his, her, or their Option, either plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereon, and that the same was done in pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or that such Action or Suit was brought without Fourteen Days Notice thereof having been given as aforesaid, or after sufficient Amends tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time lastly before limited, or shall be brought in any other County, City, or Place than where the Cause shall have arisen, then and in any of such Cases the Jury or Juries shall find a Verdict for the Defendant ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall discontinue his or their Action or Actions, after the Defendants or Defendant shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs therein, then and in any of the Cases aforesaid, the Defendants or Defendant shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his or their Costs in any other Cases by Law.

Double costs.

XCIV. Nothing



**XCIV.** Nothing in this Act contained shall extend to take away, abridge, lessen, alter, or prejudice any of the Jurisdiction, Franchises, Rights, Powers, or Privileges of the Master, Wardens, and Assistants of the Trinity House of Deptford Strond; nor shall any Mariner or seafaring Man licensed by the said Master, Wardens, or Assistants of the Trinity House, or any of the Men employed by the said Master, Wardens, and Assistants of the Trinity House, be subject to the Provisions of this Act, or to any Penalty imposed by this Act.

Saving the Powers of the Master, &c. of the Trinity House of Deptford Strond in licensing Mariners.

**XCV.** Except as is herein expressly provided, nothing in this Act contained shall prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of London, or their Successors.

Saving Rights of the City of London.

**XCVI.** Nothing in this Act contained shall take away, abridge, hinder, or otherwise impeach any Right belonging to or lawfully claimed by Charles Duke of Richmond and Lennox, Lord of the Manor of Gravesend, his Heirs, Executors, Administrators, or Assigns, for the holding of a certain Court within the said Manor, called Curia Cursus Aquæ, or the Court of the Watercourses; or any Right, Liberty, Power, and Privileges whatsoever belonging to the said late Duke, his Heirs, Executors, Administrators, and Assigns.

Saving Right of the Duke of Richmond to hold a Court at Gravesend, called Curia Cursus Aquæ.

**XCVII.** Nothing in this Act contained shall take away, abridge, hinder, or impeach any Grant, Liberty, Franchise, Custom, or Usage, now or heretofore lawfully used, held, or enjoyed by the Mayor, Jurat, and Capital Inhabitants of the Villages and Parishes of Gravesend and Milton in the County of Kent.

Saving the Liberties of the Inhabitants of Gravesend and Milton.

**XCVIII.** Nothing in this Act contained shall take away, abridge, hinder, or impeach or affect any Estate, Right, Title, Interest, Liberty, Privilege, Power, or Authority which the Commissioners of Westminster Bridge have or are entitled in anywise relating to the Three several and respective Sunday Ferries across the River Thames, from Westminster Bridge to Stangate, and from the Horse Ferry to Lambeth, and from Millbank to Vauxhall, or any or either of them, or any other Estate, Right, Title, Interest, Liberty, Privilege, Power, or Authority whatsoever, of, belonging, or in anywise appertaining to the said Commissioners.

Saving Rights, &c. of the Commissioners of Westminster Bridge.

**XCIX.** Nothing in this Act contained shall prejudice or affect the Rights and Privileges to which the Owner or Owners of a Ferry or Ferries over or across the said River Thames, within the Limits of this Act, are now entitled to by Law.

Saving existing Ferries.

**C.** Nothing in this Act contained shall interfere with, lessen, or abridge the Rights and Privileges of any Company of Proprietors of any Docks and Canals within the Limits of this Act, or any of their Officers, with respect to the Navigation in the said Docks or Canals respectively, or in anywise relating thereto.

Saving Powers of Dock Companies.

**CI.** Nothing in this Act contained shall extend to any Person while actually engaged in working or navigating Boats, Barges, or Vessels belonging to or used by the Conservators of the River Thames, within the Limits of this Act, or shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River Thames, or to prohibit,

Saving Rights of the Conservators of the River Thames.

defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Conservators did or might lawfully claim, use, or exercise.

Nothing to affect Provisions of 17 & 18 Vict. c. 104., &c.

Application of Moneys.

CII. Nothing in this Act contained shall prejudice or affect "The Merchant Shipping Act, 1854," or any Act amending the same, or any Power or Privilege thereby conferred.

CIII. The Costs, Charges, and Expenses of and incidental to the passing of this Act shall be defrayed as follows; that is to say, the Company shall pay to the Promoters of this Act, in respect of their Costs, Charges, and Expenses, the Sum of One thousand Pounds out of the first Fees which shall be paid to the Company under this Act by Persons not Freemen of the Company, or entitled to be Freemen under the said recited Act; and until such Sum of One thousand Pounds shall be paid, the Company shall keep a distinct and separate Account of all such Fees as aforesaid, and the Company shall pay their own Costs, Charges, and Expenses out of the general Funds of the Company.

*Cap. cxxxiv.*

"The West London Extension Railway Act, 1859."

Recites that by 5 G. 4. c. lxxv., the Kensington Canal Company were incorporated, with Power to make the Canal and other Works therein mentioned, and further Powers were granted by the 7 G. 4. c. xcvi.; that the Canal has been completed, but the Traffic thereon is very limited; that by 6 W. 4. c. lxxix. a Company were incorporated by the Name of "The Birmingham, Bristol, and Thames Junction Railway Company," with Power to construct the Railway and Works therein mentioned, and to purchase the Canal and Works belonging to the Kensington Canal Company, which Power they exercised accordingly; that by the Act 3 & 4 Vict. c. cv., further Powers were granted to the Birmingham, Bristol, and Thames Junction Railway Company, and their Name was changed to that of "The West London Railway Company;" that the Railway is now in the Possession of and worked by the London and North-western Railway Company, (subject to the Right of the Great Western Railway Company jointly to become possessed of and to work that Railway,) in consideration of a fixed annnal Payment to the West London Railway Company of 1,800*l.*; that the Kensington Canal is now vested in the West London Railway Company, and is worked and used by them; that the Capital of the West London Railway Company now consists of

5,338 ordinary Shares of 20 <i>l.</i> each	-	-	£106,760
3,200 First-class Preference Shares of 20 <i>l.</i>			
each	-	-	64,000
760 Second-class Preference Shares of			
20 <i>l.</i> each	-	-	15,200
			<hr/>
			£185,960

that they have no Mortgage or Bond Debt; that the net Revenues of the West London Railway Company are at

present applicable for Payment of Dividends as follows :—  
 First, in Payment of a Dividend of 10*s.* per Share on the 3,200 First-class Preference Shares (in this Act called Class A. Shares); Secondly, in Payment of a Dividend of 20*s.* per Share on the 760 Second-class Preference Shares (in this Act called Class B. Shares); Thirdly, as to all Surplus, in Payment of a Dividend on the 3,200 Class A. Shares, the 760 Class B. Shares, and the 5,388 ordinary Shares (in this Act called Class C. Shares); that it is expedient that a Company should be authorized to make and maintain the Railways, Dock, and Works by this Act authorized, and to appropriate Part of the Kensington Canal for the Purposes of the intended Railways, and to make a Deviation in another Part of the Canal; that it is expedient that the Company should be formed by the Incorporation into One Company of the London and North-western Railway Company and the Great Western Railway Company, and that the North-western Company and the London and South-western Railway Company, and the London, Brighton, and South Coast Railway Company should contribute the Capital of the Company, but with an Option for the Great Western Company to contribute Part of the Capital, and that if they do not contribute Part thereof they should pay in Tolls or otherwise a yearly Sum to the Company, and that the said Four Companies should be authorized to use and work over the Railways, Dock, and Works by this Act authorized; that it is expedient that the Kensington Canal and the Basin, Branches, Cuts, Railways, Tramways, and Works connected therewith, and all other the Lands and Property of the West London Railway Company, other than the Railway, Works, Lands, and Property comprised in a certain Indenture dated the 10th Day of March, 1846, and made between the West London Railway Company of the one Part, and the London and Birmingham Railway Company of the other Part, and all other the Property, Credits, and Effects of that Company, except only as is by this Act otherwise provided, should be vested in the Company, and that in consideration thereof the Company should be charged with the Payment to the Shareholders of the West London Railway Company of the yearly Sums by this Act made payable.

Incorporation of General Acts, §§ 2, 3.

West London Extension Railway Company incorporated, § 5.

Capital 300,000*l.*, § 6.

Option for Great Western Company to contribute to Capital, § 7.

Contribution of Capital by the Four Companies, § 8.

Contribution of Capital by North-western, South-western, and Brighton Companies, § 9.

Payment of Capital by contributing Companies, § 10.

Regulations as to Calls, §§ 11 to 14.

Yearly Payment by Great Western Company to Company, if Great Western Company do not contribute to Capital, § 16.

- Abatement from yearly Payment in respect of net Tolls payable by Great Western Company for their Traffic on Railway, § 17.
- For ascertaining the net Tolls so payable, § 18.
- Great Western Company to bear Expense of laying down Broad Gauge Rails, § 19.
- Allowance to Great Western Railway Company for Non-user of Narrow Gauge, § 20.
- Power for contributing Companies to raise Money for Contributions by Shares and borrowing, § 21.
- Restrictions as to preferential Shares, § 22.
- Saving existing preferential Shares, § 23.
- Application of Moneys for Payments by Four Companies, § 24.
- Power to borrow, § 25.
- Receiver for Mortgagees, § 26.
- Application of Moneys by Company, § 27.
- Directors Number and Quorum, § 29.
- Four of the Directors to be appointed by each of North-western and Great Western Companies, and Two by each of South-western and Brighton Companies. § 30.
- Appointment and Succession of Directors, §§ 31 to 36.
- Appointment of Special Chairman by Directors, § 37.
- Appointment of Special Chairman by Board of Trade, § 38.
- Authority of Special Chairman, § 39.
- Salary of Special Chairman, § 40.
- Ordinary Chairman, § 41.
- Period for Appointment of Chairman of Directors, § 42.
- Accounts, § 43.
- Auditors, § 44.
- Inspection of Books of Company by Directors, &c. of Four Companies, § 45.
- North-western and Great Western Companies to make good Deficiency of Income of Company for current Expenses, § 46.
- Dividends, § 47.
- Advertisements, § 48.
- Kensington Canal and Premises vested in Company, § 49.
- Power to construct Railways and other Works, § 50.
- Saving certain Lands of Battersea Park Commissioners, § 51.
- Protecting Messrs. Turner and Goodyear, § 52.
- Railways and Branches to be made with double Line of Rails on Narrow and Broad Gauge, § 53.
- Junctions with South-western Railway to be on Narrow Gauge only, § 54.
- Company, in constructing Dock, may deviate to the Extent defined on Plan, § 55.
- Power to convert and discontinue Portions of Canal, &c., § 56.
- Suspension of Works near Victoria Station and Pimlico Railway, § 57.
- Terminal Station at Kensington, § 58.
- Works upon Shore of River Thames not to be commenced without Consent of Conservators of the River Thames, § 59.
- Bridge and Works in the River Thames to be executed under the Direction of the Conservators, § 60.

- Company not to interfere with the Bed of the River, § 61.  
 5,000*l.* to be invested in the Names of Trustees previously to the Erection of the Bridge over the River Thames, § 62.  
 Provision for Protection of West Middlesex Waterworks, § 63.  
 Provisions for Protection of Metropolis Turnpike Roads, §§ 64 to 70.  
 Notice to be given to Surveyor of the Parish of Kensington, §§ 71, 72.  
 Works to be executed under the Direction of Surveyor, § 73.  
 Works involving Diversion of Traffic in Kensington; Diversion to be approved by Surveyor, § 74.  
 Restoration of Drains and Sewers, § 75.  
 Restoration of Roads and Streets, § 76.  
 Works to be lighted, § 77.  
 Temporary Works for Traffic and for Gas and Water Service, § 78.  
 Alteration of Roadway and Supply of Water, § 79.  
 In case of Delay or Omission, Vestry may reinstate, § 80.  
 Deposit of Subsoil in the Parish of Kensington, § 81.  
 Clauses for Protection of Wandsworth Board of Works, §§ 82 to 92.  
 Company to make a new Road to the Imperial Gasworks at Fulham, in substitution for the present Access; Compensation to and Protection of Property of Imperial Gas Company, §§ 93 to 107.  
 Saving Rights of the Conservators of the River Thames, § 108.  
 Company not to take Gravel, &c. from River without Consent of the Conservators, § 109.  
 Admiralty Regulations, §§ 110 to 113.  
 Land Arches to be provided, § 114.  
 For Protection of Metropolitan Board of Works, § 115.  
 Execution and Maintenance of Works for Railways affecting South-western Railway, § 116 to 118.  
 Junction of Third Branch with South-western Railway not to be made without Consent, § 119.  
 Junction of Second Branch with South-western Railway, § 120.  
 Maintenance of Junction with South-western Railway, § 121.  
 Signals, &c., §§ 122, 123.  
 Company not to take Land of South-western Company without Consent, except for Main Line and First and Second Branches, § 124.  
 Protection of Rights and Property of South-western Company, §§ 125 to 128.  
 Execution and Maintenance of Works for Railway affecting West End and Crystal Palace Railway, §§ 129 to 131.  
 Junction of First Branch with Crystal Palace Railway; Signals, &c., §§ 132 to 135.  
 Company not to take Land of Brighton Company without Consent, except for First Branch, § 136.  
 Company to acquire only Easements in Land of Brighton Company, § 137.

- Traffic on Crystal Palace Railway not to be interfered with, § 138.
- Brighton Company to forward Traffic, § 139.
- South-western Company to forward Traffic, § 140.
- Company working West London Railway to forward Traffic, § 141.
- North-western and Great Western Companies to forward Traffic, § 142.
- Lower Wandsworth Road not to be interfered with, § 144.
- Agreements between the Battersea Park Commissioners and West End of London and Crystal Palace Railway Company not to be prejudiced, § 145.
- Lands for extraordinary Purposes, § 146.
- Three Years for compulsory Purchase of Lands, § 147.
- Five Years for Completion of Railways, § 148.
- Tolls, §§ 151 to 160.
- Rates payable on Vessels using Dock ; Rates payable on Goods, § 161.
- Rates to be charged for Use of Cranes, Weighing Machines, &c., § 162.
- Tolls on Passengers landing at Dock Quay, § 163.
- Limits of Dock-master's Authority, § 164.
- Officers of Customs to have free Access to Dock without Payment of Toll, § 165.
- Power to appoint Meters and Weighers, § 166.
- Limit of Reduction of Tolls, § 167.
- Local Traffic and Through Traffic, § 168.
- Arrangements for Conveyance of Local Traffic, § 169.
- The Four Companies to have equal User of Railways, Dock, and Works for Through Traffic, § 170.
- Facilities for Traffic of the Four Companies, § 171.
- Arrangements as to User and Working of Railway and Dock, § 172.
- Company to pay yearly Sums to West London Shareholders, § 173.
- 1,800*l.* a Year now payable to West London Railway Company to be paid to Company, § 174.
- Arrangements for Payment by Company of Dividends to Shareholders of the West London Railway Company, § 175.
- Rights of the Corporation of London not to be prejudiced, §§ 180, 181.
- Schedule (Dues and Rates).

*Cap. cxxxv.*

“The *Tacumshin* Embankment Act, 1859.”

- Proposes Extension of Time, and to amend Sects. 16 and 17 of “*Tacumshin* Embankment Act, 1854.”
- Extension of Time for Completion of Works for One Year, § 3.
- Powers of Commissioners of Woods and Forests to convey Lands extended, § 4.
- Commissioner or Valuator to be appointed by Commissioners of Public Works in Ireland, § 5.
- Protecting Rights of H. Boxwell, Esq., § 6.
- Saving the Rights of the Crown, § 7.

*Cap. cxxxvi.**“The Midland Railway and Burton-upon-Trent Bridge Act, 1859.”*

Recites that the great Bridge of Burton-upon-Trent, crossing the River Trent at the Town of Burton-upon-Trent, and connecting the Counties of Stafford and Derby, is a very ancient Bridge, consisting of Thirty-seven Arches, and is upwards of a Quarter of a Mile in Length, and in many Parts thereof the Width of the Roadway between the Parapet Walls is only sufficient for the safe Passage of One Carriage ; that by reason of the greatly increased and still increasing Traffic over the old Bridge, many Inconveniences and Accidents to Limb and Life are occasioned by the great Length and tortuous Course and Narrowness of the Roadway thereof ; that it is expedient that a new Bridge be made across the River Trent near to the Site of the old Bridge, with proper Approaches thereto, and the old Bridge be removed, and the Channel and Waterway of the River be altered ; that it is expedient that the Midland Railway Company be authorized to make and maintain, at and near to Burton-upon-Trent, the Branch Railways by this Act authorized ; that Parts of the Railways could not be made unless Parts of the old Bridge were removed, and Parts of the River near to the old Bridge were diverted, and the Company are willing to make the new Bridge and the Approaches thereto, and to remove the old Bridge ; that under a Grant from the Crown, made by Letters Patent of 25th July, 39th Elizabeth, to William Paget, the only Son of Thomas Lord Paget, Third Baron Paget, and a lineal Ancestor of Henry now Marquess of Anglesey, the old Bridge has hitherto been repaired by and at the Expense of the Persons from Time to Time entitled to the Family Estates of the Marquess ; that by an Act of the Fifth Year of George the Fourth, Chapter 101, there was made payable half-yearly to Henry William then Marquess of Anglesey, his Heirs and Assigns, by way of Indemnity from the increased Expense of repairing and maintaining the old Bridge, the yearly Sum of 20*l.* out of the Tolls arising on the Road, with a Proviso that if the Tolls should not amount to 100*l.* in any one Half Year, then One Tenth Part of the Tolls for the Half Year, instead of One Half of the 20*l.*, should be so paid ; that the Act is still in force ; that the estimated Cost of making the new Bridge, and removing the old Bridge, exceeds 15,000*l.*, and the Company are willing to bear the Cost thereof, exceeding 10,000*l.*, and the Marquess is willing that, to the Extent of not exceeding 10,000*l.*, the Cost thereof should be borne by his Family Estates in the manner herein-after provided, on the Condition that those Estates be freed from their Liability under the recited Letters Patent to the Repairs of the old Bridge ; that in order to the making by the Company of the Railways and the new Bridge respectively, they will require to

take and use Lands of the Marquess within the Manor of Burton-upon-Trent, and forming Part of his Family Estates, and the Company and the Marquess are willing that such Part of those Lands as the Company shall take for the Purposes of this Act, and the estimated Value whereof shall not exceed 10,000*l.*, be conveyed to the Company in consideration of their bearing the entire Cost of making the new Bridge and removing the old Bridge ; that it is expedient that the new Bridge, when completed, be repaired and maintained in equal Shares by the Inhabitants of the Counties of Stafford and Derby ; that it is expedient that the yearly Sums by the recited Act of the Fifth Year of George the Fourth made payable to Henry William heretofore Marquess of Anglesey, his Heirs and Assigns, by the Trustees of that Act, be made applicable towards the Expense of maintaining the new Bridge, instead of being paid to the Marquess, his Heirs or Assigns ; and that it is expedient that Agreements should be made between the Company and the London and North-western Railway Company, in relation to the Construction of the Railways and Works, and Bridge and Works respectively, and the User of the Railways and Works.

Incorporation of Lands and Railways Clauses Acts, §§ 2, 3.

Power for Company to take Lands for Purposes of Act, § 4.

Company not compellable to take the whole of certain Property if Part only required, § 5.

Three Years for compulsory Purchase of Lands, § 6.

Power to make Works authorized by Act, §§ 8, 9.

Suspending Powers of Act as regards Parts of the First Branch, § 10.

Construction of Gates across Railway, Messrs. Allsopp's Premises, § 11.

Construction of Railway through Messrs. Allsopp's Land and of a Branch to their Brewery, §§ 12, 13.

Tolls, § 14.

Level Crossings ; Board of Trade Provisions, §§ 15 to 17.

Contracts between Midland and North-western Companies, §§ 18 to 21.

New Bridge and Works authorized, §§ 22, 23.

Marquess to appoint an Engineer for Purposes of Act, § 24.

Company to submit Plans, &c. for new Bridge to Marquess's Engineer and County Surveyors, § 25.

Differences on Plans, &c. to be referred to Engineer appointed by the Board of Trade, § 26.

The Bridge to be made only according to Plans, &c. approved by Engineers and County Surveyors, or Referee, § 27.

Engineers and County Surveyors, or Referee, to certify when new Bridge fit for use, and when new Bridge and Works completed, §§ 28, 29.

Marquess's Engineer or County Surveyor failing (after Notice) to act, to be deemed to agree with Company's Engineer, § 30.

Materials of old Bridge, &c. vested in Company, § 31.



- Errors and Omissions in deposited Plans and Books of Reference to be corrected, §§ 32, 33.  
 Entry on Lands for Surveys, &c., §§ 35, 36.  
 Fence to Bridge, § 37.  
 Limits of Deviation, §§ 38, 39.  
 Five Years for Completion of Railways, §§ 40, 41.  
 Penalty for destroying Bridge, &c., § 42.  
 New Bridge on Completion to become County Bridge of Staffordshire and Derbyshire, §§ 43, 44.  
 Trustees of Turnpike Road to make yearly Payment to Marquess or County Treasurers, §§ 45 to 47.  
 Not exceeding 10,000*l.* Value of Family Estates of Marquess taken by Company to be conveyed to them for nominal Consideration, § 48.  
 Company to pay whole Expense of new Bridge, § 49.  
 Company to be responsible for Damage to Bridge for Two Years, if occasioned by original Defect in Construction, § 50.  
 Parts of Companies Clauses Act incorporated, § 51.  
 Power to create 60,000*l.* new Capital, with or without a Preference, not exceeding 4*l.* 10*s.* per Cent., § 52.  
 Power to raise Capital under any other Act of this Session and this Act by new Shares of One Class, § 53.  
 For Payment of certain Costs incurred by Marquess out of Compensation Money, § 60.  
 Schedule (Agreement).

*Cap. cxxxvii.*

“The *Pneumatic Despatch Company* (Limited) Act,  
1859.”

- Recites that the laying down Pneumatic Tubes under the Streets of the Metropolis, for the Conveyance of Parcels, Despatches, and Messages, would tend greatly to the Public Convenience, and a Company has been formed by the Name of “The *Pneumatic Despatch Company* (Limited),” for effecting this Object.
- Power to lay Tubes under Streets, § 2.  
 Company not to interfere with Metropolitan Sewers without Consent, &c., § 3.  
 Notice to be served before breaking up Streets, § 4.  
 Streets to be broken up under Superintendence, § 5.  
 Streets broken up to be reinstated, § 6.  
 Penalty for Delay in reinstating Streets, § 7.  
 In case of Delay, other Parties may reinstate and recover the Expenses, § 8.  
 Company not to alter Position of Gas or Water Pipes, except Service Pipes, § 9.  
 Company to reinstate Service Pipes, make good all other Damage done by them, and pay Compensation, § 10.  
 Works connected with the Metropolis, Surrey and Sussex, and New Cross Turnpike Roads to be under the Superintendence of the General Surveyors, § 11.  
 Protection of the Roads against Damage, §§ 12 to 14.

- Securing Superintendence of Commissioners of Sewers of City of London, § 15.  
 Works connected with the Thames to be executed under the Direction of the Conservators of the River, § 16.  
 Saving Rights of Trustees of the River Lea, § 17.  
 Towing Paths, Bridges, &c. belonging to any Canal Company not to be used without Consent, § 18.  
 Acts 1 & 2 Vict. c. 98., 7 & 8 Vict. c. 85., and 10 & 11 Vict. c. 85. extended to this Act, § 19.  
 This Act within the Intent of 1 Vict. c. 36,—§ 20.  
 Power to Postmaster-General to require Tubing to be laid down by the Company, § 21.  
 Restricting Powers of Company to Five Years, § 22.  
 Saving Right of Post Office to establish a Pneumatic Post, § 23.  
 Priority to Government Messages, § 24.  
 Penalty for injuring Company's Tubes, &c., § 25.  
 Extending Provisions of Railways Clauses Act as to Recovery of Damages, &c., § 26.

*Cap. cxxxviii.*

*“The Warrington and Stockport Railway Leasing Act, 1859.”*

Recites that by “The Warrington and Altrincham Junction Railway Act, 1851,” the Company was incorporated for the Purpose of making a Railway from Warrington in the County of Lancaster, to join the Manchester South Junction and Altrincham Railway near the Town of Altrincham in Cheshire; and by a subsequent Act passed in 1853 the Company were authorized to make Two short Branches near Warrington, and certain Powers were given to them to use the Undertakings of the Manchester South Junction and Altrincham Railway Company and of the Birkenhead, Lancashire, and Cheshire Junction Railway Company; and reciprocal Powers were given to the Two last-named Companies to use the Undertaking of the Warrington Railway Company; and whereas by another Act passed in the Year 1853 the Warrington Railway Company were authorized to extend their Railway from Altrincham to the Borough of Stockport, and the Name of the Company was changed from that of “The Warrington and Altrincham Junction Railway Company” to that of “The Warrington and Stockport Railway Company,” but the Powers of the last recited Act have expired; that the Railway and Works authorized by the Two first-recited Acts to be constructed are completed and open for public Traffic, with the Exception of a certain Branch, which has been rendered useless because the Railway with which it was to be connected has not been constructed, and the Railway authorized by the first-recited Act is connected at the Western Extremity thereof with the Undertaking of the Saint Helens Canal and Railway Company, and at the Eastern Extremity thereof with the Manchester South Junction and Altrincham Railway, which

is the joint Property of the Manchester, Sheffield, and Lincolnshire Railway and the London and North-western Railway Companies ; and inasmuch as the Undertaking of the Warrington and Stockport Railway Company as at present completed is only 13 Miles in Extent, the working thereof as a separate Undertaking is unprofitable, and it is expedient that the Warrington Railway should be vested by Lease in the London and North-western Railway and the Saint Helens Canal and Railway Companies jointly for the Term and upon the Conditions herein-after mentioned, with a Power of Purchase ; that the Ordinary and Preference Share Capital of the Warrington Railway Company, as limited and defined by the Warrington and Stockport Railway (Capital) Act, 1858, is 225,000*l.*, upon which a Sum of 187,093*l.* has been already paid up, and the Company are by the same Act authorized to borrow on Bonds or Mortgages, which they are further empowered to convert into Debenture Stock, the Sum of 75,000*l.*, of which 62,700*l.* has been already borrowed, making a total Capital in Shares and Loans of 300,000*l.*, and there are outstanding Liabilities of the Company which the unpaid Share Capital and Moneys so authorized to be borrowed will be sufficient to discharge.

Vesting Warrington Railway in Lessees, § 2.

III. There shall be paid by the Lessees to the Directors of the Warrington Railway Company, in equal half-yearly Sums, an annual Rent accruing from the First Day of January One thousand eight hundred and fifty-nine, which Rent shall be of such an Amount as will be sufficient to defray the several Charges following ; that is to say, As to Rent.

Firstly, Interest on all the Liabilities of the Warrington Railway Company, incurred or necessarily consequent on Acts done or omitted before the passing of this Act, whether now payable or not, and whether consisting of Debts bearing Interest by Agreement or otherwise, or Bonds, Mortgages, or Debentures of the Company, and on Liabilities hereafter to be incurred with the Sanction of the Lessees at such Rate of Interest as such Liabilities shall respectively bear, and all Chief Rents to which the Warrington Railway Company is now liable : Provided always, that nothing herein contained shall revive any Remedies or Penalties which may have accrued or been recoverable against the Warrington Railway Company, but which have been lost by Effluxion of Time ;

Secondly, Dividends on the Preference Shares of the Warrington Railway Company, created under the Authority of the recited Act of the last Session of Parliament, at the Rate of Dividend which such Preference Shares shall respectively bear ;

Thirdly, Dividends on the Ordinary Share Capital for the Time being of the said Company at and after the Rate of 4*l.* per Centum for the First Year commencing on the said First Day of January One thousand eight hundred and

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and fifty-nine, and of 4*l.* 5*s.* per Centum for every subsequent Year ; and

Fourthly, the annual Sum of 100*l.* to the Directors of the said Company to defray their Expenses in the Distribution of the said Dividends and Interest, and in the Transaction of the Business of the said Warrington Railway Company: Provided nevertheless, that the total Amount of Capital and Liabilities on which the said Lessees shall be liable to pay Interest or Dividends by way of Rent, whether consisting of Ordinary or Preference Shares, Debenture Stock, Bonds, Mortgages, Debts, or otherwise, shall not exceed the Sum of 300,000*l.*, except in respect of future Liabilities incurred with the Sanction of the said Lessees : Provided also, that if the said Amount of Capital and Liabilities, except such future Liabilities incurred with such Consent as aforesaid, shall in fact exceed the said Sum of 300,000*l.*, the Amount of Interest payable on such Excess shall be deducted from the Dividends on the Ordinary Share Capital of the Company.

Payment of  
Rent.

IV. The said Rent shall be paid and payable as follows ; that is to say, so much thereof as is herein-before provided to be paid for the Purpose of defraying any Charges other than Dividends on the Ordinary and Preference Share Capital of the Warrington Company, by Two equal Half-yearly Payments on the First Day of January and First Day of July in each Year ; and so much thereof as is herein-before provided to be paid for the Purpose of defraying the Dividends on such Ordinary and Preference Share Capital by Two equal half-yearly Payments, on the First Day of February and First Day of August in each Year ; the First of such Payments respectively to be made on the First Day of July and the First Day of August One thousand eight hundred and fifty-nine, or within Fourteen Days after the passing of this Act, if the same shall be after either of those Days respectively ; and every such Payment shall, with all convenient Speed after the Receipt thereof by the Directors of the Warrington Railway Company, be duly distributed among the Parties respectively entitled thereto.

As to Appointment of a Receiver, § 5.

Contributions  
by Lessees  
respectively.

VI. The said several Sums herein-before directed to be paid by the Lessees shall as between themselves, but not so as to affect the Rights of the Warrington Railway Company, be contributed by them in the Proportion of Two Third Parts thereof by the London and North-western Railway Company, and One Third thereof by the Saint Helens Canal and Railway Company ; and if any Part of the said Rent shall be unpaid for the space of Two Months after Demand thereof in Writing by the Warrington Railway Company, under the Hand of their Chairman or Secretary, the Warrington Railway Company may recover the Sum so in arrear either by an Action of Debt against the Lessees or by Distress of any Goods and Chattels belonging to the said Lessees or either of them, which may be found upon the Warrington Railway ; and if any of the said half-yearly Payments on account of Rent shall remain unpaid

Remedies for  
Non-payment.

by both the Lessees for Six Months after Demand thereof in Writing as aforesaid, it shall be lawful for the Warrington Railway Company, in addition to the Remedies herein-before reserved, to re-enter upon their Undertaking, and to receive the Tolls, Rents, and Charges arising therefrom until the Amount due to them in respect of the said half-yearly Payments shall be discharged.

Saving existing Preference in Capital of Lessees, § 7.

Saving existing Agreements, § 8.

As to Use of Warrington Railway by Lessees, § 9.

As to Management of Railway, § 10.

As to Vacancies in Committee, § 11.

Meetings of Committee, § 12.

As to Settlement of Disputes, § 13.

Books of Account to be kept by Committee, § 14.

As to Disposal of Revenue, § 15.

As to Expenses of Managing Railway, § 16.

Companies may contract with each other, § 17.

As to Purchase, § 18.

Warrington Railway to vest in Purchasers, § 19.

Saving Preference Shares of Warrington Railway Company, § 20.

As to Disputes between Warrington Railway Company and Lessees, § 21.

Providing for Use of Warrington Railway by Great Western Railway Company, § 22.

Providing for Agreements with Great Northern and Sheffield Railway Company, § 23.

So long as the London and North-western Railway Company, as Lessees or Purchasers of the Warrington Railway, have Power to use the Birkenhead Railway, the Birkenhead Company to have Power to use the Manchester South Junction and Altrincham Railway, § 24.

Saving Rights of Companies to enter into Contracts, § 25.

#### *Cap. cxxxix.*

“*The Wells and Fakenham Railway Act, 1859.*”

Recites Incorporation of Wells and Fakenham Company in 1854, with a Capital of 70,000*l.* in 20*l.* Shares, and Power to borrow 23,000*l.*; proposes to raise further Capital, to convert Debt into Debenture Stock, and to authorize the Norfolk Railway Company to contribute either by guaranteeing Dividends, or by taking Shares or Debenture Stock, or advancing Money on Mortgage.

Incorporation of General Acts, § 2.

Power to make Railway, §§ 3, 4.

Admiralty Provisions, §§ 5 to 9.

Three Years for compulsory Purchase of Lands, § 11.

Four Years for Completion of Works, §§ 12, 13.

Tolls, § 14.

Power to raise 3,800*l.* by Preference Shares, at not exceeding 6*l.* per Cent., §§ 15 to 18.

Power to borrow 1,200*l.*, § 20.

Power to raise 24,200*l.* in all by Debenture Stock, with Dividend not exceeding 5*l.* per Cent., §§ 24, 25.

Regulations as to Debenture Stock, §§ 26 to 30.

Norfolk Railway Company may guarantee Interest or Dividends, § 31.

Saving Rights of existing Preference Shareholders of Norfolk Railway Company, § 32.

Norfolk Railway Company may advance Money authorized to be borrowed, § 33.

Norfolk Railway Company may acquire and hold Shares or Stock of Company, § 34.

Saving Rights of Crown, § 35.

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## PRIVATE ACTS,

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*Cap. 1.*

An Act to authorize the Exchange of certain detached Portions situate in the County of *Forfar* of the entailed Estate of *Haulkertown* for the Lands of *Balbithan* and *Wester Fintray* in the County of *Aberdeen*, to be entailed in lieu thereof; and for other Purposes. [8th August 1859.]

*Cap. 2.*

An Act for authorizing the Trustees of the Settled Estates in *Wales* of *Earl Vane* and *Countess Vane* to raise Five thousand Pounds by Mortgage of the same Estates, and to become Shareholders to the Extent of such Sum in the *Newtown and Machynlleth* Railway Company, and to sell to the Company Part of the Settled Estates in consideration of a yearly Rent-charge; and for other Purposes. [8th August 1859.]

*Cap. 3.*

An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Dean Street* in the City of *Westminster* to *Alfred Lucette*, of which the Short Title is “ *Lucette's Estate Act, 1859.*” [8th August 1859.]

*Cap. 4.*

An Act for authorizing Leases of Parts of the Settled Estates, in the Parishes of *Huddersfield, Almondbury, and Kirkheaton*, in the West Riding of the County of *York*, of Sir *John William Ramsden* Baronet, and of which the Short Title is "*Ramsden's Estate (Leasing) Act, 1859.*" [13th August 1859.]

*Cap. 5.*

An Act for effecting a Partition of the Landed Estates of *Josiah Robins* deceased in and near to *Birmingham* and elsewhere, and for facilitating the Erection and Endowment of a Church thereon, and for authorizing the Application of Moneys, subject to the Trusts of his Will, towards the Expenses of making Bridges for the Benefit of Parts of his Estates; and for other Purposes. [13th August 1859.]

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# TABLES

SHOWING

THE EFFECT OF THE LEGISLATION OF SESSION 2, 1859.

**TABLE I.**  
[IN ORDER OF CAP.]

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
III. - -	{	21 & 22 Vict. c. 97. " " s. 8.	Act for vesting in Privy Council certain Powers for the Protection of Public Health.
	}		
IV. s. 6.* -	{	7 & 8 Vict. c. 71. s. 10. - -	Administration of Criminal Justice in Middlesex.
	}		
V. - -	Explains -	2 & 3 Will. 4. c. 116.	Diplomatic Pensions.
VII. - -	Amends -	17 & 18 Vict. c. 59.	Verdicts of Jury in Civil Causes in Scotland.
VIII. -	{	20 & 21 Vict. c. 45. 17 Vict. c. 17. -	Boundaries of certain Lands in Ireland. Boundaries.
	}		
X. - -	Amends -	17 & 18 Vict. c. 118.	Constitution of Canada.
XI. - -	Applies -	21 & 22 Vict. c. 98. -	Local Government Act.
XII. - -	{	54 Geo. 3. c. 15. ss. 1, 2, 3. - - - 5 & 6 Will. 4. c. 62. ss. 15. 17. - -	Recovery of Debts in New South Wales. Declaration in lieu of Oaths and Affidavits.
	}		
XIV. - -	{	2 & 3 Vict. c. 71. ss. 32, 33, 34, and 35. }	Regulation of Police Courts in the Metropolis.
	}		
XVI. s. 3. -	Applies -	15 Vict. c. 28. -	Commissioners of Works and Public Buildings.
XVIII. -	{	16 & 17 Vict. c. 34. " " s. 54. }	Income Tax.
s. 6.	}		

\* i.e. to take effect upon the Death of the present Judge.

† i.e. so far as they apply to the Colony of Victoria.

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap. XIX.	- { Partly re-peals - }	13 Eliz. c. 29. - {	Charters of Universities of Oxford and Cambridge.
XX.	- { Amends and consolidates }	{ 5 & 6 Vict. c. 71. - 8 & 9 Vict. c. 27. - 12 & 13 Vict. c. 71.* }	Military Savings Banks and Benefit Societies.
s. 14	- Excepts -	9 Geo. 4. c. 92. - {	Savings Banks Acts Consolidation.
XXI. s. 5.	- Continues†	5 & 6 Vict. c. 86. {	Officers of Court of Exchequer.
s. 6.	- Amends - {	1 & 2 Geo. 4. c. 121. } s. 7. - - -	Public Accounts and Proceedings in Exchequer.
s. 7.	- Amends -	7 Anne, c. 20. - - {	Registry of Deeds in Middlesex.
s. 8.	- Amends - {	5 & 6 Vict. c. 94. - } 16 & 17 Vict. c. 107. }	Ordnance Department. Customs Consolidation Act.
s. 9.	- Extends -	15 & 16 Vict. c. 76. } s. 222. - - -	Common Law Procedure Act.
ss. 12, 15.	- Amend -	16 & 17 Vict. c. 51. }	Succession Duty Act, 1853.
s. 16.	- Extends - {	1 Will. 4. c. 22. - } 13 Geo. 3. c. 63. - } 15 & 16 Vict. c. 76. } ss. 46, 47, 48, and } 49. - - - }	Examination of Witnesses upon Interrogatories. Management of East India Company. Common Law Procedure Act.
ss. 28, 29.	- Repeal - {	3 & 4 Will. 4. c. 99. } s. 8. and part of } s. 31. - - - }	Proceedings in the Exchequer.
s. 29.	- Amends -	" " s. 9. }	Levying of Fines and Forfeitures.
s. 30.	- Amends - {	3 Geo. 4. c. 46. } (Sch. A.) - - - }	" "
s. 31.	- Repeals -	4 Geo. 4. c. 37. - }	" "
s. 37.	- Applies -	3 Geo. 4. c. 46. s. 14. }	" "
s. 40.	- Applies -	" " s. 10. }	" "
		7 & 8 Vict. c. 92. s. 17. }	County Coroners.
XXII.	- Amends - {	6 Will. 4. c. 13. - } 2 & 3 Vict. c. 75. - } 9 & 10 Vict. c. 97. - }	Constabulary Force, Ireland.
XXIII.	- Continues†	{ 11 & 12 Vict. c. 32. } 20 & 21 Vict. c. 7. - }	County Cess, Ireland.

\* i.e. the Operation of 12 & 13 Vict. c. 71., as to Money arising from dissolved Benefit Societies, is saved by s. 11.

† i.e. the Provisions as to Fees.

‡ i.e. for Two Years.

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
XXIV.	Explains -	{ 16 & 17 Vict. c. 89. } { 21 & 22 Vict. c. 83. - }	{ Professors in Universities of Scotland. } { Universities of Scotland. }
XXV.	Continues*	{ 5 & 6 Will. 4. c. 27. } { 3 & 4 Vict. c. 91. - } { 5 & 6 Vict. c. 68. - } { 7 & 8 Vict. c. 47. - }	{ Linen and Hempen Manu- factures in Ireland. }
XXVI.	Extends -	{ 1 & 2 Geo. 4. c. 66. }	{ Fur Trade in North Am erica. }
XXVII.	Amends -	{ 16 & 17 Vict. c. 95. - }	{ Government of India. }
XXVIII.	Amends -	{ 16 & 17 Vict. c. ccvii. }	{ Galway Harbour. }
XXIX.	Repeals -	{ 9 & 10 Vict. c. ccxli. } { ss. 17 to 24. - }	{ Billingsgate Market. }
XXX.	Applies -	{ 2 & 3 Will. 4. c. 34. - }	{ The Coinage. }
XXXI. s. 5.	Repeals -	{ 20 & 21 Vict. c. 79. } { s. 22. - - - }	{ Probates and Administra- tions, Ireland. }
s. 7.	Repeals -	{ " " s. 58. }	{ " " }
s. 8.	Amends -	{ " " s. 63. }	{ " " }
s. 14.	Extends -	{ 38 Geo. 3. c. 87. - }	{ Administration of Assets. }
s. 25.	Amends -	{ 20 & 21 Vict. c. 79. - }	{ Probates, Ireland. }
		{ " " s. 94. }	{ " " }
s. 27.	Applies -	{ 6 Geo. 4. c. 87. - }	{ Salaries and Allowances to British Consuls abroad. }
		{ 18 & 19 Vict. c. 42. }	{ Consular Agents abroad to administer Oaths. }
s. 35.	Extends -	{ 19 & 20 Vict. c. 92. }	{ Chancery Appeal Court (Ireland). }
		{ ss. 19, 20. - }	
XXXII. s. 1.	Extends -	{ 3 & 4 Vict. c. 88. s. 27. }	{ County Constables. }
		{ 19 & 20 Vict. c. 69. }	{ Police in Counties. }
		{ s. 4. - - - }	
s. 4.	Amends -	{ 2 & 3 Vict. c. 93. s. 13. }	{ County Constables. }
s. 5.	Partly re- peals -	{ 2 & 3 Vict. c. 28. - }	{ Assessment of Watch Rates in Boroughs. }
		{ 3 & 4 Vict. c. 28. - }	
s. 7.	Repeals -	{ 11 & 12 Vict. c. 14. }	{ Borough Police Superan- nation Fund. }
s. 13.	Applies -	{ 5 & 6 Will. 4. c. 76. - }	{ Municipal Corporations. }

\* i.e. for Five Years.

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap. XXXIII.			
s. 18. {	Partly re-peals -	13 & 14 Car. 2. c. 21.	Sheriffs Accounts.
s. 23. {	Amends -	6 Geo. 4. c. clxxix. -	Brighton Improvement.
s. 25. {	Applies -	2 & 3 Will. 4. c. 4. -	Prevention of Embezzlements by Public Servants.
s. 28. {	Partly re-peals -	3 & 4 Vict. c. 88. ss. 16, 17, and 18. }	County Constables.
XXXIV. -	Continues*	19 & 20 Vict. c. 88. Statutes of Elizabeth }	University of Cambridge and Eton College. Relating to Cambridge University.
XXXV. ss. 19, 20. }	Amend -	3 & 4 Will. 4. c. 106. }	Law of Inheritance Amendment.
s. 22. -	Applies -	2 & 3 Vict. c. 11 - 18 & 19 Vict. c. 15. -	Protection of Purchasers of Land. " "
XXXVI. ss. 1, 2. }	Amend† -	55 Geo. 3. c. 184. - 5 & 6 Vict. c. 79. -	Stamp Duties. Amendment of Stamp Acts.
s. 3. -	Amends -	50 Geo. 3. c. 41. - 55 Geo. 3. c. 71. -	Hawkers and Pedlars. Hawkers and Pedlars (Scotland).
XXXVII. s. 1. }	Repeals -	3 & 4 Will. 4. c. 101. }	Tea Duties.
ss. 4, 7. }	Amend -	16 & 17 Vict. c. 107. ss. 125, 43. and 77. }	Customs Consolidation Act, 1853.
		18 & 19 Vict. c. 96. -	Customs Tariff Act, 1855.
XXXVIII. s. 1. }	Repeals‡ -	51 Geo. 3. c. 118. ss. 8, 9. - - }	Interchange of English and Irish Militias.
s. 8. {	Partly re-peals§ -	17 & 18 Vict. c. 105. s. 38. - - }	Militia.
		" c. 106. s. 44. -	"
		" c. 107. s. 17. -	"
s. 13. {	Repeals -	" c. 105. s. 18. -	"
		" c. 106. s. 59. -	"
		" c. 107. s. 23. -	"
XXXIX. s. 12. }	Applies   -	5 & 6 Will. 4. c. 64. -	Stamp Duties.

\* i.e. until the 1st of January 1861.

† viz. as to Scale of Probate Duties and Licences to practise in Physic.

‡ i.e. prospectively.

§ i.e. so far as relates to Times and Places of Training and Exercise.

|| viz. the Provisions with respect to a Composition for Stamp Duties, &c.

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
XL. s. 24. -	Applies -	11 & 12 Vict. c. 43. {	Performance of Duties of Justices out of Sessions.
XLI. -	{ Explains and amends }	{ 21 & 22 Vict. c. 106. ss. 40 and 43. - }	Government of India.
XLIII. -	Amends - {	The General Inclosure Acts.	—
XLIV. -	Continues* -	3 & 4 Vict. c. 89. - {	Exemption of Stock in Trade from Rating.
XLV. -	Continues† -	10 & 11 Vict. c. 98. -	Ecclesiastical Jurisdiction.
XLVI. -	{ Continues‡ and amends - }	{ 14 & 15 Vict. c. 104. }	Episcopal and Capitular Estates.
XLVIII. -	Continues§	17 & 18 Vict. c. 102. {	Corrupt Practices at Elections.
L. -	Continues {	{ 16 & 17 Vict. c. 137., Part of s. 62.    - 18 & 19 Vict. c. 124. s. 47. - - }	Charitable Trusts. Charitable Trusts Amendment.
LII. -	Amends - {	{ 6 & 7 Will. 4. c. 29., and subsequent amending Acts - }	The City of Dublin Police.
LVI. -	{ Amends - Explains - }	{ 5 & 6 Will. 4. c. 63. - " " c. 76. - }	Weights and Measures. Municipal Corporations.
LVII. -	Amends - {	{ 9 & 10 Vict. c. 95. } s. 98. - - - }	County Courts.
LVIII. -	Amends -	16 & 17 Vict. c. 46. -	Westminster Bridge.
LX. -	Amends -	13 & 14 Vict. c. 111. {	Holyhead Harbour and Railways.

\* *i.e.* to 1st of October 1862, and to the End of the then next Session.

† *i.e.* so much as was continued by 21 & 22 Vict. c. 50. continued to 1st August 1862, and to the End of the then next Session.

‡ *i.e.* as amended by 17 & 18 Vict. c. 116. continued to the 1st January 1861, and to the End of the then next Session.

§ *i.e.* as amended by 21 & 22 Vict. c. 87. continued to 10th August 1856.

|| *viz.* so much as relates to the Exemption of Roman Catholic Charities from the Operation of the Act.

22 & 23 Vict.	Effect.	Act affected.	Subject of Act affected.
Cap.			
LXI. - -	Amends -	20 & 21 Vict. c. 85. {	Divorce and Matrimonial Causes.
LXII.	Amends -	20 & 21 Vict. c. 60. {	Bankruptcy and Insolvency (Ireland).
	Applies -	6 Will. 4. c. 14. s. 128. {	Bankrupts (Ireland).
LXIV.* -	Applies -	6 & 7 Will. 4. c. 86. {	Registration of Births, Deaths, and Marriages.
LXV. -	Amends -	9 Geo. 4. c. 43. - {	Regulation of Divisions of Counties.
LXVI. s. 26.	Applies -	20 Geo. 2. c. 43. - {	Abolishing Heritable Jurisdiction in Scotland.

\* This Act is retrospective only so far as it confirms Marriages previously solemnized in the Chapel at Lisbon, the validity of which might have been supposed doubtful since the passing of 12 & 13 Vict. c. 68., relating to Marriages of British Subjects resident abroad.

## TABLE II.

## CHRONOLOGICAL.

[For Details, see TABLE I.]

Act affected.	Subject of Act affected.	How affected.	Act affecting.
13 Eliz. c. 29. -	Charters of Universities of Oxford and Cambridge.	Partly repealed.	22 & 23 Vict. Cap. XIX.
Statutes of Elizabeth 13 & 14 Car. 2. c. 21. -	University of Cambridge Sheriffs Accounts -	Continued - Partly repealed.	XXXIV. XXXII.
7 Anne, c. 20. -	Registry of Deeds in Middlesex.	Amended -	XXI.
20 Geo. 2. c. 43. -	Abolishing Heritable Jurisdiction in Scotland.	Applied -	LXVI.
13 Geo. 3. c. 63. -	Management of East India Company.	Extended -	XXI.
38 Geo. 3. c. 87. -	Administration of Assets	Extended -	XXXI.
50 Geo. 3. c. 41. -	Hawkers and Pedlars -	Amended -	XXXVI.
51 Geo. 3. c. 118. -	Interchange of English and Irish Militias.	Partly repealed.	XXXVIII.
54 Geo. 3. c. 15. ss. 1, 2, 3.	Recovery of Debts in New South Wales.	Repealed -	XII.
55 Geo. 3. c. 71. -	Hawkers and Pedlars (Scotland).	Amended -	XXXVI.
55 Geo. 3. c. 184. -	Stamp Duties -	Amended -	XXXVI.
1 & 2 Geo. 4. c. 66. -	Fur Trade in North America.	Extended -	XXVI.
1 & 2 Geo. 4. c. 121. s. 7.	Public Accounts and Proceedings in Exchequer.	Amended -	XXI.
3 Geo. 4. c. 46. -	Levying of Fines and Forfeitures.	Amended -	XXI.
4 Geo. 4. c. 87. -	" " -	Amended -	XXI.
6 Geo. 4. c. 87. -	Salaries and Allowances of British Consuls abroad.	Applied -	XXXI.
6 Geo. 4. c. clxxix. -	Brighton Improvement -	Amended -	XXXII.
9 Geo. 4. c. 43. -	Regulation of Divisions of Counties.	Amended -	LXV.
9 Geo. 4. c. 92. -	Savings Banks Act Consolidation.	Excepted -	XX.
1 Will. 4. c. 22. -	Examination of Witnesses upon Interrogatories.	Extended -	XXI.

Act affected,	Subject of Act affected.	How affected.	Act affecting.
2 & 3 Will. 4. c. 4. -	Prevention of Embezzlements by Public Servants.	Applied -	22 & 23 Vict. Cap. XXXII.
2 & 3 Will. 4. c. 34. -	The Coinage (Consolidation).	Applied -	XXX.
2 & 3 Will. 4. c. 116.-	Diplomatic Pensions -	Explained -	V.
3 & 4 Will. 4. c. 99. -	Proceedings in Exchequer	Amended -	XXI.
3 & 4 Will. 4. c. 101.-	Tea Duties - - -	Repealed -	XXXVII.
3 & 4 Will. 4. c. 106.-	Law of Inheritance Amendment.	Amended -	XXXV.
5 & 6 Will. 4. c. 27. -	Linen and Hempen Manufactures in Ireland.	Continued -	XXV.
5 & 6 Will. 4. c. 62. ss. 15. and 17.	Declaration in lieu of Oaths, &c.	Repealed -	XII.
5 & 6 Will. 4. c. 63. -	Weights and Measures -	Amended	LVI.
5 & 6 Will. 4. c. 64. -	Stamp Duties - - -	Applied -	XXXIX.
5 & 6 Will. 4. c. 76. -	Municipal Corporations -	Applied -	XXXII.
6 Will. 4. c. 13. -	Constabulary Force (Ireland).	Explained -	LVI.
6 Will. 4. c. 14. s. 128.	Bankrupts (Ireland) -	Amended -	XXII.
6 & 7 Will. 4. c. 29. and subsequent amending Acts.	City of Dublin Police -	Applied -	LXII.
6 & 7 Will. 4. c. 86. -	Registration of Births, Deaths, and Marriages.	Amended -	LII.
2 & 3 Vict. c. 11. -	Protection of Purchasers of Land.	Applied -	LXIV.
2 & 3 Vict. c. 28. -	Assessment of Watch Rates in Boroughs.	Applied -	XXXV.
2 & 3 Vict. c. 71. -	Regulation of Police Courts in the Metropolis.	Partly repealed.	XXXII.
2 & 3 Vict. c. 75. -	Constabulary Force (Ireland).	Extended -	XIV.
2 & 3 Vict. c. 93. -	County Constabulary -	Amended -	XXII.
3 & 4 Vict. c. 28. -	Assessment of Watch Rates in Boroughs.	Amended -	XXXII.
3 & 4 Vict. c. 88. -	County Constabulary -	Partly repealed.	XXXII.
3 & 4 Vict. c. 89. -	Exemption of Stock in Trade from Rating.	Extended and partly repealed.	XXXII.
3 & 4 Vict. c. 91. -	Linen and Hempen Manufactures in Ireland.	Continued -	XLIV.
5 & 6 Vict. c. 68. -	" " -	Continued -	XXV.
5 & 6 Vict. c. 71. -	Military Savings Banks and Benefit Societies.	Continued -	XXV.
		Amended and consolidated.	XX.



Act affected.	Subject of Act affected.	How affected.	Act affecting.
			22 & 23 Vict. Cap. XXXVI.
5 & 6 Vict. c. 79.	- Amendment of Stamp Acts.	Amended -	
5 & 6 Vict. c. 86.	- Officers of Court of Exchequer.	Continued -	XXI.
5 & 6 Vict. c. 94.	- Ordnance Department -	Amended -	XXI.
7 & 8 Vict. c. 47.	- Linen and Hempen Manufactures in Ireland.	Continued -	XXV.
7 & 8 Vict. c. 71. s. 10.	Administration of Criminal Justice in Middlesex.	Partly repealed.	IV.
7 & 8 Vict. c. 92.	- County Coroners - -	Applied -	XXI.
8 & 9 Vict. c. 27.	- Military Savings Banks and Benefit Societies.	Amended and consolidated.	XX.
9 & 10 Vict. c. 95. s. 98.	County Courts - -	Amended -	LVII.
9 & 10 Vict. c. 97.	- Constabulary Force (Ireland).	Amended -	XXII.
9 & 10 Vict. c. cccxlv.	Billingsgate Market -	Partly repealed.	XXIX.
10 & 11 Vict. c. 98.	- Ecclesiastical Jurisdiction	Continued -	XLV.
11 & 12 Vict. c. 14.	- Borough Police Superannuation Fund.	Repealed -	XXXII.
11 & 12 Vict. c. 32.	- County Cess (Ireland) -	Continued -	XXIII.
11 & 12 Vict. c. 43.	- Performance of Duties of Justices out of Sessions.	Applied -	XL.
12 & 13 Vict. c. 71.	- Military Savings Banks and Benefit Societies.	Amended and consolidated.	XX.
13 & 14 Vict. c. 111.	Holyhead Harbour and Railways.	Amended -	LX.
14 & 15 Vict. c. 104.	Episcopal and Capitular Estates.	Continued and amended.	XLVI.
15 Vict. c. 28. - -	Commissioners of Works and Public Buildings.	Applied -	XVI.
15 & 16 Vict. c. 76.	- Common Law Procedure Act.	Extended -	XXI.
16 & 17 Vict. c. 34.	- Income Tax - - -	Extended and amended.	XVIII.
16 & 17 Vict. c. 46.	- Westminster Bridge -	Amended -	LVIII.
16 & 17 Vict. c. 51.	- Succession Duty Act -	Amended -	XXI.
16 & 17 Vict. c. 89.	- Professors in Universities of Scotland.	Explained -	XXIV.
16 & 17 Vict. c. 95.	- Government of India -	Amended -	XXVII.
16 & 17 Vict. c. 102.	- Corrupt Practices at Elections.	Continued -	XLVIII.
16 & 17 Vict. c. 107.	- Customs Consolidation Act.	Amended -	XXI. and XXXVII.

Act affected.	Subject of Act affected.	How affected.	Act affecting.
16 & 17 Vict. c. 137. s. 62.	Charitable Trusts -	Continued -	22 & 23 Vict. Cap. L.
16 & 17 Vict. c. ccvii.	Galway Harbour - -	Amended -	XXVIII.
17 Vict. c. 17. -	Boundaries - - -	Applied -	VIII.
17 & 18 Vict. c. 59. -	Verdicts in Civil Causes in Scotland.	Amended -	VII.
17 & 18 Vict. c. 105. -	Militia - - - -	Amended -	XXXVIII.
17 & 18 Vict. c. 106. -	" - - - -	" -	"
17 & 18 Vict. c. 107. -	" - - - -	" -	"
17 & 18 Vict. c. 118. -	Constitution of Canada -	Amended -	X.
18 & 19 Vict. c. 15. -	Protection of Purchasers of Land.	Applied -	XXXV.
18 & 19 Vict. c. 42. -	Consular Agents abroad to administer Oaths.	Applied -	XXXI.
18 & 19 Vict. c. 96. -	Customs Tariff Act, 1855	Amended -	XXXVII.
18 & 19 Vict. c. 124. s. 47.	Charitable Trusts Amend- ment.	Continued -	L.
19 & 20 Vict. c. 69. -	Police in Counties -	Extended -	XXXII.
19 & 20 Vict. c. 88. -	University of Cambridge and Eton College.	Continued -	XXXIV.
19 & 20 Vict. c. 92. -	Chancery Appeal Court (Ireland).	Extended -	XXXI.
20 & 21 Vict. c. 7. -	County Cess (Ireland) -	Continued -	XXIII.
20 & 21 Vict. c. 45. -	Boundaries of certain Lands in Ireland.	Amended -	VIII.
20 & 21 Vict. c. 60. -	Bankruptcy and Insol- vency (Ireland).	Amended -	LXII.
20 & 21 Vict. c. 79. -	Probates, &c. (Ireland) -	Amended and partly repealed.	XXXI.
20 & 21 Vict. c. 85. -	Divorce and Matrimonial Causes.	Amended -	LXI.
21 & 22 Vict. c. 83. -	Universities of Scotland	Explained -	XXIV.
21 & 22 Vict. c. 97. -	Vesting in Privy Council certain Powers for the Protection of Public Health.	Made per- petual, and s. 8. re- pealed.	III.
21 & 22 Vict. c. 98. -	Local Government Act -	Applied -	XI.
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TO THE  
PUBLIC GENERAL ACTS,  
22 & 23 VICT. (1859).

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A.

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<i>Arbitration.</i>	<i>North-western Provinces</i>
<i>Ascertainment of the Law.</i>	<i>(British America).</i>
<i>Assistant Judge.</i>	<i>Privy Council.</i>
<i>Bankruptcy and Insol-</i>	<i>Sessional Divisions.</i>
<i>veny.</i>	<i>Vexatious Indictments.</i>
<i>Imprisonment for Debt.</i>	

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*Court of. Stamp Duties.*

*Admiralty, High Court of.*

22 & 23 Vict. c. 6.—An Act to enable Serjeants, Barristers-at-Law, Attorneys, and Solicitors to practise in the High Court of Admiralty. Page 4

§ 1. All Serjeants, Barristers, Attorneys, and Solicitors to be at liberty to practise in the High Court of Admiralty, and have same Rights, &c. as Proctors now have.

*Admission to Office of Principal.* See  
*Universities (Scotland).*

*America.* See *North-western Territories*  
*(British America).*

### *Antigua.*

22 & 23 Vict. c. 13.—An Act to enable Her Majesty to confirm an Act passed by the Legislature of Antigua, intituled “An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda.” Page 24

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*Appropriation of Supplies.* See *Revenue, Public, &c.*

### *Arbitration (Railway Companies).*

22 & 23 Vict. c. 59.—An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration. Page 174

- § 1. Short Title.
2. Power for Railway Companies to refer Matters to Arbitration.
3. Power to Companies to alter or revoke Agreements for Reference.
4. Agreements to be carried into effect.
5. Reference to a single Arbitrator.
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7. Appointment of Arbitrators by Companies.
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11. Appointment of Arbitrator not revocable.
12. Appointment of Umpire by Arbitrators.
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16. Succeeding Arbitrators and Umpires to have Powers of Predecessors.
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19. Procedure in the Arbitration.
20. Arbitration may proceed in Absence of Companies.
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*Army*                    -                    -                    -                    *Assistant.*

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- § 23. Power for Umpire to extend Period for making his Award.
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*Arrangements for Relief of Turnpike Trusts.*  
See *Turnpike Roads and Trusts.*

### *Ascertainment of the Law.*

22 & 23 Vict. c. 63.—An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof. Page 181

- § 1. Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.
2. Opinion to be authenticated and certified Copy given.
3. Opinion to be applied by the Court making the Remit.
4. Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.
5. Interpretation Clause.

### *Assistant Judge for Middlesex.*

22 & 23 Vict. c. 4.—An Act to amend the Act for the better Administration of Criminal Justice in Middlesex. Page 2

Recital of 7 & 8 Vict. c. 71.

- § 1. Power to Justices of Middlesex to grant 300*l.* a year out of the County Rates as an Addition to the Salary of the Assistant Judge.
2. In such Case Assistant Judge not to practise as a Barrister.
3. In certain Cases Secretary of State may appoint a Person to act temporarily as Assistant Judge.
4. All General Sessions of the Peace for Middlesex to have the Powers of Quarter Sessions.
5. Court may remit Fines on Jurors imposed at a previous Session.
6. Section 10 of recited Act repealed in part on next Vacancy of the Office of Assistant Judge.

*Attorneys**Boards.*

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*Authentication of Orders of Privy Council.*  
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## B.

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*Bankruptcy and Insolvency (Ireland).*

22 & 23 Vict. c. 62.—An Act to amend the Irish Bankruptcy and Insolvency Act (1857). Page 180

Recital of Section 294 of 20 & 21 Vict. c. 60.

§ 1. Application of unclaimed Dividends declared before passing of 20 & 21 Vict. c. 60. to be divided as directed by 6 Will. 4. c. 14. s. 128.

2. Acts to be construed as One Act.

*Barbuda Government.*

22 & 23 Vict. c. 13.—An Act to enable Her Majesty to confirm an Act passed by the Legislature of Antigua, intituled "An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda." Page 24

§ 1. Her Majesty empowered to confirm the recited Act of the Legislature of Antigua.

*Barristers-at-Law.* See *Admiralty, High Court of.*

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*Boards of Guardians (Payment of Debts).*

22 & 23 Vict. c. 49.—An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts. Page 143

§ 1. Debts, &c. incurred in future by Guardians to be paid within the Half Year in which the same shall have been incurred or become due, or within Three Months after the Expiration of such Half Year; Power to the Poor Law Board to extend the Time.

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*Borough* - - - - *Cambridge.*

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- § 2. As to Payment of Debts incurred before the passing of this Act.
3. Provision for Charges on the Rates.
4. Provision for Actions against Guardians or Managers.
5. Payment of Attorneys Bills, Delay of, until Determination of Suit, &c.
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*Borough Police.* See *Police.*

*Boundaries (Ireland).*

22 & 23 Vict. c. 8.—An Act to amend the Act 20 & 21 Vict. c. 45., relating to the Survey of Boundaries in Ireland. Page 5

- § 1. Boundary Surveyor may alter Name of Lands erroneously named in Ordnance Map on Application of Owners and Proof of Error.
2. Boundary Surveyor may define Boundaries of Parishes divided under 7 & 8 Geo. 4. c. 43., 3 & 4 Will. 4. c. 37., and 11 & 12 Vict. c. 41.
3. Recited Act, 20 & 21 Vict. c. 45., and this Act to be One Act, and shall be subject to 17 & 18 Vict. c. 17. with respect to the Orders of Lord Lieutenant and Council.
4. The Publication in Dublin Gazette of the detailed Report of Boundary Surveyor to be discontinued; and Copy of Order in Council and of Report, and Ordnance Plans, to be transmitted to Clerk of Peace, and exhibited without Fee or Reward.
5. Act to extend to Ireland only.

*British America.* See *North-western Territories (British America).*

C.

*Cambridge University.*

22 & 23 Vict. c. 34.—An Act to continue the Powers of the Commissioners under the Act 19 & 20 Vict. c. 88., concerning the University of Cambridge and the College of King Henry the Sixth at Eton. Page 102

- § 1. Powers of the Commissioners continued until the 1st January 1861.
2. Repeal of the University Statutes of Queen Elizabeth postponed to 1st January 1861.

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*Canada*     -     -     -     -     *Chester.*

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### *Canada.*

22 & 23 Vict. c. 10.—An Act to empower the Legislature of Canada to make Laws regulating the Appointment of a Speaker of the Legislative Council.     Page 8

Recital of 3 & 4 Vict. c. 35. for Union of the Two Provinces, and 17 & 18 Vict. c. 118. altering the Constitution.

- § 1. The Legislature of Canada to have Power to make Laws touching the Appointment or Election of a Speaker of the Legislative Council.

### *Capitular Estates. See Episcopal and Capitular Estates.*

### *Charitable and Provident Societies.*

22 & 23 Vict. c. 53.—An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks.     Page 153

- § 1. Funds of Penny Savings Banks to any Amount, &c. may be invested in Savings Banks.  
 2. If Savings Banks Rules are already certified they need not be again certified.

### *Charitable Trusts Act Continuance.*

22 & 23 Vict. c. 50.—An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.     Page 146

Preamble recites 16 & 17 Vict. c. 137., and 18 & 19 Vict. c. 124., and that certain Roman Catholic Charities were exempted from the Operation of those Acts.

- § 1. Exemption continued until 1st July 1861.

### *Charters, Confirmation of. See Universities (Oxford and Cambridge).*

### *Chester and Holyhead Railway.*

22 & 23 Vict. c. 60.—An Act to extend the Powers of the Act 13 & 14 Vict. c. 111., relating to the laying down of Railways at Holyhead Harbour.     Page 177

- § 1. Treasury, &c. may authorize Company to use Tramway with Locomotive Engines, with Consent of Board of Trade.



<i>Chief</i>	-	-	-	-	<i>College.</i>
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- § 2. Station or Lodge to be erected at Points of Crossing.  
 3. Land, if required, to be taken by Agreement only.  
 4. Compensation to Owners, &c. of Houses and Premises injuriously affected by the Alteration of the Tramway into a Railway.

### *Chief Superintendent (China).*

22 & 23 Vict. c. 9.—An Act to provide for the Exercise of the Duties of Chief Superintendent in China in certain Cases. Page 7

Recital of 3 & 4 Will. 4. c. 93., and 6 & 7 Vict. c. 80. s. 2.

- § 1. During a Vacancy of the Office or during Absence of the Chief Superintendent, Her Majesty's Chargé d'Affaires to assume the Office.  
 2. Act to apply whether the Superintendent is or is not Governor of Hong Kong.

*Church Estates Commissioners.* See *Episcopal and Capitular Estates.*

*Civil Causes, Trials in.* See *Trials by Jury.*

### *Clerk of the Council.*

22 & 23 Vict. c. 1.—An Act to provide for the Authentication of certain Orders of the Privy Council in Absence of the Clerk of the Council in Ordinary. Page 1

- § 1. Person authorized by Her Majesty in Council to act in the Absence of the Clerk of the Council in Ordinary may sign Orders under Acts of Parliament, &c.

### *Coinage.*

22 & 23 Vict. c. 30.—An Act to extend the Enactments relating to the Copper Coin to Coin of mixed Metal. Page 85

- § 1. Enactments of 2 & 3 Will. 4. c. 34. concerning the Copper Coin to apply to Coins of Bronze or mixed Metal.

*Collection of County Cess.* See *County Cess.*

*College of King Henry the Sixth at Eton.*  
 See *Eton College.*



*Confirmation**Council.*

- § 10. Lessees need not join in Application for Partition.  
 11. In Partitions Dissents not to apply in certain Cases.  
 12. Where Patronage vested in the Crown, who to be deemed Patron.  
 13. Tenancies at Rackrent.  
 14. Annexation of Map to an Inclosure Award may be dispensed with.  
 15. Act deemed Part of "The Acts for the Inclosure, &c. of Land."

*Confirmation of Charters. See Universities (Oxford and Cambridge).*

*Consolidated Fund. See Revenue, Public, &c.*

*Constables. See Police.*

*Constabulary Force (Ireland).*

22 & 23 Vict. c. 22.—An Act to amend the Acts relating to the Constabulary Force in Ireland. Page 76

Recital of 6 Will. 4. c. 13., 2 & 3 Vict. c. 75., and 9 & 10 Vict. c. 97. s. 6.

- § 1. Interpretation of Term "Lord Lieutenant."  
 2. Lord Lieutenant may, on the Retirement of One of the Two Deputy Inspectors General, appoint the remaining Deputy Inspector General to be the only Deputy Inspector General of Police in Ireland.  
 3. On Retirement of One of the Deputy Inspectors General an additional Assistant Inspector General to be appointed.  
 4. The Assistant Inspector General in Command of the Constabulary Depôt to be styled "Commandant of the Depôt."  
 5. Salary of Assistant Inspectors General.

*Copper Coin. See Coinage.*

*Corrupt Practices Prevention.*

22 & 23 Vict. c. 48.—An Act to continue the Corrupt Practices Prevention Act, 1854. Page 143

Recital of 17 & 18 Vict. c. 102. and 21 & 22 Vict. c. 87.

- § 1. First-recited Act continued until 10th August 1860.

*Council, Clerk of the. See Privy Council.*

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*Counties*                    -                    -                    -                    *Criminal.*

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*Counties, Divisions of.* See *Sessional Divisions of Counties.*

### *County Cess (Ireland).*

22 & 23 Vict. c. 23.—An Act to continue certain Acts relating to the Collection of County Cess in Ireland. Page 78

Recital of 11 & 12 Vict. c. 32., 16 & 17 Vict. c. 13., and 20 & 21 Vict. c. 7.

- § 1. Provisions in 11 & 12 Vict. c. 32., relating to Collection of County Cess in Ireland continued for Two Years.

### *County Courts.*

22 & 23 Vict. c. 57.—An Act limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges. Page 169

- § 1. Power of Committal by County Court Judges under 9 & 10 Vict. c. 95. s. 98. not to be exercised unless Credit obtained by Fraud.

*County Police.* See *Police.*

*Courts.* See *Admiralty.* *County Courts.*  
*Divorce.* *Exchequer.* *Probate.*

*Credit.* See *County Courts.* *Malt Duty.*

### *Criminal Justice, Middlesex (Assistant Judge).*

22 & 23 Vict. c. 4.—An Act to amend the Act for the better Administration of Criminal Justice in Middlesex. Page 2

Recital of 7 & 8 Vict. c. 71.

- § 1. Justices of Middlesex may grant 300*l.* a Year out of the County Rates as an Addition to the Salary of the Assistant Judge.
2. In such Case Assistant Judge not to practise as a Barrister.
  3. In certain Cases of Vacancy, Secretary of State may appoint a Person to act temporarily as Assistant Judge.
  4. All General Sessions of the Peace for Middlesex to have the Powers of Quarter Sessions.

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*Customs*      -      -      -      *Disembodied.*

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- § 5. Court may remit Fines on Jurors imposed at a previous Session.
6. Section 10 of recited Act repealed on the next Vacancy of Office of Assistant Judge.

### *Customs.*

22 & 23 Vict. c. 37.—An Act for the Amendment of the Laws relating to the Customs. Page 114

- § 1. Repealing the Act 3 & 4 Will. 4. c. 101.
2. Lien for Freight payable before Delivery of Goods from Queen's Warehouse.
3. Goods under Bond for Exportation must be duly shipped.
4. Goods to be correctly stated in the Declaration on Shipping Bills.
5. Shipping Bills on Exportation to be delivered, and if not acted upon to be notified.
6. Penalty on fraudulent Import Entries and Concealments.
7. Butter and Deals from Canada may be imported via Portland, notwithstanding anything in Customs Acts to the contrary.
8. Interpretation of Terms.
9. Short Title.

### **D.**

*Debt, Imprisonment for.*    See *County Courts.*

*Debts of Guardians of the Poor.*    See *Poor Law Boards.*

### *Diplomatic Pensions.*

22 & 23 Vict. c. 5.—An Act to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament. Page 3

Recital of 2 & 3 Will. 4. c. 116.

- § 1. Persons holding Diplomatic Pensions may sit in the House of Commons.
2. The Act 2 & 3 Will. 4. c. 116. not to be affected by this Act.

*Disembodied Militia.*    See *Militia.*

*Divisions of Counties.* See *Sessional Divisions of Counties.*

### *Divorce Court.*

22 & 23 Vict. c. 61.—An Act to make further Provision concerning the Court for Divorce and Matrimonial Causes. Page 179

Recital of 20 & 21 Vict. c. 85.

- § 1. All the Judges of the Queen's Bench, Common Pleas, and the Exchequer to be Judges of the Court for Divorce.
2. Judge Ordinary and Eight of the other Judges to appoint the Sittings of the full Court.
  3. Precedence of the Judge Ordinary.
  4. The Court may make Orders as to Custody of Children after a final Decree of Separation.
  5. As to Marriage Settlements of Parties after final Decree of Nullity of Marriage.
  6. On a Petition by Wife on account of Adultery, &c., both Husband and Wife competent and compellable to give Evidence.
  7. Right of Appeal to House of Lords to extend to Sentences, &c., under the Legitimacy Declaration Act, 1858.

### *Dublin Police.*

22 & 23 Vict. c. 52.—An Act to amend the Laws relating to the Police District of Dublin Metropolis. Page 148

Recital of 6 & 7 Will. 4. c. 29., 7 Will. 4. & 1 Vict. c. 25., and 3 & 4 Vict. c. 103.

- § 1. Interpretation of Terms.
2. When the Office of Commissioner of Police is vacant, Lord Lieutenant may appoint an Assistant Commissioner.
  3. Salaries to be paid after such Vacancy shall take place.
  4. One Commissioner to act in certain Cases.
  5. When the Offices of Receiver, Secretary, and Supervisor be vacant, Lord Lieutenant may appoint One Person to hold the said Offices.
  6. Offices may be consolidated if no Vacancy have occurred, and Compensation granted for Loss of Office.
  7. When Consolidation of Offices shall include Receiver, that Officer to be styled the Accountant, and Property to be vested in him, &c.
  8. Lord Lieutenant may abolish Divisions of Police District, and appoint such Number of Courts and Justices as he may think fit.

*Duties*

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*East.*

- § 9. When Number of Justices reduced to Five, Lord Lieutenant may raise the Salary of Justices.
10. Lord Lieutenant may direct daily Attendances at Police Courts.
11. One Justice may do any Act directed to be done by more than One Justice.
12. Compensation to Persons belonging to the Police Department whose Offices are abolished by this Act.
13. Act not to lessen, &c. Power of Justices.
14. Short Title.

*Duties, Rates, and Taxes. See Customs.  
Excise. Income Tax. Stamp Duties.*

## E.

### *East Indies :*

#### 1.—*Government of India Act Amendment.*

22 & 23 Vict. c. 41.—An Act to amend the Act for the better Government of India. Page 132

- § 1. Powers to execute Contracts vested in Government of India.
2. Mode of executing Contracts in India. Secretary of State and Council not to be personally liable.
3. Mode of signing Drafts or Orders on Bank of England.
4. As to Validity of Contracts, &c., entered into before the passing of this Act.
5. Mode of executing Contracts.
6. Actions to be carried on in Name of Secretary of State for India.

#### 2.—*East India Loan.*

22 & 23 Vict. c. 39.—An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. Page 120

- § 1. Power to the Secretary of State in Council of India to raise any Sum not exceeding Five Millions.
2. Bonds may be issued under the Hands of Two Members of the Council, countersigned by Secretary of State or One Under Secretary.
3. Debentures may be issued.
4. As to Payment of Principal and Interest on Debentures.

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*Ecclesiastical*       -       -       -       *Episcopal.*

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- § 5. Debentures transferable by Delivery or Deed; Coupons by Delivery.
- 6. Capital Stock and Annuities may be created and issued.
- 7. Transfer Books of such Capital Stock and Annuities to be kept.
- 8. Annuities Personal Estate.
- 9. The whole Amount charged on Revenue of India not to exceed Five Millions.
- 10. Power to raise Money for Payment of Principal Money.
- 11. Securities, &c. to be charged on Revenues of India.
- 12. Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.
- 13. Forgery of Debentures to be punishable as Forgery of East India Bonds.
- 14. Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.
- 15. Saving Powers of the Secretary of State in Council.

*3.—European Troops (India).*

22 & 23 Vict. c. 27.—An Act to repeal the Thirty-first Section of the Act 16 & 17 Vict. c. 90., and to alter the Limit of the Number of European Troops to be maintained for the Service of India. Page 81

- § 1. Limit of the Number of European Troops of Her Majesty's Indian Army.

*Ecclesiastical Jurisdiction.*

22 & 23 Vict. c. 45.—An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. Page 141

- § 1. Temporary Provisions of 10 & 11 Vict. c. 98. continued until 1st August 1862.

*Elections, Parliamentary. See Corrupt Practices Prevention.*

*Episcopal and Capitular Estates.*

22 & 23 Vict. c. 46.—An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in England. Page 141

Recital of 14 & 15 Vict. c. 104., 17 & 18 Vict. c. 116., and 20 & 21 Vict. c. 74.

- § 1. Two Commissioners may execute Deeds.



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*Eton* - - - - *Exchequer.*

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§ 2. Evidence of Appointment of Church Estate Commissioners.

3. 14 & 15 Vict. c. 104., as amended by 17 & 18 Vict. c. 116., continued until January 1, 1861.

### *Eton College.*

22 & 23 Vict. c. 34.—An Act to continue the Powers of the Commissioners under an Act 19 & 20 Vict., concerning the University of Cambridge and the College of King Henry the Sixth at Eton. Page 102

§ 1. Powers of the Commissioners continued until 1st Jan. 1861.

### *European Troops (India).*

22 & 23 Vict. c. 27.—An Act to repeal the Thirty-first Section of the Act 16 & 17 Vict. c. 95., and to alter the Limit of the Number of European Troops to be maintained for local Service in India. Page 81

§ 1. Limit of the Number of European Troops of Her Majesty's Indian Army.

*Exchange of Lands. See Commons Inclosure.*

### *Exchequer, Court of.*

22 & 23 Vict. c. 21.—An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer. Page 65

Recital of 5 & 6 Vict. c. 86.

- § 1. Appointment of Queen's Remembrancer.
2. The Treasury to regulate Establishment and to fix Salaries.
3. Power to the Treasury to award Compensation.
4. Salaries and Expenses of Office to be paid out of the Fees.
5. Provisions of 5 & 6 Vict. c. 86. as to Fees to continue in force.
6. Enrolment of Accounts under 1 & 2 Geo. 4. c. 121. to be in the Discretion of the Commissioners of Audit.
7. So much of 7 Ann. c. 20. as makes the Remembrancer One of the Registers, &c. repealed.
8. Compensation Monies for Land under 5 & 6 Vict. c. 94. (Ordinance), and 16 & 17 Vict. c. 107. (Customs), to be paid into the Court of Chancery instead of to the Queen's Remembrancer.

*Exchequer, Court of.*

- § 9. Extending Section 22 of 15 & 16 Vict. c. 76. (Common Law Procedure) to Suits, &c. in Exchequer.
10. Special Case may be stated by Consent of Parties and Order of a Judge.
11. Costs to follow Event unless otherwise agreed.
12. Appeal from Assessments of Succession Duty may be carried to a Superior Court.
13. Appeal to be to Court of Error in the Exchequer Chamber subject to Appeal to the House of Lords.
14. Notice of Appeal to be given.
15. In summary Proceedings for Legacy or Succession Duty Parties may appeal.
16. Powers of 1 Will. 4. c. 22., &c., as to Examination of Witnesses, and of Sections 46th, 47th, 48th, and 49th of 15 & 16 Vict. c. 76. extended to Revenue Proceedings. Persons giving false Evidence guilty of Perjury.
17. Revenue Causes may be tried without a Commission.
18. Error to be brought within Six Years. Proviso as to Disabilities.
19. Writ of Error abolished.
20. Bill of Exceptions.
21. Costs.
22. Defect in Form not to invalidate Pleadings.
23. Process on Estreats may issue without reference to any Seal Day.
24. Provision for the Recovery of a Debt of Record due to Her Majesty, where the Party liable resides in another Jurisdiction.
25. The Crown may re-enter on Lands to enforce Right of Re-entry without Inquisition taken.
26. Rules may be made by the Barons as to the Process, Practice, and Pleading in Revenue.
27. New Forms of Writs and Proceedings may be made.
28. Section 8 of 3 & 4 Will. c. 99., requiring Sheriff's Accounts to be audited by Commissioners of Audit, repealed.
29. Transmission of Sheriff's Accounts.
30. Form in Schedule to this Act to be substituted for that in Schedule (A.) to 3 Geo. 4. c. 46. Construction of Section 1 of 4 Geo. 4. c. 37.
31. Section 14 of 3 Geo. 4. c. 46. repealed.
32. Clerks of Assize now required to estreat Fines, &c. into the Exchequer, to send Process to the Sheriff.
33. Oath of Clerk of Assize sending Process.
34. Return of Writ to the Treasury.
35. Until Fines, &c. are levied, Sheriff to retain Writ, which shall continue in force and be Authority to act upon.
36. Where a Party resides in another County, &c., or has removed, Sheriff to issue his Warrant to the Sheriff of the other County, &c.

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*Excise*     -     -     -     -     *Galway.*

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- § 37. Penalty on Sheriff for Neglect.
38. Estreats may be required to be enrolled in the Exchequer.
39. Provision as to setting over Fines, &c.
40. Recognizances forfeited at Coroners' Inquests to be returned to Clerks of the Peace, as in the Case of Fines imposed by Coroners.
41. Original Rolls not to be returned into Exchequer.
42. Approval by Her Majesty of the Sheriffs of London and Sheriff of Middlesex, how to be signified in future.
43. As to certain ancient Rents and Services rendered by the Corporation of London before the Court of Exchequer.
44. Saving of Rights.
- SCHEDULE.

*Excise Duty on Malt. See Malt.*

*Exemption from Rating. See Stock in Trade.*

## F.

*Faculty of Physic. See Stamp Duties.*

### *Fishing Vessels.*

- 22 & 23 Vict. c. 29.—An Act to repeal a certain Toll levied upon Fishing Vessels passing the Nore. Page 83
- Recital of Billingsgate Market Act, 9 & 10 Vict. c. cccxvi.
- § 1. Repealing Sections 17 to 24 of recited Act respecting Tolls imposed on Fishing Vessels.
2. Power to Treasury to award Compensation to Persons deprived of Offices.

## G.

### *Galway Harbour and Port.*

- 22 & 23 Vict. c. 28.—An Act to amend the Galway Harbour and Port Act (1853). Page 82
- § 1. Commissioners of Public Works may charge Rates on all Vessels entering and using the Floating Dock.
2. Act 16 & 17 Vict. c. cvii. and this Act to be construed together.

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*Gas* - - - *Imprisonment.*

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*Gas, Sales of.* See *Sale of Gas.*

*Government of India.* See *East Indies.*

*Grand Jury Cess.* See *County Cess.*

*Guardians.* See *Poor Law Boards.*

## H.

### *Hawkers and Pedlars.*

22 & 23 Vict. c. 36.—An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkens and Pedlars. Page 112

§ 3. Nothing in 50 Geo. 3. c. 41. or 55 Geo. 3. c. 71. to hinder Maker of Goods, or his Children, &c., from carrying abroad or exposing to Sale such Goods.

4. Power to Justices, on Conviction of a Hawker, to mitigate the Penalty to One Fourth.

*Health, Public.* See *Public Health.*

*Hempen Manufactures.* See *Linen, &c. Manufactures (Ireland).*

*High Court of Admiralty.* See *Admiralty, High Court of.*

*Holyhead Harbour.* See *Chester and Holyhead Railway.*

## I.

### *Imprisonment for Small Debts.*

22 & 23 Vict. c. 57.—An Act limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges. Page 169

§ 1. Power of Committal by County Court Judges under 9 & 10 Vict. c. 95. s. 98. not to be exercised unless Credit obtained by Fraud.

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*Improvement*      -      -      -      *Inclosure.*

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*Improvement of Lands. See Inclosure of  
Lands.*

### *Inclosure of Lands :*

#### *1.—Inclosures under Commissioners Report.*

22 & 23 Vict. c. 47.—An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales. Page 142

- § 1. Inclosures in Schedule may be proceeded with.  
2. Short Title of Act.

SCHEDULE of proposed Inclosures; viz.—

Titchfield (Southampton); Leatherhead Common (Surrey); Dorchester (Oxford); Holyhead (Anglesey); Margaret Marsh (Dorset); Hawkshead (Lancaster); Marnhull (Dorset); Carnforth (Lancaster); Portslade (Sussex); Chich, St. Osyth (Essex); Crofton Manor (Southampton); Newland Manor (Southampton); Wadley (Berks); Swanwick Common (Southampton); Leatherhead Common Fields and Down (Surrey); and Whitlaw (Northumberland).

#### *2.—Inclosure Acts Amendment.*

22 & 23 Vict. c. 43.—An Act to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land. Page 137

- § 1. Provisional Order to specify what Rights are reserved as to Mines, &c.  
2. Provision as to Surface Damage.  
3. Powers to work Mines, &c.  
4. How Damages to be assessed.  
5. Payment of Damages.  
6. To be levied by Distress.  
7. Annual Value of Allotments to be stated in Award.  
8. Herbage may be let.  
9. Purchase Money of Land sold may be apportioned.  
10. Lessees need not join in Application for Partition.  
11. In Partitions Dissents not to apply in certain Cases.  
12. Where Patronage vested in the Crown, who to be deemed Patron.  
13. Tenancies at Rackrent.  
14. Annexation of Map to an Inclosure Award may be dispensed with.  
15. Act deemed Part of "The Acts for the Inclosure, &c. of Land."

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*Income*       -       -       -       -       *Judges.*

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### *Income Tax, &c.*

22 & 23 Vict. c. 13.—An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt. Page 24

- § 1. Additional Rates of Income Tax granted on Assessments made on the Amount of annual Profits.
2. Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.
3. Relief to Persons whose Incomes are under 150*l.* a Year.
4. Provisions of former Acts to be applied.
5. Deduction to be made on Payment of Interest, &c.
6. Provision for Allowance of Duty to Persons in respect of deferred Annuities extended to the like Annuities contracted for with the Commissioners for the Reduction of the National Debt.
7. Reduction of the Period of Credit allowed for Payment of Excise Duty on Malt.
8. Discount to be allowed to Maltsters in consideration of the Reduction of Credit.

*India.*    See *East Indies.*

*Indians, Trade with.*    See *North-western Territories (British America).*

*Indictments.*    See *Vexatious Indictments.*

*Insolvency.*    See *Bankruptcy and Insolvency.*

*Ireland.*    For Acts relating specially to Ireland, see the following Heads:—

<i>Bankruptcy and Insolvency.</i>	<i>Dublin Police.</i>
<i>Boundaries.</i>	<i>Galway Harbour.</i>
<i>Constabulary Force.</i>	<i>Linen, &amp;c. Manufactures.</i>
<i>County Cess.</i>	<i>Probate, Court of.</i>

## J.

*Judge (Assistant) for Middlesex.*    See *Criminal Justice.*

*Judges of the County Courts.*    See *County Courts.*

*Jurisdiction, Ecclesiastical.* See *Ecclesiastical Jurisdiction.*

*Jury Trial (Scotland).*

22 & 23 Vict. c. 7.—An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous. Page 5

Recital of 17 & 18 Vict. c. 59.

- § 1. If after Three Hours Deliberation Nine of the Jury agree, a Verdict may be returned.
2. Jury may be discharged without a Verdict after Six Hours Deliberation.

*Justice, Administration of.* See—

<i>Admiralty, High Court of.</i>	<i>Jury Trial.</i>
<i>Arbitration.</i>	<i>North-western Provinces</i>
<i>Ascertainment of the Law.</i>	<i>(British America).</i>
<i>Assistant Judge.</i>	<i>Privy Council.</i>
<i>Bankruptcy and Insolvency.</i>	<i>Sessional Divisions.</i>
<i>Imprisonment for Debt.</i>	<i>Vexatious Indictments.</i>

L.

*Lands, Inclosure of.* See *Inclosure of Lands.*

*Law Ascertainment Facilities.*

22 & 23 Vict. c. 63.—An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof. Page 181

- § 1. Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.
2. Opinion to be authenticated and certified Copy given.
3. Opinion to be applied by the Court making the Remit.
4. Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.
5. Interpretation Clause.

*Law of Property and Trustees Relief.**Law of Property and Trustees Relief.*

22 & 23 Vict. c. 35.—An Act to further amend the Law of Property, and to relieve Trustees. Page 103

*Leases.*

- § 1. Restriction on Effect of Licence to alien.
2. Restricted Operation of partial Licences.
3. Apportionment of Conditions of Re-entry in certain Cases.

*Policies of Insurance.*

4. Relief against Forfeiture for Breach of Covenant to insure in certain Cases.
5. When Relief granted the same to be recorded.
6. Court not to relieve any Person more than once in respect of the same Covenant, &c.
7. Lessor to have Benefit of an informal Insurance.
8. Protection of Purchaser against Forfeiture under Covenant for Insurance against Fire in certain Cases.
9. Preceding Provisions to apply to Leases for a Term of Years absolute, &c.

*Rentcharges.*

10. Release of Part of Land charged not to be an Extinguishment.

*Judgments.*

11. Release of Part of Land charged not to affect Judgment.

*Powers.*

12. Mode of Execution of Powers.
13. Sale under Power not to be avoided by reason of mistaken Payment to Tenant for Life.
14. Devisee in Trust may raise Money by Sale, notwithstanding Want of express Power in the Will.
15. Powers given by last Section extended to Survivors, Devisees, &c.
16. Executors to have Power of raising Money, &c. where there is no sufficient Devise.
17. Purchasers, &c. not bound to inquire as to Powers.
18. Provisions in Sections 14, 15, and 16, not to affect certain Sales, &c., nor to extend to Devises in Fee or in Tail.

*Inheritance.*

19. Descent how to be traced.
20. Preceding Section incorporated with 3 & 4 Will. 4. c. 106.

*Assignment of Personalty.*

21. Assignment to self and others.



*Legislative*

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*Linen.**Purchasers.*

- § 22. After 31st December 1859 Provision as to Re-registry, contained in 2 & 3 Vict. c. 11. and 18 & 19 Vict. c. 15., to apply to Crown Debts.
23. Purchasers not bound to see to the Application of Purchase Money.
24. Punishment of Vendor, &c. for fraudulent Concealment of Deeds, &c. or falsifying Pedigree.
25. Interpretation of Terms.

*Trustees and Executors.*

26. Trustee, &c. making Payment under Power of Attorney not to be liable by reason of Death of Party giving such Power.
27. As to Liability of Executor or Administrator in respect of Rents, Covenants, or Agreements.
28. As to Liability of Executor, &c. in respect of Rents, &c. in Conveyances on Rentscharge.
29. As to Distribution of the Assets of Testator or Intestate after Notice given by Executor or Administrator.
30. Trustee, Executor, &c. may apply by Petition to Judge of Chancery for Opinion, Advice, &c. in Management, &c. of Trust Property.
31. Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.
32. As to Investments by Trustees.

*Extent of Act.*

33. Act not to extend to Scotland.

*Legislative Council (Canada). See Canada.*

*Legislatures, Colonial. See Colonial Legislatures.*

*Letters of Administration. See Probate, Court of. Stamp Duties.*

*Licences. See Stamp Duties.*

*Linen, &c. Manufactures (Ireland).*

22 & 23 Vict. c. 25.—An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.

Page 79

Recital of 5 & 6 Will. 4. c. 27., 3 & 4 Vict. c. 91., 5 & 6 Vict. c. 68., 7 & 8 Vict. c. 47., 13 & 14 Vict. c. 48., 15 & 16 Vict. c. 13., 16 & 17 Vict. c. 103., and 17 & 18 Vict. c. 46.

- § 1. Recited Acts (except as amended) further continued for Five Years.

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*Lisbon*       -       -       -       *Manufactures.*

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*Lisbon.*    See *Marriages.*

*Lists and Ballots for the Militia.*    See *Militia.*

### *Local Government.*

22 & 23 Vict. c. 11.—An Act to confirm certain Provisional Orders under the Local Government Act (1858). Page 9

- § 1. Provisional Orders in Schedule confirmed.  
 2. Alteration of Boundary of Leamington District.  
 3. Election of Local Board for Leamington.  
 4. Act incorporated with 21 & 22 Vict. c. 98.  
 5. Short Title.

SCHEDULE of Provisional Orders referred to, viz.:—

1. Leamington (altering Boundaries).
2. Teignmouth (repealing and altering Parts of a Local Act).
3. Wigan (repealing and altering Parts of a Local Act).
4. Wigan (extending Borrowing Powers).
5. Battle (extending Borrowing Powers).
6. Knighton (extending Borrowing Powers).
7. Cardiff (putting in force the Lands Clauses Consolidation Act, 1845).
8. Derby (repealing an Exemption from Rating under a Local Act.)

## M.

### *Malt Duty, &c.*

22 & 23 Vict. c. 18.—An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt. Page 54

- § 7. Reduction (from Eighteen Weeks to Twelve Weeks) of the Period of Credit allowed for Payment of Excise Duty on Malt.  
 8. Discount to be allowed to Maltsters in consideration of the Reduction of Credit.

*Manufactures.*    See *Linen, &c. Manufactures (Ireland).*

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*Marriages* - - - - *Military.*

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### *Marriages (Lisbon).*

22 & 23 Vict. c. 66.—An Act to remove Doubts as to the Validity of certain Marriages of British Subjects at Lisbon. Page 185

Recital of 12 & 13 Vict. c. 68.

- § 1. Marriages solemnized in the British Chapel at Lisbon confirmed.
2. Certificates received by Secretary of State to be sent to the Registrar General, and certified Copies to be Evidence, as under 6 & 7 Will. 4. c. 86.
  3. Preservation of Right to search and have Copies.

*Matrimonial Causes.* See *Divorce, Court of.*

*Measures.* See *Sale of Gas. Weights and Measures.*

*Members of Parliament.* See *Corrupt Practices Prevention. Diplomatic Pensions.*

### *Military Savings Banks.*

22 & 23 Vict. c. 20.—An Act to amend and consolidate the Laws relating to Military Savings Banks. Page 60

- § 1. Repealing 5 & 6 Vict. c. 71., 8 & 9 Vict. c. 27., and 12 & 13 Vict. c. 71.; but all Acts done thereunder confirmed.
2. Establishment of Military Savings Banks.
  - 3, 4. Regulations for such Savings Banks, how to be made ; and what to be provided for by the Regulations.
  5. As to Receipts of Infants and Married Women.
  6. Deposits to be applied to Public Expenditure, and Payments made out of Grants for ordinary Services.
  7. Secretary-at-War to direct certain Moneys to be paid to the Account of the Commissioners for the Reduction of the National Debt, and carried to the Account of the Military Savings Banks.
  8. Investment of such Moneys in Bank Annuities.
  9. Secretary-at-War may direct Moneys invested in Annuities to be transferred to Account of Paymaster General.
  10. Commissioners for Reduction of National Debt empowered to sell Bank Annuities.
  11. Provisions as to Money arising from a dissolved Regimental Benefit Society.
  12. Officers of Savings Banks not personally liable, except for their own Acts.
  13. Accounts to be laid before Parliament.

*Militia.*

- § 14. Military Savings Banks not to be within Savings Banks Act, 9 Geo. 4. c. 92., or of any other Acts.  
 15. Construction of the Word "India."  
 16. Commencement of Act.

*Militia :*1.—*Amendment of Law.*

22 & 23 Vict. c. 38.—An Act further to amend the Laws relating to the Militia. Page 116

Recital of 51 Geo. 3. c. 118.

- § 1. Sections 8 and 9 of the Act 51 Geo. 3. c. 118. (to permit the Interchange of the British and Irish Militias) repealed as to Men hereafter raised for the Militia.  
 2. Her Majesty may employ the present Militia, making voluntary Offers beyond the limited Period of Interchange.  
 3. The Militia who volunteer may be employed in addition to the Proportion now limited.  
 4. Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands.  
 5. Commanding Officer to explain the Offer to be voluntary.  
 6. Qualification for Adjutants in Ireland and Great Britain assimilated; Service in the East Indian Army to be a Qualification.  
 7. Powers vested in Her Majesty for uniting the Militias of Counties extended.  
 8. Times and Places of Training in Great Britain to be appointed by Her Majesty; in Ireland by the Lord Lieutenant.  
 9. Term of Service of Militiamen absent from annual Training to be extended.  
 10. Fraudulent Re-enlistment to be deemed Desertion.  
 11. Volunteer fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to be subject to Stoppages.  
 12. Deserters may be tried by Court-martial or may be proceeded against summarily before Justices.  
 13. Repealing Section 40 of 17 & 18 Vict. c. 105., Section 59 of 17 & 18 Vict. c. 106., and Section 23 of 17 & 18 Vict. c. 107.  
 14. Application of Penalties.

2.—*Ballots Suspension.*

22 & 23 Vict. c. 15.—An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. Page 25

- § 1. General and Subdivision Meetings relating to the Militia of the United Kingdom, and Ballots for such Militia, suspended until 1st October 1860.

*Militia.*

- § 2. Proceedings may be had during such Suspension by Order in Council.
3. Not to extend to prevent the holding of certain Meetings relating to the Militia.

3.—*Pay.*

22 & 23 Vict. c. 54.—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.

Page 153

- § 1. Secretary of State for War to issue the Money required for Pay of Regular Militia.
2. Adjutant, &c. to reside where the Secretary of State for War shall appoint.
3. Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.
4. Quartermaster, &c. to have Charge of the Arms and Clothing; Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.
5. In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.
6. Militia when called out for Training or Exercise entitled to Pay.
7. Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.
8. Certain Officers unfit for Duty entitled to a retired Allowance upon making Declaration.
9. Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.
10. Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.
11. Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.
12. Allowance to be made for Medicines.
13. Reduced Adjutants to receive 4s. per Day till 31st July 1860.
14. Adjutants entitled to Allowance under 39 & 40 Geo. 3. c. 44.
15. Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 Geo. 3. c. 44. and 26 Geo. 3. c. 107.
16. Allowances to Adjutants, Surgeons, and Quartermasters.



*Offices*

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*Pedlars.***O.***Offices, &c., Site for.* See *Probate, Court of.**Orders of Privy Council.* See *Privy Council.**Ordnance Survey.* See *Boundaries (Ireland).**Oxford University.*

22 & 23 Vict. c. 19.—An Act to repeal Part of 13 Eliz. c. 29., concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them. Page 57

- § 1. Repealing the Obligation imposed on the Mayor, &c. of Oxford to take a certain Oath or make a certain Declaration.
2. Mayor, &c. of Oxford not to be required hereafter to take such Oath or make such Declaration.

**P.**

*Parliament, Members of.* See *Corrupt Practices Prevention.* *Diplomatic Pensions.*

*Pawnbrokers.*

22 & 23 Vict. c. 14.—An Act to amend an Act of the Thirty-ninth and Fortieth Years of King George the Third, for better regulating the Business of Pawnbrokers. Page 25

Recital of 2 & 3 Vict. c. 71. (Police Courts), and 39 & 40 Geo. 3. c. 99. (Pawnbrokers).

- § 1. Provisions contained in Sections 32, 33, 34, and 35 of 2 & 3 Vict. c. 71. extended to 39 & 40 Geo. 3. c. 99., and to all Parts of England.

*Payment of Debts.* See *Poor Law Boards.**Pedlars.* See *Hawkers and Pedlars.*

*Penny*

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*Police.*

*Penny Savings Banks.* See *Charitable and Provident Societies.*

*Pensions.* See *Diplomatic Pensions.*

*Physic, Faculty of.* See *Stamp Duties.*

*Police :*

1.—*Counties and Boroughs.*

22 & 23 Vict. c. 32.—An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales. Page 93

- § 1. Police Districts under 3 & 4 Vict. c. 88. s. 27. and 19 & 20 Vict. c. 69. s. 4. may be consolidated or merged.
2. County Constables not to be required to act in any Borough.
3. County Constables not to vote in certain Municipal Elections.
4. Amending Section 13 of 2 & 3 Vict. c. 93. respecting Constables resigning without Leave.
5. Limitation of Borough Watch Rate under 2 & 3 Vict. c. 28. and 3 & 4 Vict. c. 28. repealed.
6. Rates under the said Acts not to exceed 8*d.* in the Pound.
7. Repeal of 11 & 12 Vict. c. 14. as to Superannuation Fund.
8. Superannuation Fund to be provided for Constables.
9. Rates of Allowance from the said Fund.
10. Power to grant Gratuities to incapacitated Constables who have not served Fifteen Years.
11. Fees received by Constables of a Borough to be paid to the Superannuation Fund.
12. Provision for Insufficiency of Superannuation Fund.
13. Superannuation Fund to vest in Borough Treasurer.
14. Moiety of Penalty on Summary Conviction (under the Sale of Beer Act) may be directed to be paid for the Benefit of Superannuation Fund.
15. Provision for Payment of Allowances heretofore granted; Rights, &c. under the repealed Act 11 & 12 Vict. c. 14. reserved.
16. How past Services of existing Constables to be reckoned for Superannuation Allowance.
17. Provision for the Case of Consolidation of County and Borough Police.
18. Justices may direct Police to keep Order in Court of Assize.



*Police.*

- § 19. On Promotion of Constables from one Force to another, Half of past Service may be reckoned as Service in the latter Force.
20. General or Quarter Sessions of Counties, &c. may grant Gratuities to Widows of Constables dying in Service.
21. Act not to apply, as to Superannuation Fund, to Places where such a Fund has been already established.
22. Superannuation Fund for the whole County of Lincoln to be One common Fund.
23. Brighton Watchmen's Superannuation Fund to be transferred to Brighton Police Superannuation Fund.
24. Gratuities may be granted as Reward for good Service to Police out of Police Rates, &c.
25. Embezzlement by Constables punishable under 2 & 3 Will. 4. c. 4.
26. Chief Constable empowered to suspend Constables.
27. Inspectors under 19 & 20 Vict. c. 69. still entitled to Half Pay.
28. Repeal of Parts of 3 & 4 Vict. c. 88. as to local Constables.

*2.—Constabulary Force (Ireland).*

22 & 23 Vict. c. 22.—An Act to amend the Acts relating to the Constabulary Force in Ireland. Page 76  
Recital of 6 Will. 4. c. 13., 2 & 3 Vict. c. 75., and 9 & 10 Vict. c. 97. s. 6.

- § 1. Interpretation of Term "Lord Lieutenant."
2. Lord Lieutenant may, on the Retirement of One of the Two Deputy Inspectors General, appoint the remaining Deputy Inspector General to be the only Deputy Inspector General of Police in Ireland.
3. On Retirement of One of the Deputy Inspectors General an additional Assistant Inspector General to be appointed.
4. The Assistant Inspector General in Command of the Constabulary Depôt to be styled "Commandant of the Depôt."
5. Salary of Assistant Inspectors General.

*3.—Dublin Police.*

22 & 23 Vict. c. 52.—An Act to amend the Laws relating to the Police District of Dublin Metropolis. Page 148  
Recital of 6 & 7 Will. 4. c. 29., 7 Will. 4. & 1 Vict. c. 25., and 3 & 4 Vict. c. 103.

- § 1. Interpretation of Terms.
2. When the Office of Commissioner of Police is vacant, Lord Lieutenant may appoint an Assistant Commissioner.

<i>Poor</i>	-	-	-	-	<i>Principal.</i>
§ 3. Salaries to be paid after such Vacancy shall take place.					
4. One Commissioner to act in certain Cases.					
5. When the Offices of Receiver, Secretary, and Supervisor be vacant, Lord Lieutenant may appoint One Person to hold the said Offices.					
6. Offices may be consolidated if no Vacancy have occurred, and Compensation granted for Loss of Office.					
7. When Consolidation of Offices shall include Receiver, that Officer to be styled the Accountant, and Property to be vested in him, &c.					
8. Lord Lieutenant may abolish Divisions of Police District, and appoint such Number of Courts and Justices as he may think fit.					
9. When Number of Justices reduced to Five, Lord Lieutenant may raise the Salary of Justices.					
10. Lord Lieutenant may direct daily Attendances at Police Courts.					
11. One Justice may do any Act directed to be done by more than One Justice.					
12. Compensation to Persons belonging to the Police Department whose Offices are abolished by this Act.					
13. Act not to lessen, &c. Power of Justices.					
14. Short Title.					

### *Poor Law Boards (Payment of Debts).*

22 & 23 Vict. c. 49.—An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts. Page 143

- § 1. Debts, &c. incurred in future by Guardians to be paid within the Half Year in which the same shall have been incurred or become due, or within Three Months after the Expiration of such Half Year. Power to the Poor Law Board to extend the Time.
2. As to Payment of Debts incurred before the passing of this Act.
3. Provision for Charges on the Rates.
4. Provision for Actions against Guardians or Managers.
5. Payment of Attorneys Bills, Delay of, until Determination of Suit, &c.
6. No Call or Order to be invalidated.
7. Interpretation of Terms.

*Poor Rates.* See *Stock in Trade Exemption.*

*Powers of Repeal.* See *Colonial Legislatures.*

*Principal in the Universities of Scotland.* See *Universities (Scotland).*

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*Privy* - - - - - *Probate.*

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### *Privy Council.*

22 & 23 Vict. c. 1.—An Act to provide for the Authentication of certain Orders of the Privy Council in the Absence of the Clerk of the Council in Ordinary.

Page 1

- § 1. Person authorized by Her Majesty in Council to act in the Absence of the Clerk of the Council in Ordinary may sign Orders under Acts of Parliament, &c.

### *Probate, Court of:*

#### 1.—*England (Acquisition of Site).*

22 & 23 Vict. c. 16.—An Act to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate, and other Courts and Offices.

Page 26

- § 1, 2. Commissioners of Works, &c. incorporated for the Purposes of this Act, and to carry this Act into execution.
3. All Lands purchased under this Act to be vested in Commissioners for the Public Service.
  4. Plan to be deposited in the Office of Works, &c., and be open for Inspection.
  5. Power to stop up Streets and Ways.
  6. Power to raise or lower Streets.
  7. Power to take Land.
  8. No Land to be taken without Consent, except as in the Schedule.
  9. Premises may be taken, notwithstanding Errors in the Schedule.
  10. Power to Commissioners, their Surveyors, &c., to enter upon Land for surveying or valuing.
  11. Commissioners empowered to treat for Purchases.
  12. Land purchased to be conveyed to the Commissioners, or as they shall direct.
  13. Limitation of Time for compulsory Purchases to Three Years.
  14. Bodies Politic, Trustees, and other Persons empowered to sell and convey.
  15. Satisfaction may be made and accepted.
  16. Parties to deliver a Statement of their Claims.
  17. If Parties refuse to treat, or shall not agree, a Jury to be summoned to ascertain Damage, and award Compensation.
  18. Where Part of an Estate is taken, the Remainder to be valued.
  19. Notice to be given of the Compensation claimed.

*Probate, Court of.*

- § 20. Penalty on Sheriffs, Jury, and Witnesses for Neglect of Duty.
21. Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.
22. Value of Land to be ascertained distinct from Goodwill or other Damages.
23. Provision as to Expenses of summoning and returning Juries.
24. Verdicts to be recorded.
25. Commissioners empowered to purchase the whole of the Land, if the Owners are unwilling to sell a Part.
26. Persons holding under Leases to produce the same.
27. For settling Disputes as to Damages of small Amount.
28. Commissioners not to take possession until the Purchase Monies are tendered or paid.
29. Commissioners empowered to take possession on Payment of Purchase Money into the Bank of England.
- 30, 31, 32. Application of the Purchase Money.
- 33, 34. In case of not making out Titles; or where Question shall arise touching the Title.
35. Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.
36. Where the Title is defective by reason of a Rent payable out of other Land as well as Land required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Land, which shall be subject to the Rent in the same Manner.
37. Power to purchase the Release of Land wanted from Rents charged thereon.
38. Rents on Leases to be apportioned.
39. Mortgagees to convey.
40. As to Cases where the Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.
41. Tenants at Will or from Year to Year to quit after Notice.
42. Persons authorized to sell may refer it to Arbitrators to fix the Price.
43. Power to clear the Ground, and sell old Materials.
44. No Purchases to be made without the Authority of the Treasury.
45. Materials, &c. vested in the Commissioners.
46. Commissioners may cause Actions to be brought for Breach of Contract.
47. Costs, and such Sum as Jury may find, to be paid to Persons obtaining Judgment in lieu of Land.
48. Deeds, &c. under this Act not liable to Stamp Duty.
49. Punishing Persons for giving false Evidence.
50. Plaintiff not to recover without Notice, or after Tender of Amends.
51. Limitation of Actions.

*Probate, Court of.*

- § 52. Saving Rights of the Commissioners of Sewers of London.
53. Commissioners of Works, &c. not to be personally liable.
54. Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.
55. Contracts made by First Commissioner of Works to be valid.
56. Deeds to be enrolled in the Court of Exchequer.
57. Short Title of Act : "The Probate and other Courts " and Registries Site Act, 1859."
- SCHEDULE of Property to be taken.

*2.—Ireland (Amendment of Act).*

22 & 23 Vict. c. 31.—An Act to amend the Law relating to Probates and Letters of Administration in Ireland. Page 86

- Recital of Court of Probate Act, 20 & 21 Vict. c. 79.
- § 1. Power to Judge of Court of Probate to sit in Chambers.
2. The Treasury to cause Chambers to be provided.
3. Powers of Judge when sitting in Chambers.
4. Clerks in the Principal Registry eligible to be Registrars, &c.
5. Section 22 of recited Act repealed.
6. Where Personalty is under 200*l.* County Court to have Jurisdiction.
7. Section 58 of recited Act repealed.
8. Section 63 of recited Act to apply to Applications for Revocation of Grants.
9. Power to make Rules and Orders and frame Scales of Fees for the County Courts.
10. Non-contentious Business pending in any Ecclesiastical Court to be transferred.
11. Bonds given before 11th January 1858 to remain in force.
12. An Executor not acting or not appearing to a Citation to be treated as if he had renounced.
13. Judge of the Court of Probate may amend Grants made before 11th January 1858.
14. Provisions of 38 Geo. 3. c. 87. and 20 & 21 Vict. c. 79. extended to all Cases of Executors and Administrators.
15. On Decease of Persons dying intestate, Estate to vest in the Judge for the Time being.
16. Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.
17. The Court of Probate may require Security from a Receiver of Real Estate.

<i>Property</i>	-	-	-	<i>Provident.</i>
§ 18.	Administration pending Suit deemed to apply to Appeals.			
19.	Registrars may issue Subpœnas to produce Papers, &c.			
20.	The Registrars to do all Acts heretofore done by Surrogates.			
21.	Copies of Wills may be certified by a Stamp.			
22.	Certificates from the Principal Registry may be stamped.			
23.	Requisitions may be issued for the Transmission of a single Paper.			
24.	Power to enforce Decree as to Costs.			
25.	Letters of Administration granted in Ireland not to be resealed in England until sufficient Bond is given.			
26.	Commissioners may be appointed in the Isle of Man, &c.			
27.	Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.			
28.	Affidavits, before whom to be sworn in Colonies, &c.			
29.	Persons forging Seal or Signature guilty of Felony.			
30.	Persons taking a false Oath before a Surrogate guilty of Perjury.			
31.	Provision for the necessary Absence of Officers.			
32.	The Judge to have the same Powers over Practitioners as Judges of other Courts.			
33.	Provision for Expenses of indexing, &c. Documents required to be removed under Requisition.			
34.	Mode of calculating Time of Service of Judges of Superior Courts of Law or Equity with reference to Retiring Pensions.			
35.	Sections 19 and 20 of 19 & 20 Vict. c. 92. (Chancery Appeal Court) to include Court of Probate in Ireland.			
36.	Short Title of Act.			

### 3.—*Stamp Duties, &c.*

22 & 23 Vict. c. 36.—An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars. Page 112

§ 1. Graduated Scales of Stamp Duties on Probates, &c. continued on Property above the Value of 1,000,000l.

*Property, Law of.* See *Law of Property, &c.*

*Property and Income Tax.* See *Income Tax.*

*Provident Societies.* See *Charitable and Provident Societies.*

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*Provisional*       -       -       -       *Railway.*

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*Provisional Orders.* See *Local Government.*  
*Turnpike Roads and Trusts.*

*Public Health.*

22 & 23 Vict. c. 3.—An Act to amend and make perpetual "The Public Health Act, 1858." Page 2

§ 1. The Act 21 & 22 Vict. c. 97. made perpetual, except Section 8, which Section is repealed by this Act.

**Q.**

*Qualification.* See *Diplomatic Pensions.*

*Queen's Remembrancer.* See *Exchequer,*  
*Court of.*

**R.**

*Railway Companies.*

22 & 23 Vict. c. 59.—An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration. Page 174

§ 1. Short Title.

2. Power for Railway Companies to refer Matters to Arbitration.
3. Power to alter or revoke Agreements for Reference.
4. Agreements to be carried into effect.
5. Reference to a single Arbitrator.
6. Reference to Two or more Arbitrators.
7. Appointment of Arbitrators by Companies.
8. Appointment of Arbitrators by Board of Trade.
9. Appointment of Arbitrators by Companies to supply Vacancies.
10. Appointment of Arbitrators by Board of Trade to supply Vacancies.
11. Appointment of Arbitrator not revocable.
12. Appointment of Umpire by Arbitrators.
13. Appointment of Umpire by Board of Trade.
14. Appointment of Umpire by Arbitrators to supply Vacancy.
15. Appointment of Umpire by Board of Trade to supply Vacancy.

<i>Rates</i>	-	-	-	-	<i>Reserve.</i>
§ 16. Succeeding Arbitrators and Umpires to have Powers of Predecessors.					
17. Reference to Umpire.					
18. Power for Arbitrators, &c. to call for Books, &c., and administer Oath.					
19. Procedure in the Arbitration.					
20. Arbitration may proceed in Absence of Companies.					
21. Several Awards may be made.					
22. Awards made in due Time to bind all Parties.					
23. Power for Umpire to extend Period for making his Award.					
24. Awards not to be set aside for Informality.					
25. Awards to be obeyed.					
26. Agreements, Arbitrations, and Awards to have Effect.					
27. Costs of Arbitration and Award.					
28. Payment of Costs.					
29. Submission to Arbitration to be made a Rule of Court.					

*Rates, Taxes, and Duties.* See *Customs.*  
*Excise. Income Tax. Stamp Duties.*

*Relief of Trustees.* See *Law of Property, &c.*

*Relief of Turnpike Trusts.* See *Turnpike Roads and Trusts.*

*Remembrancer (Queen's).* See *Exchequer, Court of.*

*Repeal, Powers of.* See *Colonial Legislatures.*

### *Reserve Force :*

#### 1.—*Military.*

22 & 23 Vict. c. 42.—An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service. Page 134

- § 1. Reserve Force not exceeding 20,000 Men for Service in Great Britain.
2. Term of Service of Men to be prescribed by Regulations. Regard may be had to previous Service.
3. Appointment of Officers.
4. Force to be called out for Training and Exercise for 12 Days in each Year.
5. Reserve Force may be called out in aid of the Civil Power.



*Reserve Force.*

- § 6. In case of Invasion or War, Reserve Force may be called out for permanent Service. 17 Vict. c. 13.
7. Reserve Force may volunteer for Duty.
8. Reserve Force, when on Service, to be subject to the Mutiny Act.
9. Punishment for Absence from Training and Exercise.
10. Regulations to be made by Secretary-at-War.
11. Provisions of Turnpike and Railway Acts as to Soldiers to apply to the Force under this Act.
12. Men to be exempted from serving Parish Offices, &c.

2.—*Naval.*

22 & 23 Vict. c. 40.—An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same. Page 123

- § 1. Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 Men.
2. Term of Service.
3. Volunteers may be trained and exercised for 28 Days in each Year, and on shore or on board Ship.
4. Her Majesty may order the Volunteers to be called into actual Service.
5. Volunteers to be called into actual Service accordingly; Volunteers to serve in Navy Three Years; the Service of Volunteers in actual Service may be extended Two Years by Proclamation; Volunteers whose Services are extended entitled to extra Pay. As to serving in the Navy at Intervals.
6. Volunteers when called out to be victualled in the same Manner as Seamen of the Fleet.
7. Volunteer exempt from Militia and from being a Peace or Parish Officer; and, under certain Regulations, eligible for Greenwich Hospital.
8. Provisions relating to billeting Marines to extend to Volunteers.
9. Admiralty to make Regulations as to Sums to be paid to Volunteers for entering or re-entering under this Act.
10. Admiralty to grant Pensions to Volunteers.
11. In Cases of Emergency Pensioners to join Her Majesty's Navy.
12. Laws and Customs in force for the Government of Her Majesty's Fleet to be applicable to Pensioners while on actual Service.
13. Admiralty to make Regulations as to the Manner or Form in which Volunteers shall be entered to serve.
14. Admiralty may discharge Volunteers.
15. Laws relating to the Government of the Navy extended to Volunteers during Exercise, and to such Volunteers and others when in actual Service.
16. Penalty on joining the Forces as a new Volunteer more than once during the same Period.

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*Revenue*      -      -      -      -      *Roman.*

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- § 17. Information to be transmitted by Shipping Master.
18. Enlistment of Volunteers under this Act in Her Majesty's Regular or Indian Forces, or in the Militia, or Naval Coast Volunteers, and entering of Militia as Naval Coast Volunteers under this Act to be void.
19. Penalty on selling or buying Arms, &c. of Volunteers.
20. Penalty on Volunteer for not attending Training and Exercise.
21. Persons not attending when called into actual Service may be apprehended and punished as Deserters from the Navy.
22. Penalty for inducing Volunteers to absent themselves, or harbouring or employing Volunteers absenting themselves.
23. Recovery of Penalties.
24. Summary Jurisdiction; 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.
25. Appropriation of Penalties.

*Revenue, Public (Supply, Appropriation, &c.)*

22 & 23 Vict. c. 2.—An Act to apply the Sum of Seven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine. Page 2

22 & 23 Vict. c. 55.—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 fifty-nine, and to appropriate the Supplies granted in this Session of Parliament. Page 154

*Revenue Side of the Exchequer. See Exchequer, Court of.*

*Roman Catholic Charities.*

22 & 23 Vict. c. 50.—An Act to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. Page 146

Preamble recites 16 & 17 Vict. c. 137. and 18 & 19 Vict. c. 124., and that certain Roman Catholic Charities were exempted from the Operation of those Acts.

- § 1. Exemption continued until 1st July 1861.

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*Sale of Gas.*


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## S.

*Sale of Gas.*

22 & 23 Vict. c. 66.—An Act for regulating Measures used in Sales of Gas. Page 185

- § 1. Interpretation of Words "Meter" and "Person."  
 2. Fixing Unit of Measure.  
 3. Models of Measures to be made and verified under the Direction of the Treasury; Models to be deposited.  
 4. Copies of the Models of Gasholder to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland; Appointment of Inspectors.  
 5. Models and Copies of Gasholders to be provided by Town Councils, Town Commissioners, &c., and Inspectors appointed.  
 6. Officers of the Exchequer at Westminster to stamp Copies of Models.  
 7. Expense of providing Copies of Models and Remuneration of Inspectors defrayed out of County Rates, &c.  
 8. No Maker or Seller of Meter, or Person in the Service of any Gas Company or Manufacturer of Meters or Gas, to be an Inspector; Inspector to enter into Recognizances.  
 9. Inspectors to attend at Towns where Gas is consumed, when required by Justices; Inspector to pay Fees to Treasurer of County, &c.  
 10. Meters when stamped need not be re-stamped.  
 11. Penalty on Inspector for Misconduct.  
 12. Meters not to be stamped if more than Two per Cent. incorrect in favour of the Buyer or Three per Cent. in favour of the Seller, and to be stamped if erroneous to no greater Extent; certain Meters incorrect against the Seller of Gas may be used by Agreement.  
 13. Rules for testing Meters.  
 14. Penalty for counterfeiting Stamps.  
 15. Penalty for obstructing Inspector.  
 16. Consumers may use any stamped Meter.  
 17. After Ten Years all Meters to be stamped.  
 18. After Twelve Months from passing of this Act no Meter to be sold, &c. unless stamped; and unstamped Meters may be stamped if required, or stamped Meters substituted, at the Expense of the Person requiring it.  
 19. Fees for testing and stamping Meters.  
 20. Power to Justices and Inspectors to enter Houses, &c., and inspect Gas Measures and Meters.

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*Savings*       -       -       -       -       *Site.*

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- § 21. Disputed Decision of Inspector to be referred to Two Inspectors of adjoining Districts, &c.  
 22. Persons aggrieved may appeal to Quarter Sessions.  
 23. This Act and existing Powers not to be cumulative.  
 24. Proceedings not to be quashed for Want of Form or removed.  
 25. As to Recovery and Application of Penalties.  
 26. Appeal in Scotland to Commissioners of Justiciary at Circuit Court.  
 27. Limitation of Actions, &c.  
 28. Plaintiff not to recover after Tender of Amends.

*Savings Banks.* See *Charitable and Provident Societies.*    *Military Savings Banks.*

*School Districts.* See *Boards of Guardians.*

*Scotland.* For Matters relating specially to Scotland, see the following Heads:—

*Trial by Jury.*

*Universities.*

*Seamen, Volunteer Force of.* See *Reserve Force.*

*Serjeants-at-Law.* See *Admiralty, Court of.*

*Service in India.* See *European Troops (India).*

### *Sessional Divisions of Counties.*

22 & 23 Vict. c. 65.—An Act for amending the Acts for the better Regulation of Divisions in the several Counties of England and Wales. Page 184

Recital of 9 Geo. 4. c. 43., 10 Geo. 4. c. 46., and  
6 & 7 Will. 4. c. 12.

- § 1. Justices may divide Parishes, &c., for constituting Divisions of Counties.  
 2. Court to make Order in respect of the Appointments and Duties of Officers.

*Sheriffs.* See *Exchequer, Court of.*

*Site for Court of Probate.* See *Probate, Court of.*

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*Small*       -       -       -       -       *Survey.*

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*Small Debts.*    See *County Courts.*

*Solicitors.*    See *Admiralty, High Court of.*

*Speaker of the Legislative Council (Canada).*

22 & 23 Vict. c. 10.—An Act to empower the Legislature of Canada to make Laws regulating the Appointment of a Speaker of the Legislative Council.    Page 8

Recital of 3 & 4 Vict. c. 35. for Union of the Two Provinces, and 17 & 18 Vict. c. 118. altering the Constitution.

- § 1. The Legislature of Canada to have Power to make Laws touching the Appointment or Election of a Speaker of the Legislative Council.

*Stamp Duties.*

22 & 23 Vict. c. 36.—An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars.    Page 112

- § 1. Graduated Scales of Stamp Duties on Probates, &c. continued on Property above the Value of 1,000,000*l.*
2. The Stamp Duty on Licences to exercise the Faculty of Physic repealed.
  3. Nothing in 50 Geo. 3. c. 41. or 55 Geo. 3. c. 71. to hinder Maker of Goods, or his Children, &c., from carrying abroad or exposing to Sale such Goods.
  4. Power to Justices, on Conviction of a Hawker, to mitigate the Penalty to One Fourth.

*Stock in Trade Exemption.*

22 & 23 Vict. c. 44.—An Act to continue the Act for the Exemption of Stock in Trade from Rating. Page 141

- § 1. Act 3 & 4 Vict. c. 89. further continued until 1st October 1862.

*Superannuation (Police) Fund.*    See *Police.*

*Superintendent in China.*    See *China.*

*Suspension of the Militia Ballots.*    See *Militia.*

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<i>Taxes</i>	-	-	-	<i>Unclaimed.</i>
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## T.

*Taxes, Rates, and Duties. See Customs.  
Excise. Income Tax. Stamp Duties.*

### *Trials by Jury (Scotland).*

22 & 23 Vict. c. 7.—An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous. Page 5

Recital of 17 & 18 Vict. c. 59.

- § 1. If after Three Hours Deliberation Nine of the Jury agree, a Verdict may be returned.
2. Jury may be discharged without a Verdict after Six Hours Deliberation.

*Trustees Relief. See Law of Property.*

### *Turnpike Roads and Trusts :*

#### 1.—*Turnpike Acts Continuance.*

22 & 23 Vict. c. 51.—An Act to continue certain Turnpike Acts in Great Britain. Page 146

- § 1. All Turnpike Acts expiring before the End of the next Session continued to 1st October 1860, except 12 & 13 Vict. c. lxvi.
2. Acts in Schedule continued till 1st November 1860.
3. Short Title.

SCHEDULE.

#### 2.—*Turnpike Trusts Arrangements.*

22 & 23 Vict. c. 33.—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. Page 101

Recital of 14 & 15 Vict. c. 38.

- § 1. Provisional Orders confirmed.

SCHEDULE.

## U.

*Unclaimed Dividends. See Bankruptcy and  
Insolvency (Ireland).*

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*Unions*       -       -       -       -       *Verdicts.*

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*Unions. See Poor Law Boards.*

*Universities (Oxford and Cambridge):*

1.—*Cambridge.*

22 & 23 Vict. c. 34.—An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of Cambridge and the College of King Henry the Sixth at Eton. Page 102

Preamble recites 19 & 20 Vict. c. 88.

- § 1. Power of the Commissioners continued until 1st January 1861.
- 2. Repeal of the University Statutes of Queen Elizabeth postponed to 1st January 1861.

2.—*Oxford.*

22 & 23 Vict. c. 19.—An Act to repeal Part of 13 Eliz. c. 29., concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them. Page 57

- § 1. Repealing the Obligation imposed on the Mayor, &c. of Oxford to take a certain Oath or make a certain Declaration, &c.
- 2. Mayor, &c. of Oxford not to be required hereafter to take such Oath or make such Declaration.

*Universities (Scotland).*

22 & 23 Vict. c. 24.—An Act to remove Doubts as to Admission to the Office of Principal in the Universities of Scotland. Page 78

Recital of 16 & 17 Vict. c. 89. and 21 & 22 Vict. c. 83.

- § 1. Principals in any of the Universities or Colleges in Scotland, except the College of St. Mary's in the University of St. Andrew's, not required to subscribe Confession of Faith.

## V.

*Validity of Marriages. See Marriages (Lisbon).*

*Verdicts. See Trials by Jury (Scotland).*

*Vexatious*

-

-

-

*Weights.**Vexatious Indictments.*

22 & 23 Vict. c. 17.—An Act to prevent Vexatious Indictments for certain Misdemeanors. Page 53

- § 1. Indictment for Perjury, Conspiracy, obtaining Money under false Pretences, keeping a Gambling House, keeping a disorderly House, and any indecent Assault, not to be preferred without previous Authorization.
2. In certain Cases where Prosecutor desires to prefer an Indictment Justice to take his Recognizance to prosecute.
3. Act not to extend to Scotland.

*Victoria.* See *Colonial Legislatures.*

*Volunteers.* See *Reserve Force.*

## W.

*Weights and Measures.*

22 & 23 Vict. c. 56.—An Act to amend the Act 5 & 6 W.4. c. 63., relating to Weights and Measures. Page 164

Recital of 5 & 6 Will. c. 63.

- § 1. Imperial Standards of Weights and Measures when to be adjusted.
2. Penalty for making and selling false Beams and Scales or Weights and Measures.
3. Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.
4. Municipal Corporations to appoint Inspectors of Weights and Measures.
5. Inspectors authorized to stamp Measures, although made partly of Glass, &c.
6. Owners of Markets to provide Beams, Scales, &c.
7. Power to Clerks of Markets to inspect Goods sold, &c., and if Weighing found deficient to summon the Offender.
8. Penalties for Offences against this Act.
9. Act to be construed with 5 & 6 Will. 4. c. 63.
10. Not to abridge the Power of the Leet Jury, &c.
11. Powers of Universities to remain in force.
12. Act not to extend to Ireland.



*Westminster Bridge.*

22 & 23 Vict. c. 58.—An Act to empower the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Space for the Western Approach to Westminster New Bridge. Page 169

Recital of 16 & 17 Vict. c. 46.

- § 1. Commissioners of Works and Public Buildings constituted a Corporation for the Purposes of this Act.
2. Plan to be deposited in the Office of Works, &c., and be open for Inspection.
3. Powers and Provisions of 16 & 17 Vict. c. 46. extended to this Act.
4. Price paid for Hereditaments, and Costs incident to such Purchases, &c., to be paid out of Monies provided by Parliament.
5. Costs, and such Sum as Jury may find, to be paid to Person obtaining Judgment in lieu of Premises.
6. Deeds to be enrolled in the Court of Exchequer.
7. Short Title.

SCHEDULE of Property to be taken.

*West Indies.* See *Barbuda Government.*

*Wills, Probates of.* See *Probate, Court of.*  
*Stamp Duties.*

*Works, Commissioners of.* See *Chester and Holyhead Railway.* *Probate, Court of.*  
*Westminster Bridge.*

*Writs of Error.* See *Exchequer, Court of.*

# A LIST

OF

## LOCAL AND PRIVATE ACTS

PASSED DURING THE

SESSION 22 & 23 VICT. (1859).

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**☞** 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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### CLASS 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.

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